



Request for City Council Committee Action From the Department of Public Works

Date: May 15, 2012

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Subject: **Contract Amendment with Veit Company, Inc. for the Cedar Lake Trail Phase III Project**

Recommendation:

Authorize the proper City officers to amend contract No. C-27957 with Veit Company, Inc. by \$235,442.44 from current contract amount of \$3,851,405.54 to \$4,086,847.98 to allow for the payment of additional work performed as part of the federal project. Funds are available in the project budget and no additional appropriation is necessary.

Previous Directives:

- Resolution 2012R-239 (April 27, 2012) Payment for easements to Best Price Properties, Inc and C.W. Inc.
- Resolution 2011R-192 (April 15, 2011) Approving first amendment to Trail Construction Easement Agreement between the Federal Reserve Bank and the City of Minneapolis.
- April 15, 2011, authorizing to execute Amendment 1 with BNSF Company to extend the duration of temporary construction easement.
- April 15, 2011, authorizing to execute an amendment to Right-of-entry and Parking relocation agreement with 127 Building Partners, LLC.
- Resolution 2010R-565 (November 19, 2011) Final Settlement for easements with the Land Partners II (Parcel 14)
- Resolution 2010R-451 (September 24, 2010) Approving Stipulation of Final Settlement for Cedar Lake Trail - Phase III Easement Acquisition with Threequarters LLC/Bruce Stillman
- Resolution 2010R-330 (July 2, 2010) Approving acquisition of easements for trail purposes and authorizing use of eminent domain proceeding.
- Resolution 2010R-329 (July 2, 2010) Approving Stipulation of Final Settlement for Cedar Lake Trail - Phase III Easement Acquisition with Duddy LLLP
- Resolution 2010R-140 (April 2, 2010) Approving Stipulation of Final Settlement for Cedar Lake Trail - Phase III Easement Acquisition with Burlington Northern Santa Fe Railway Company.
- Resolution 2010R-058 (February 12, 2010) Authorizing the execution of Amendment #1 to MnDOT Agreement #92797 allocating 100% of Federal High Priority Grant Funds for right-of-way acquisition.
- Resolution 2010R-009 (January 15, 2010) Approving a trail easement agreement with the Minnesota Ballpark Authority.
- Resolution 2009R-625 (December 18, 2009) Approving Stipulation of Settlement with State of Minnesota and Metropolitan Council for Cedar Lake Trail - Phase III.
- Resolution 2009R-624 (December 18, 2009) Approving Stipulation of Partial Settlement with DUDDY LLP Railway Company for Cedar Lake Trail - Phase III.
- Resolution 2009R-622 (December 18, 2009) Approving Trail Easement Agreement for the Cedar Lake Trail Phase III with the Federal Reserve Bank.

- Resolution 2009R-537 (October 30, 2009) Authorizing the acquisition through negotiations or condemnation of temporary construction easements and permanent easements across the parcels therein for trail and other transportation-related uses.
- Resolution 2009R-328 (July 17, 2009) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. DUDDY LLP Railway Company, et al. for the purpose of acquiring temporary construction easements.
- Resolution 2009R-327 (July 17, 2009) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. Land Partners II, et al. for the purpose of acquiring an additional temporary access easement over Parcel 15 (Duddy Limited Partnership).
- Resolution 2009R-307 (June 26, 2009), Approving a right of entry agreement with Minnesota Ballpark Authority for Cedar Lake Trail - Phase III.
- Resolution 2009R-235 (May 22, 2009), Approving the acquisition of permanent and temporary easements for transportation purposes and authorizing the use of eminent domain proceedings from the owners of Parcels 16; 17;19; 21; and 24.
- Resolution 2009R-079 (March 6, 2009), Approving an agreement with the Hennepin County Regional Railroad Authority (“HCRRA”) for the acquisition of permanent and temporary easements for transportation purposes, and authorizing use of eminent domain proceeding.
- Resolution 2008R-320 (July 25, 2008) Authorizing the execution of Amendment No 1 to Metropolitan Council Agreement No. SG-2006-145 (City Contract No. C-23910)
- Resolution 2008R-319 (July 25, 2008) Authorizing the execution of an Inter-Agency Agreement with the Minnesota Department of Transportation for federal participation in right-of-way.
- Council Action (December 7, 2007) Authorization to execute the required documents to acquire a permanent trail easement from 127 Building Partners, LLC.
- Council Action (December 7, 2007) Authorization to execute a Cooperative Agreement with Northstar Corridor Development Authority for the acquisition of a Trail Use Permit.
- Council Action (March 9, 2007) Authorization to enter into negotiations or condemnation for the Cedar Lake Trail Phase III Project.
- Resolution 2006R-634, Authorization to enter into negotiations with abutting property owners for the acquisition of trail easements.
- Resolution 2006R-584, Appropriation Increase to PW- Fund (0600-943-9480) by \$1,800,000 & increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and Increasing the appropriation in PW- Fund (4100-943-9470- BIK01) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000.
- Council Action (November 17, 2006), Authorization to execute a Metropolitan Council Grant Agreement (No. SG-2006-145) in the amount of \$1,800,000 for the Cedar Lake Trail.
- Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Net Debt Bonds
- Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase 3 Project
- Resolution 2005R-075, Supporting the completion of the Cedar Lake Bike Phase to the Mississippi River • Resolution 2004R-580, 2005-2009 Five Year Capital Budget which included an appropriation of \$2,160,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Federal Government
- Council Action (September 28, 2001), Authorizing the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470 - Project A7002990) for a temporary Cedar Lake Trail Phase III bike lanes alignment.
- Council Action (August 24, 2001), Recommendation that the proper City officers apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III
- Resolution 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution which included an increase to the Cedar Lake Bike Trail of \$300,000 with the revenue source

being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for off-site public improvements.

- Council Action (March 2, 2001), Directing Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area.
- Council Action (December 17, 1999), Authorization to enter into two easements for the Cedar Lake Bike Trail Phase III.

Prepared by: Meseret Wolana, P.E., Project Engineer, 673-3527

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Meseret Wolana, P.E., Project Engineer,
Don Elwood, P.E., Director of Transportation Planning & Engineering, 673-3622

Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

Financial Impact

Action is within current department budget

Community Impact

Neighborhood Notification: Not Applicable

City Goals: The city's infrastructure will be well-maintained, people will feel safe in the city.

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

Background/Supporting Information

The Cedar Lake Trail Phase III project is federally funded off-street bicycle trail system extending from Royalston Avenue to West River Parkway.

The City approved and awarded the contract to the low bidder Veit Company, Inc. for an amount of \$3,851,405.54.

Construction of this project began on July 12, 2010 and was completed in the fall of 2011. The project consists of grading, bituminous, concrete surface, retaining walls, curb and gutter, storm sewer, lighting, emergency phone, camera, striping and landscaping.

During construction, several work orders were necessary to complete the project. Work orders include additional items that were not part of the original project scope. There were also items that were part of the original project scope that increased and decreased in quantity due to conditions observed during construction.

Work Orders:

Public Works issued work orders to the contract for the relocation of utility manholes, additional vibration monitoring, removal of asbestos contaminated waste, temporary lighting electrical connection, DSL connection, revised electrical feed point, retaining wall repair, ornamental railing modification connections, additional landscaping, bollards and bollard chain fence and other miscellaneous items. The value of this work is \$292,547.21.

Change of Conditions:

Due to change of conditions there were items that increased or decreased that were part of the original project scope. The major items that were increased during construction were: Bituminous, light weight concrete fill, 6" concrete walk, and railroad flagging. The major items that were decreased during construction were: modular block retaining wall, 36 "diameter drilled shaft, 6" concrete walk special, lighting unit, underground wire. The net decrease of the contract amount is \$57,104.77.

The original bid for this project	\$3,851,405.54
Work Orders	\$292,547.21
<u>Net decrease from bid items</u>	<u>\$(57,104.77)</u>
Total contract value	\$4,086,847.98

Public Works is requesting an increase of \$235,442.44 from the current contract amount, \$3,851,405.54 to \$4,086,847.98, and this contract increase allows making the final payment and closing the contract with Veit Company, Inc. The project appropriation adjustment on March 30, 2012 accounted for this contract amendment so no additional appropriation increase is required.

Attachments

Cedar Lake Trail Phase III Map

cc: CM Goodman, Ward 7
David Schlueter, Purchasing

T&PW - Your Committee recommends passage of a resolution that authorizes the proper City Officers to amend contract No. C-27957 with Veit Company, Inc. by \$235,442.44 from current contract amount of \$3,851,405.54 to \$4,086,847.98 to allow for the payment of additional work performed as part of the federal project. Funds are available in the project budget and no additional appropriation is necessary.

Cedar Lake Trail - Phase III

June 11, 2008



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-  Cedar Lake Trail
-  NorthStar Platform

