

**T** Transportation Committee  
Metropolitan Council meeting: **October 27, 2010**

**ADVISORY INFORMATION**

Date **October 25, 2010**  
Prepared:  
Subject: **Rail Support Facility, Change Order Allowance**

**Proposed Action:**

That the Metropolitan Council authorize the Regional Administrator to increase the Contract Price for contract number 09P025, for the construction of the Rail Support Facility, a cumulative amount of up to 10% of the original Contract Price.

**Summary of Committee Discussion / Questions:**

After a brief presentation by staff, the proposed action was moved seconded and approved unanimously.

# T Transportation Committee

Meeting date: October 25, 2010

Metropolitan Council meeting: October 27, 2010

## ADVISORY INFORMATION

**Date:** October 20, 2010  
**Subject:** Rail Support Facility, Change Order Allowance  
**District(s), Member(s):** District 8, Lynette Wittsack, 612-788-1235  
**Policy/Legal Reference:** Council Policy 3-3, Expenditure Policy  
**Staff:** Brian J. Lamb, General Manager, 612-349-7510  
**Prepared/Presented:** Tom Thorstenson, Director, E & F, 612-349-7689  
Pat Jones, Asst. Director, E & F 612/349-7606  
**Division/Department:** Metro Transit Engineering & Facilities

### Proposed Action

That the Metropolitan Council authorize the Regional Administrator to increase the Contract Price for contract number 09P025, for the construction of the Rail Support Facility, a cumulative amount of up to 10% of the original Contract Price.

### Background

On July 28, 2009, the Council approved the contract award for the Construction of the Rail Support Facility at a cost of \$5,000,000. This contract requires that the contractor perform all soil contamination remediation work as outlined in the Response Action Plan and the Construction Contingency Plan as approved by the Minnesota Pollution Control Agency. The Response Action Plan and the Construction Contingency Plan are both consequential to site investigative work that was previously performed.

Though extensive site investigative work was completed with the intent to identify contaminated and buried material during the design phase of the project, some asbestos containing material was not discovered until after construction began. In order to perform the work safely, State and Federal rules require all disturbed asbestos material to be removed. As a result, the contractor is incurring changes to the work that will likely exceed a cumulative amount of 5% of the Contract Price.

Council Policy 3-3 establishes expenditure procedures relative to procurement actions. Section I. B. 3. authorizes the Regional Administrator to increase the Contract Price a cumulative amount of 5% of the original Contract Price where the Contract Price is greater than \$1,000,000 or as otherwise delegated by the Council.

**Rationale**

Changes have occurred as a result of the additional contaminated material and additional changes are likely. Changes since issuing the notice to proceed on September 15, 2010 approximate \$200,000 and compare to the 5% "change order allowance" of \$250,000. All changes require timely approval and anticipated changes will exceed the 5% change order allowance. Approval of this item will provide for 10% change order allowance of \$500,000.

**Funding**

Sufficient funds are available within the project should the changes approach 10% of the Contract Price.

**Known Support / Opposition**

There is no known support or opposition to this action.