



## ITEM REPORT CITY COUNCIL

Agenda Date: 11/21/2023  
Agenda Section: Consent Agenda

**Department Origination:** Public Works

**Agenda Item:** Approve the HR Green, Inc. Contract Amendment in the additional amount of \$88,570.00 for the Whiskey Creek Stormwater Improvements Project, Municipal Project Number 200292 in the not to exceed total contract amount of \$431,969.00 and amend the Whiskey Creek stormwater budget in the Stormwater Enterprise Fund for the additional amount of \$212,764.59

**Approval Required:** Simple Majority Vote

### **BACKGROUND**

#### **Phase 1 – Pre-Design Site Investigation:**

The City of Baxter entered into an agreement with HR Green on November 17, 2021 to perform Phase 1 pre-design property investigations within an approximately 13-acre area within the Good Samaritan Society parcel (abandoned golf course between Golf Course Drive and Cypress Drive, north of Excelsior Road) proposed for acquisition. A Phase I Environmental Report was completed and limited site investigation sampling had identified areas of mercury contamination in soils surrounding some of the golf course greens. To further develop the property, the contaminated soils needed to be removed. Two amendments were granted for HR Green's team to further delineate the extent of the contaminated soil, complete required MPCA testing for landfill disposal, and additional project management and coordination costs incurred during that period. Total Phase 1 contract costs were \$99,666.00.

#### **Phase 2 – Design & Construction Engineering Services:**

The City of Baxter entered into an agreement with HR Green on February 15, 2022 to perform Phase 2 design and construction engineering services for a stormwater practice within the 13-acre Good Samaritan Society parcel. Services by HR Green and SEH, Inc. as a subcontractor included project management, meetings, creating a project website, public meetings, preliminary design, hydrologic, hydraulic and water quality modeling, permitting, a design report, cost estimates, final design, preparing bid documents and addenda, advertising, bidding, preparing contractor documentation, and construction services. Included in the original construction services scope were two change orders, work on the 13-acre parcel, turf establishment plans as part of the overall plan set, and construction services ending in 2023. This total contract is \$343,399.00.

HR Green is seeking additional funds to complete unanticipated work beyond the original scope of the project. An additional change order was required and another one is expected. Easements and material testing were required for construction. Construction has been extended to the spring of 2024, and additional services will be needed. This request falls into the stormwater wetland design and construction task as well as an additional Landscaping phase. The City of Baxter broke out the landscaping portion of the Whiskey Creek project into its own construction project due to additional funds secured from the Crow Wing SWCD. HR Green's tasks for this segment of the project should be assigned to a new third phase.

The tasks included in the amendment request are summarized below.

#### **Phase 2 – Design and Construction:**

1. Private Property Flood Mitigation - Additional grading and seeding on private property adjacent to the site owned by Bernard and Linda Roberts to minimize flood impacts on the low portion of their parcel. This task also includes easement work and coordination.
2. Easement Preparation - HR Green prepared temporary construction easements and coordinated with Good Samaritan on permanent easements requested by the City.
3. Construction administration services for spring construction – With construction extending to spring, additional services are needed for construction observation and management of the project.
4. Change Orders - Design and coordination for plan changes and documentation on two additional change orders.
5. Soil and material testing – Services to test materials during construction to ensure they meeting construction specifications.

**Phase 3 – Plantings and Turf Establishment:**

1. Landscaping Plans & Specifications - Development of two plansets (interim and full build out) and specifications for the separate landscaping project to occur in the spring of 2024.
2. Landscaping Advertisement/Bidding/Award - Assistance with the bid process of the landscaping project from advertisement through contractor selection and preparation of construction documents.
3. Landscaping Construction Administration - Construction administration services for the landscaping project to occur in the spring of 2024.

**FINANCIAL IMPLICATIONS**

HR Green is requesting an additional not-to-exceed amount of \$88,570.00 as a conservative estimate. Between the additional Phase 2 tasks and the new Phase 3 tasks, the additional cost for engineering services will be billed hourly. The total authorized compensation after this amendment is \$431,969.00.

To cover the additional engineering costs proposed in this amendment and the costs of proposed Change Order #2 (\$49,190.21) and Change Order #3 (\$75,004.38), the Whiskey Creek stormwater budget in the Stormwater Enterprise Fund will need to be increased by \$212,764.59 (\$88,570 + \$49,190.21 + \$75,004.38).

**STAFF RECOMMENDATIONS**

Staff recommends approval of the amendment for additional engineering services and the amendment to the Whiskey Creek stormwater budget in the Stormwater Enterprise Fund.

**COUNCIL ACTION REQUESTED**

**MOTION** to approve the HR Green, Inc. Contract Amendment in the additional amount of \$88,570.00 for the Whiskey Creek Stormwater Improvements Project, Municipal Project Number 200292 in the not to exceed total contract amount of \$431,969.00 and amend the Whiskey Creek stormwater budget in the Stormwater Enterprise Fund for the additional amount of \$212,764.59.