



## AGENDA ITEM #9.5

# REPORT TO CITY COUNCIL

Report Prepared by: Tim Houle & Nancy Malecha

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Date: July 5, 2016

Subject: WWTF Change Order & MnDOT Joint Powers Agreement Revision

Report: On June 21, 2016, the City notified Jim Hallgren at MnDOT that the City's right to occupy the Highway 371 right-of-way for the Wastewater Treatment Facility (WWTF) Project was no longer needed effective June 29<sup>th</sup> (see attached). The WWTF Project Team saw this early release as a boost to the highway project schedule as well as to the City, its businesses, its residents, and its visitors.

To facilitate this early release, a change order was implemented for the WWTF Project and one provision of the Joint Powers Agreement with MnDOT was changed. We are now requesting Council approval of these changes.

**Council Action Requested:** Council motion approving Change Order No. 1 for the Wastewater Treatment Facility Improvement Project and revision of Article 3.2 of the Joint Powers Agreement with MnDOT (Contract No. 1001092), to reflect the early right-of-way release date of June 29, 2016.



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June 21, 2016

Mr. James Hallgren, Project Manager  
MnDOT District 3  
7694 Industrial Park Road  
Baxter, MN 56425

Re: Joint Powers Agreement, MnDOT Contract No. 1001092

Dear Mr. Hallgren:

This letter is in regards to Article 3.2 of the above referenced Joint Powers Agreement between MnDOT and the City. This Article 3.2 indicates that the State grants the City (and its contractors) the right to occupy the new 4-lane Highway 371 Right-of-Way (R/W) for the operation and reconstruction of the City's wastewater treatment facility (WWTF) system up to August 1, 2016.

The City's WWTF Construction Contractor is ahead of schedule within this new MnDOT R/W corridor. The City's WWTF Construction Contractor no longer needs access to or across this new MnDOT R/W corridor. See the enclosed Change Order No. 1 from the City's WWTF project.

Thus, the City hereby requests the Monday, August 1, 2016 date in Article 3.2 be changed to Wednesday, June 29, 2016.

We understood MnDOT's Design-Build Contractor (DBC) was not to use this new MnDOT R/W corridor until September 1, 2016. The DBC has been using this corridor, in a minor capacity, almost from the first day. The City has accepted these crossings. However, with this 'early release', the City in turn requests that the DBC coordinate with the City's WWTF Construction Contractor on any crossings they may need to make before completely closing off this R/W corridor (in case there are any minor City WWTF work items yet to complete).

The City understands that there is no direct incentive to the City for vacating this new MnDOT R/W corridor 5 weeks ahead of schedule. If there was some trade-off related to this in the future, the City would be open to discussing it. For now, though, the City believes this early release will be a benefit to the project as well as to the area so that the DBC can possibly finish up various aspects impacting the City, its businesses, and its residents in an earlier time frame.

The City understands all other provisions of the Joint Powers Agreement remain in place.

*"This institution is an equal opportunity provider and employer."*

If you have any questions or concerns with this, do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Sjoblad". The signature is fluid and cursive, with a large, prominent loop at the end.

Dave Sjoblad  
City of Pequot Lakes Mayor

cc: Tony Hughes, MnDOT

Date of Issuance: <b>Tuesday, July 21, 2016</b>	Effective Date: <b>When fully signed</b>
Owner: <b>City of Pequot Lakes</b>	Owner's Contract No.: <b>---</b>
Contractor: <b>Borden Excavating</b>	Contractor's Project No.: <b>---</b>
Engineer: <b>Widseth Smith Nolting</b>	Engineer's Project No.: <b>0130B0059.000</b>
Project: <b>Wastewater Treatment Facility Improvements</b>	Contract Name: <b>---</b>

The Contract is modified as follows upon execution of this Change Order:

Description: **The Contract's Substantial Completion date is August 1, 2016. By this date, not only is the project to be complete and operational, it was the intent that MnDOT's new Right-of-Way (R/W) immediately to the west of the new row irrigation system would be available to MnDOT's Design-Build Contractor on this date. Due to the Contractor's work progress, the Contractor no longer needs access to or across this R/W. Thus, MnDOT's Design-Build Contractor can have access to this R/W at an earlier date.**

Attachments: *[List documents supporting change]:* **None.**

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ <u>868,704.00</u>	Original Contract Times: Substantial Completion: <u>August 1, 2016</u> Ready for Final Payment: <u>August 31, 2016</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>---</u> to No. <u>---</u> :  \$ <u>0.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>---</u> to No. <u>---</u> : Substantial Completion: <u>None</u> Ready for Final Payment: <u>None</u> days or dates
Contract Price prior to this Change Order:  \$ <u>868,704.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>August 1, 2016</u> Ready for Final Payment: <u>August 31, 2016</u> days or dates
[Increase] [Decrease] of this Change Order:  \$ <u>0.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>See above Description</u> Ready for Final Payment: <u>None</u> days or dates
Contract Price incorporating this Change Order:  \$ <u>868,704.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 1, 2016</u> Ready for Final Payment: <u>August 31, 2016</u> days or dates

RECOMMENDED: By: <u>Timothy M. Hauke</u> Engineer (WSN) Title: <u>WSN Project Engineer</u> Date: <u>June 21, 2016</u>	ACCEPTED: By: <u>David D. Jethro</u> Owner (Authorized Signature) Title: <u>Mayor</u> Date: <u>6-21-16</u>	ACCEPTED: By: <u>MATT Borden</u> Contractor (Authorized Signature) Title: <u>President</u> Date: <u>6-21-16</u>
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Approved by Funding Agency (if applicable)

By: Not applicable Date: \_\_\_\_\_  
Title: \_\_\_\_\_