



**BOLTON
& MENK**

Real People. Real Solutions.

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January 29, 2025

Mr. Joe Morneau - Dakota County Project Manager
14955 Galaxie Avenue
Apple Valley, MN 55124

RE: Contract Request: MN River Greenway – Fort Snelling Segment Project - S.P. 019-090-024

Dear Mr. Morneau:

Bolton & Menk, Inc. respectfully requests approval of this Supplemental Agreement for Engineering Services (agreement) for the above referenced project. The agreement is needed to address alterations and additions to the project scope items requested by Dakota County, and then carried out by Bolton & Menk, that were not included in a current professional services contract. This request is to execute a new contract with the County to recognize these additional tasks and to facilitate billing and payment. A project summary along with additional scope items is presented below.

Job to date, Bolton & Menk has experienced project expenditures, including labor, equipment, and subconsultant fees, totaling **\$851,935.55**. This contract request is for **\$149,158.00**, representing costs incurred in excess of the not-to-exceed amount of **\$637,180.00** under contract C0031113 (also recognizing Bolton & Menk loses to date of **\$65,597.55**). This represents time and services expended to date in the continued support of plan updates, railroad coordination and approval, environmental documentation and permitting approvals from various regulatory agencies.

PROJECT HISTORY

On October 19, 2018, Bolton & Menk submitted a proposal to provide design services in partnership with Dakota County for the development of plans for the Minnesota River Greenway Fort Snelling Segment. The original contract was for a single span pedestrian bridge over the railroad executed on February 15th, 2019.

After considerable efforts aimed at establishing a viable, ADA compliant alignment & profile that navigated environmentally sensitive areas, achieved clearance requirements for both the railroad and Xcel transmission lines, the team had exhausted its resources. Bolton & Menk & County staff met on February 7, 2020, to discuss the project scope, deliverables to date and a path forward. The results of the meeting were summarized in a February 10, 2020, email, which led to a contract amendment dated July 13th, 2020. This amendment was crafted to include final design plans based on the alignment and profile of the then current preliminary bridge plan.

The preliminary bridge plan alignment then underwent several unforeseen and additional alterations due to proximity to and potential impact to numerous environmentally sensitive resources. This resulted in nine different preliminary plan layouts ultimately leading to the relocation of a large Xcel utility pole. These alterations resulted not only in additional work, but also in the need for a much larger, more complicated, and costly bridge structure. The result of this change was captured in a second amendment request which was executed on December 14, 2021. This increased the not to exceed limit, extended the term of services

through September 29, 2022, and recognized a managerial overrun of \$28,000 by Bolton & Menk.

The last invoice issued by Bolton & Menk, issued in July 2022, was for services through June of 2022 and, reached the current contract maximum of \$637,180.00.

Despite being over the contractual budget and outside the amended term, Bolton & Menk has been diligently working as necessary and as requested to satisfy regulatory requirements, complete plan alterations, and ultimately advance the project into the construction phase.

Since the last invoice in July 2022, the Bolton & Menk team has spent nearly a thousand hours working through various project and permitting updates.

This contract request recognizes work performed to date, as described in detail below; extends the terms of service into the bidding phase and recognizes Bolton & Menk losses to date totaling **\$65,597.55**.

To the best of our knowledge and understanding, all final design work activities and permitting requirements are satisfied, complete, and are sufficient to successfully transition the project from the design to the construction phase.

CONTINUED PROJECT MANAGEMENT & COORDINATION – TASK 001

Since our last invoice, 27 months ago, the project has continued to progress, leading to a variety of plan and permit changes and alterations. This has included over 758 coordination emails, the integration of bridge and trail plans with SEH (including EAW elements), finalization of bridge plans including UPRR coordination, Xcel transmission line relocation, inclusion of bench and kiosk details, a no-effect concurrence letter for the fen (MnDNR), transition to development of a fen management plan (MnDNR), wetland credit withdrawal (BWSR), SWPPP, and a design exception request to MnDOT for a reduced speed bike path. Each of these required their own unique level of coordination with both internal staff and external partners.

ADDITIONAL SERVICES FEE (102 HOURS)

\$22,441.00

FINAL BRIDGE PLAN ALTERATIONS & APPROVALS – TASK 012

The plan review and approval processes for both MnDOT State Aid and the Union Pacific Railroad, along with numerous updates and inclusions from permitting agencies, far exceeded plan delivery expectations set forth in amendment 2. This can be summarized by the development of 29 additional plan sheets over what was estimated in amendment 2.

Final bridge plans were not conditionally approved by the Union Pacific Railroad until February 2023 necessitating multiple iterations of plan submittal followed by comment resolution.

The change to curved steel superstructure and a helical ramp was understood to include more complex and sophisticated analysis. This also required more engagement with MnDOT state aid reviewers than the typical preliminary and final design review process. Some additional tasks associated with this effort included:

- Curved Steel Girder Planning Meeting

- Design & Review of Erection Sequencing
- Fabrication & Constructability Meeting
- Additional State Aid Bridge Submittal & Comment Resolution
- Design exception development for bike curve

In addition, the amount of time elapsed between final plans and construction prompted the review and update to some of the bid documents. This effort included:

- Update to Division SB Special Provisions
- Updated Construction Cost Estimate

Project requirements of the DNR Technical Evaluation Panel (TEP) necessitated further plan alteration than assumed by amendment 2. Similarly, the delivery of the adjacent trail project identified potential gaps in the transition between these two projects. Plan updates and additions for these included:

- Incorporation of details and notation to satisfy TEP Requirements
- Amended Railroad Crossing Location Plan & Details
- TH13 Access Details
- Addition of Bench, Kiosk & Wayfinding Plans
- Trail Restoration Plans

ADDITIONAL SERVICES FEE (573.5 HOURS)

\$90,977.00

NO-EFFECT CONCURRENCE LETTER (FEN) FOR MNDNR – TASK 013

The project progressed during development and execution of amendment 2. Rather than move forward with a fen management plan, the MnDNR directed us to prepare a no-effect concurrence letter for their review relative to the fen. This was said to be sufficient and a lower-level commitment. The Draft version of the no-effect concurrence letter was prepared and presented July 2022. The MnDNR spent months in review before rejecting the letter. Conversations were then had regarding either development of a fen Management Plan or a fen Mitigation Plan before direction to develop a FEN Management Plan was given in November 2022. This misdirection resulted in a 5-month setback and an over run to the Fen Mitigation Plan scoped in amendment 2.

ADDITIONAL SERVICES FEE (92 HOURS)

\$12,650.00

PERMIT APPROVALS & REGULATORY AGENCY COORDINATION – TASK 013

Time associated with TEP meetings and coordination far exceeded the 3 meetings assumed in amendment 2. Some of the tasks associated included:

- EAW coordination with the Trail construction phase
- Wetland Credit Withdrawal (BWSR)
- Cooperative agreement with MnDNR
- Lower MN River Watershed District Individual Project Permit Application & Coordination

ADDITIONAL SERVICES FEE (169.5 HOURS)

\$23,090.00

SUMMARY OF PERFORMED WORK

Project Management & Coordination (Task 001)	\$22,441
Final Design of Railroad Crossing (Task 012)	\$90,977
No-Effect Concurrence Letter (Task 013)	\$12,650
Permits & Approvals (Task 013)	\$23,090
Total	\$149,158

CONTRACT SUMMARY

Original Contract	\$269,850
Amendment 1	\$69,730
Amendment 2	\$297,600
Contract 3 Request	\$149,158
Proposed Total Project Amount	\$786,338

The requested contract amount is the amount spent on the project to date. To the best of our knowledge and understanding, all final design work activities and permitting requirements are satisfied, complete, and are sufficient to successfully transition the project from the design to the construction phase.

If you approve this request, please prepare a new contract accordingly. Should you have any questions or seek additional information regarding this request, please do not hesitate to contact me directly at james.archer@bolton-menk.com or 612-205-5160.

Sincerely,

BOLTON & MENK, INC.



James D. Archer, PE
Principal Structural Engineer