



**SPECIAL CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JULY 6, 2021
11:00 AM**

Call to order

Pledge of Allegiance

1. Consideration of items, if any, removed from Consent Calendar

OTHER BUSINESS

2. Consider:

1. Approval of the bid tabulation for the 77th Street and Trunk Highway 77 Improvements Project;
2. Adoption of a resolution authorizing the Mayor and City Manager to award and execute a contract for construction between the City and C.S. McCrossan Construction, Inc., for the 77th Street and Trunk Highway 77 Improvements Project in the amount of \$22,260,863.88 when all State and Federal approvals have been given; and
3. Authorization for the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Staff Report No. 103

3. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



STAFF REPORT NO. 103
CITY COUNCIL MEETING
7/6/2021

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
6/30/2021

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
7/1/2021

ITEM FOR COUNCIL CONSIDERATION:

Consider:

- 1. Approval of the bid tabulation for the 77th Street and Trunk Highway 77 Improvements Project;**
- 2. Adoption of a resolution authorizing the Mayor and City Manager to award and execute a contract for construction between the City and C.S. McCrossan Construction, Inc., for the 77th Street and Trunk Highway 77 Improvements Project in the amount of \$22,260,863.88 when all State and Federal approvals have been given; and**
- 3. Authorization for the City Manager to approve contract changes up to \$175,000 without further City Council consideration.**

EXECUTIVE SUMMARY:

Background

Consistent with City Council direction, the Capital Improvement Plan (CIP), and the City's Comprehensive Plan, staff has been working towards the construction of the 77th Street and Trunk Highway 77 Improvements Project (S.P. No.: 157-108-035, S.P. 2758-82 (TH 77)) for many, many years.

The 77th Street and Trunk Highway 77 Improvements Project will connect 77th Street east and west of Trunk Highway 77 via an underpass to accommodate access reconfiguration along the I-494 corridor and eliminating a gap in the minor reliever network and addressing regional traffic issues on the I-494 corridor through Richfield and Bloomington.

Advertisement for Bids

- City Council authorized project letting at the April 27, 2021 regular meeting.
- Advertisement for bids was published on May 20, 2021 on QuestCDN and in the Richfield-Bloomington Sun Current.
- Bids were accepted until 10:00am on June 17, 2021 at the Richfield Municipal Center and were then opened, read aloud and tabulated.
- Four bids were received ranging from a low bid of \$22,260,863.88 to a high bid of \$23,910,657.93.
- The lowest responsive and responsible bidder was C.S. McCrossan Construction, Inc., in the amount of \$22,260,863.88.

Authorization to Award Contract

- Following bid opening and tabulation of bids, it was determined that C.S. McCrossan Construction, Inc., was the lowest responsive and responsible bidder and would be awarded the project construction contract.
- Since this complex project involves multiple governmental agencies and funding sources, various State and Federal approvals are required to be obtained before the City can officially award and execute the project contract.
- In order for the project to remain on schedule and to avoid delays to construction start (July 21, 2021), it has been advised that the Mayor and City Manager be authorized to award and execute the project contract once all State and Federal approvals have been given.

RECOMMENDED ACTION:

By Motion:

1. Approve the bid tabulation for the 77th Street and Trunk Highway 77 Improvements Project;
2. Adopt the resolution authorizing the Mayor and City Manager to award and execute the contract for construction between the City and C.S. McCrossan Construction, Inc., for the 77th Street and Trunk Highway 77 Improvements Project in the amount of \$22,260,863.88 when all State and Federal approvals have been given; and
3. Authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See executive summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- For City contracts or purchases estimated to exceed \$175,000, sealed bids shall be solicited by public notice in the manner and subject to the law governing contracts or purchases by the City of Richfield.
- Construction of the 77th Street Underpass is consistent with the City's Comprehensive Plan (Chapter 7 - Transportation) and has been included in the Capital Improvement Budget and Plan.

C. CRITICAL TIMING ISSUES:

In order for the project to remain on schedule and to avoid delays to construction start (July 21, 2021), it has been advised that the Mayor and City Manager be given the authority to award and execute the project contract once all State and Federal approvals have been given.

D. FINANCIAL IMPACT:

- The overall project uses/sources is attached.
- The project construction is estimated to cost \$23,300,000 (\$22.26 million + contingency) and will be paid for primarily by the following sources:
 - Federal: \$5,350,000
 - State Bonding: \$11,690,000
 - MnDOT: \$4,000,000
 - MSA: \$2,400,000 (includes the contingency)
 - Local Funds: \$170,000 for utility replacement

E. LEGAL CONSIDERATION:

The City Attorney has reviewed the contract for construction and resolution and will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▣ Resolution	Resolution Letter
▣ Bid Tab	Backup Material
▣ Project Uses and Sources	Backup Material
▣ Final Layout 12-2020	Exhibit
▣ Contract for Construction	Contract/Agreement

RESOLUTION NO.

**AUTHORIZING THE MAYOR AND CITY MANAGER TO
AWARD AND EXECUTE A CONTRACT FOR
CONSTRUCTION BETWEEN THE CITY AND C.S.
MCCROSSAN CONSTRUCTION, INC., FOR THE 77TH
STREET AND TRUNK HIGHWAY 77 IMPROVEMENTS
PROJECT IN THE AMOUNT OF \$22,260,863.88 WHEN ALL
STATE AND FEDERAL APPROVALS HAVE BEEN GIVEN**

WHEREAS, consistent with City Council direction, the Capital Improvement Plan (CIP), and the City's Comprehensive Plan, staff has been working towards the construction of the 77th Street and Trunk Highway 77 Improvements Project (SP 2758-82 (TH 77) and SP 157-108-035); and

WHEREAS, because this complex project involves multiple governmental agencies and funding sources, various State and Federal approvals are required to be obtained before the City can officially award and execute the project contract; and

WHEREAS, in order for the project to remain on schedule and to avoid delays to construction start, it has been advised that the Mayor and City Manager be authorized to award and execute the project contract once all State and Federal approvals have been given.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHFIELD, MINNESOTA that, after all State and Federal approvals have been given, the Mayor and the City Manager are authorized to award and execute the contract for construction between the City and C.S. McCrossan Construction, Inc., in the amount of \$22,260,863.88 for the 77th Street and Trunk Highway 77 Improvements Project (SP 2758-82 (TH 77) and SP 157-108-035).

Adopted by the City Council of the City of Richfield, Minnesota, this 6th day of July, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

CITY OF RICHFIELD, MINNESOTA

Bid Opening
June 17, 2021
10:00 a.m.

77th Street and TH 77 Improvements
Bid No. 21-04

Pursuant to requirements of Resolution No. 1015, a meeting of the Administrative Staff was called by Kari Sinning, City Clerk, who announced that the purpose of the meeting was to receive; open and read aloud bids for the 77th Street and TH 77 Improvements, as advertised in the official newspaper on May 20 and 27, 2021.

Present: Kari Sinning, City Clerk
Joe Powers, City Engineer
Scott Kulzer, Administrative Aide/Analyst
Kelly Wynn, Senior Office Assistant

The following bids were submitted and read aloud:

Bidder's Name	Bond 5%	Non-Collusion	Intent to Comply	Responsible Contractor Certificate	Acknowledgment of Addenda 1, 2, 3	Total Base Bid
Ames Construction	Provided	Provided	Provided	Provided	Provided	\$22,636,856.71
C.S. McCrossan	Provided	Provided	Provided	Provided	Provided	\$22,260,863.88
Lunda Construction Co.	Provided	Provided	Provided	Provided	Provided	\$23,377,605.90
Kraemer North America, LLC	Provided	Provided	Provided	Provided	Provided	\$23,910,657.93

The City Clerk announced that the bids would be tabulated and considered at the July 13 City Council Meeting.



Kari Sinning, City Clerk

BID TABULATION SUMMARY

77th Street and TH 77 Improvements

SP 2758-82 (TH 77) and SP 157-108-035

City of Richfield Project No. 41300

WSB Project No. 01301-420

Bid Opening: Thursday, June 17, 2021 at 10:00 a.m. local time



 **DENOTES CORRECTED FIGURE**

Contractor		Addendum No. 1	Addendum No. 2	Addendum No. 3	Bid Security (5%)	DBE %	Grand Total Bid (Schedules A + B)
1	Ames Construction, Inc.	X	X	X	X	14.9%	\$22,636,856.71
2	C.S. McCrossan Construction	X	X	X	X	14.9%	\$22,260,863.88
3	Lunda Construction	X	X	X	X	14.9%	\$23,377,605.90
4	Kraemer North America, LLC	X	X	X	X	14.9%	\$23,910,657.93
Engineer's Opinion of Cost							\$19,247,241.75

I hereby certify that this is a true and correct tabulation of the bids as received on June 17, 2021.

A handwritten signature in black ink, appearing to read "Nick Hentges", written over a horizontal line.

Nicholas E. Hentges, PE Project Manager

Funding Uses/Sources

Updated June 24, 2021

77th Underpass

Richfield Project No. 41300

Uses:

Construction Costs	\$23,300,000
AVIS Utility Relocation	\$200,000
Construction Administration	\$300,000
City Labor	\$375,000
Total Uses	\$24,175,000

Notes

Lowest Bid (\$22.26M) + contingency

Sources:

Federal	\$5,350,000
2017 State Bonding	\$5,690,000
2020 State Bonding	\$6,000,000
Three Rivers Park	\$300,000
City Utilities	\$170,000
MnDOT	\$4,000,000
MAC	\$300,000
MSA	\$2,400,000
	\$24,210,000

Have \$7M for construction, requires 20% match

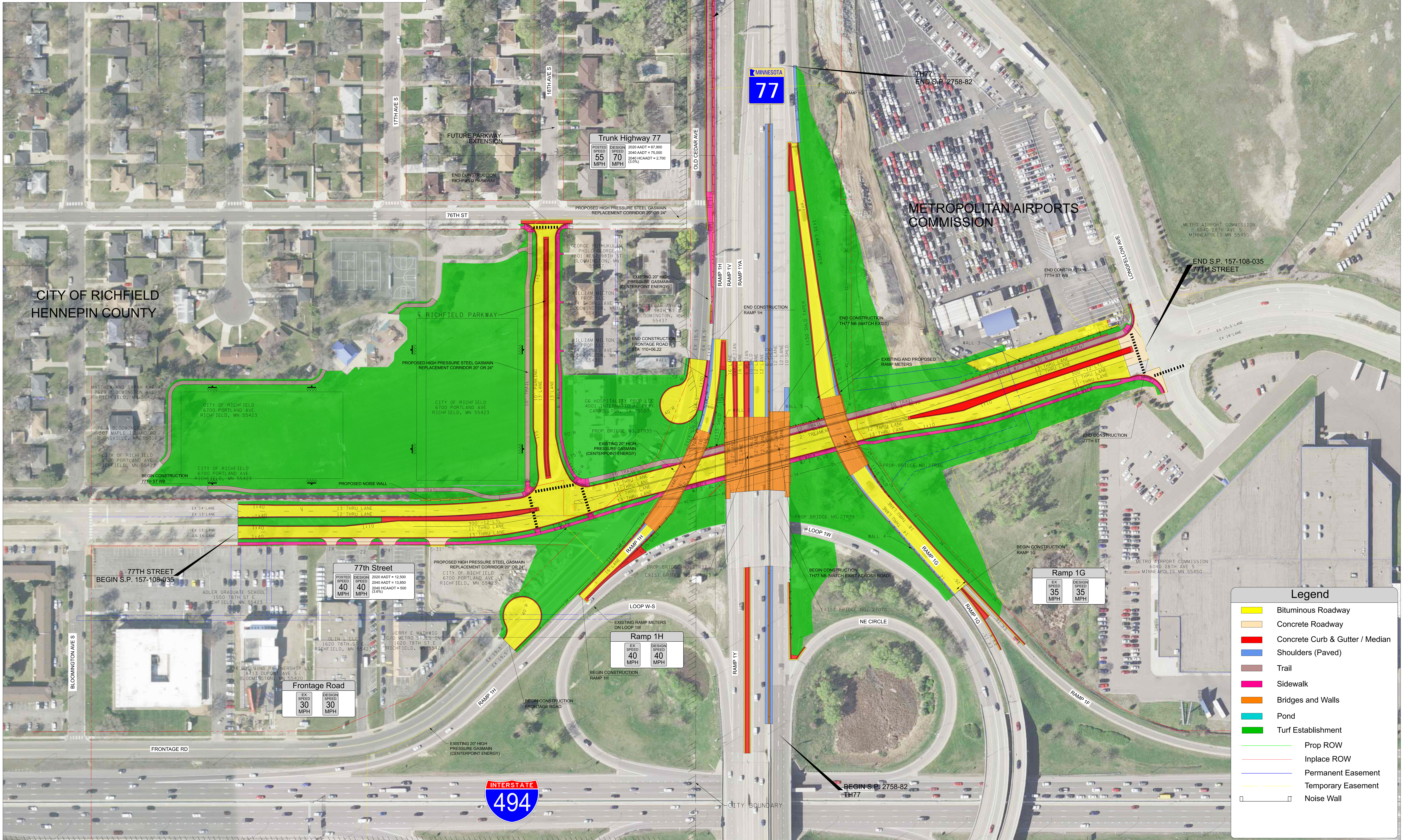
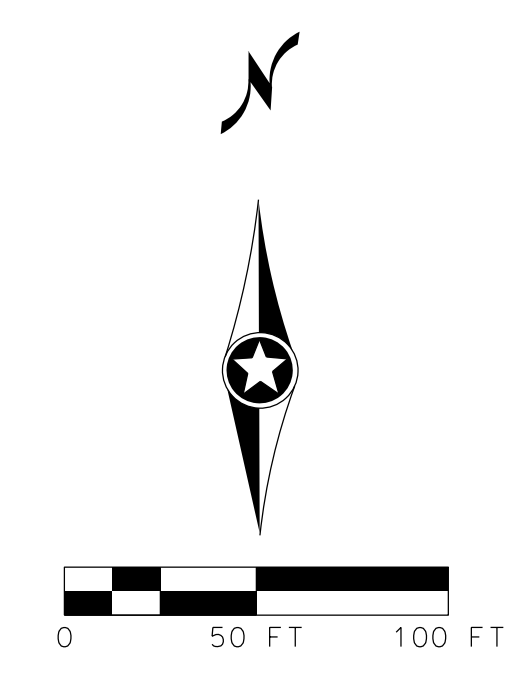
Construction

Construction

TRPD Trail

77TH Street Improvements

FINAL LAYOUT
DECEMBER 2020



Legend

- Bituminous Roadway
- Concrete Roadway
- Concrete Curb & Gutter / Median
- Shoulders (Paved)
- Trail
- Sidewalk
- Bridges and Walls
- Pond
- Turf Establishment
- Prop ROW
- Inplace ROW
- Permanent Easement
- Temporary Easement
- Noise Wall

CONTRACT FOR CONSTRUCTION

THIS AGREEMENT, made and entered into as of the _____ day of _____, 2021, by and between the City of Richfield, a municipal corporation under the laws of the State of Minnesota, hereinafter called the "Owner," and _____, hereinafter called the "Contractor."

WITNESSETH:

That in consideration of their mutual covenants and agreements as hereinafter set forth, the Owner for itself and the Contractor for itself, its successors, and assigns, covenants and agrees as follows, to wit:

1. The Contractor agrees to furnish all the necessary materials, labor, use of tools, equipment, plant and every other thing necessary to perform the work designated and referred to in this Contract, including all Contractor's superintendence, and to furnish everything necessary for the completion of the improvements which is the subject of this Contract (except such things as the Owner has specifically agreed to provide, according to the Contract Documents); and agrees under penalty of a public contractor's corporate surety bond (performance and payment bonds) in the amount of _____ and XX/100 Dollars (\$_____) to perform and complete the work shown in the plans and drawings, entitled "77th Street and TH 77 Improvements," prepared by WSB & Associates, Inc., and dated _____, 2021, and to conform in all respects with the provisions and requirements of the General Conditions, Supplementary General Conditions and Specifications for said Improvements, entitled "77th Street and TH 77 Improvements," prepared by WSB & Associates, Inc., dated _____, 2021.

2. The Contractor agrees that performance shall be in accordance with the terms, requirements and conditions of this instrument, and laws of the State of Minnesota, and the following documents.

ADVERTISEMENT FOR BIDS for said Improvements for the Owner.

PROPOSAL by the Contractor presented to the Council of the Owner on _____ and accepted by the Owner on _____.

CONTRACT DOCUMENTS for said Improvements dated _____, 2021, referred to in the preceding paragraph of this Agreement and made a part of the aforementioned proposal.

PLANS AND DRAWINGS for said Improvements as identified in a preceding paragraph of this Contract and which are dated _____, 2021.

ANY ADDENDA to the plans, drawings, general conditions, and specifications for said Improvements which addenda were prepared by WSB & Associates, Inc.

PUBLIC CONTRACTOR'S PERFORMANCE AND PAYMENT BONDS in the principal sum of the amount bid.

Each and all of the aforementioned Contract Documents are hereby incorporated into this Contract by specific reference and the terms and provisions thereof are and constitute a part of this Contract as though attached hereto or fully set forth herein.

3. The Owner agrees to pay the Contractor for the performance of this Contract and the Contractor agrees to accept in full compensation therefor, the sums set forth within the aforementioned proposal of the Contractor for each unit and each type of unit of work to be performed. It is understood and agreed that the said proposal is for the construction of said Improvements on a unit price basis in accordance with the said proposal, and that sum of \$_____ as set out in said proposal, is the sum of the unit prices, multiplied by the estimated quantities of the respective units of work listed therein.

4. Prompt Payment to Subcontractors. The prime contractor must pay any subcontractor within ten days of the prime contractor's receipt of payment from the municipality for undisputed services provided by the subcontractor. The prime contractor must pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.
5. This contract may be terminated by the Owner at any time upon discovery by the Owner that the prime contractor or subcontractor has submitted a false statement under oath verifying compliance with any of the minimum criteria set forth in Minn. Stat. § 16C.285, subd. 3.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

CONTRACTOR

CITY OF RICHFIELD, MN

By _____

Mayor

By _____

Administrator or Manager or Other City Staff

(Corporate Seal)

(City Seal)

By _____
Authorized Official