



## Bassett Creek Watershed Management

### MEMO

To: BCWMC Commissioners and Alternate Commissioners  
From: Laura Jester, Administrator  
Date: November 10, 2020  
RE: **Bryn Mawr Meadows Water Quality Improvement Project Implementation Options**

#### Recommendations:

1. Prepare designs and specifications for CIP project components to be built on park land and within city right-of-way through BCWMC contractors rather than entering an agreement with MPRB or Minneapolis for design and engineering work.
2. After designs are complete, consider separate agreements for construction: one with MPRB and one with city of Minneapolis.
3. Request that the Commission Engineer develop a proposal and cost estimate for the final design and development of plans and specifications, permitting assistance, and bidding assistance for the project.

#### Background:

At the September 2019 meeting, the Commission officially ordered the [Bryn Mawr Meadows Water Quality Improvement Project](#). This project will treat stormwater runoff from residential areas that currently flow untreated into Bassett Creek in Minneapolis. The project will be implemented within Bryn Mawr Meadows Park and on adjacent city streets, and will be designed and constructed in conjunction with the Minneapolis Park and Recreation Board's (MPRB) master planning process for this area. The project includes diverting runoff from a 45.1-acre residential area west of the park and low flows from MnDOT's Penn Pond discharge into new stormwater ponds within the park for a total phosphorus reduction of 30 pounds per year. The project is slated for design in 2021 and construction in 2022.

#### Status:

Although the BCWMC typically enters an agreement with a member city to implement capital projects in their jurisdiction, no agreements have been developed for this project to date. This project is more complicated because it includes construction of best management practices within two different jurisdictions: new stormwater ponds will be constructed within the park on MPRB land, and flow diversions and storm sewer work will be completed within city of Minneapolis right-of-way.

I have been meeting and communicating with MPRB staff, city staff, and Commission Engineers regarding implementation and contracting options over the last several months. We developed a few different scenarios for implementation and received input from MPRB and city staff on their preferred/recommended approach.

**Preferred/Recommended Implementation Approach:**

BCWMC contracts directly with a consultant to design (but not to construct) the complete project including CIP components on MPRB land and within city right-of-way. The consultant would work closely with the City's public works department and with MPRB's park reconstruction design team to integrate the project plans into city infrastructure and into park reconstruction design documents. The consultant would also provide technical documents to the MPRB's park reconstruction design team in order to bid the CIP components as part of the overall park reconstruction project. Having the CIP components bid as part of the park reconstruction project would result in the best cost benefit for the project and would also require less coordination during construction.

Once designs are complete, there are two different options for construction. In discussions with MPRB and city staff, there was reluctance by each party to be responsible for construction on the other's property. Option A below is the preferred option of MPRB staff. Minneapolis city staff noted it might be appropriate to wait until designs are complete before choosing an option for construction.

Construction Option A: BCWMC enters separate agreements with MPRB and with the City for construction and future maintenance of CIP components on each of their properties. It may be difficult to predict the exact cost of each portion of the work and the funds would need to be split and agreed upon prior to signing reimbursement agreements. However, this may be the most straightforward approach to construction.

Construction Option B: BCWMC contracts only with MPRB for the construction of CIP components on both MPRB and city property. This would require a construction or reimbursement agreement between the MPRB and the City. Such an agreement may need to be executed before the BCWMC enters an agreement with MPRB.

**Alternate Implementation Approach:**

An additional option was also considered: BCWMC contracts with MPRB for design, bidding and construction of CIP components on both MPRB and city property. This would require MPRB and the City to enter agreements for design and construction work and is not the preferred alternative of MPRB staff, city staff, or BCWMC staff.

**Project Engineering:**

Assuming the Commission agrees with the recommended approach of designing the project "in-house," there are different options for completing this work. Engineering tasks related to this project include:

- Coordination with City's public works department and MPRB's park reconstruction design team to integrate the CIP components of the design into the park reconstruction
- Assisting with securing all necessary permits, including an NPDES Construction Stormwater General Permit (MPCA) if the entire park reconstruction project results in more than one acre of land disturbance (MPRB will be responsible for any permits required by the park reconstruction project)
- Final design of the project and developing drawings, specifications and bid documents
- Developing engineer's opinion of probable construction costs
- Assisting with the bidding process
- Performing surveying to provide benchmarks and establish control for drawings
- Construction services including periodic construction observation and administration (review of submittals, pay applications, requests for information, etc.; processing change orders, communications with contractor, administrator, regulators and stakeholders) for the CIP portions of the project

- Coordinating with MPRB for removal and disposal of contaminated sediments – the MPRB will develop a contingency plan (as needed) for contaminated soils
- Preparing record drawings

The cost estimate for this work as shown in the [feasibility study](#) is 30% of estimated construction costs, or \$183,000. The Commission can utilize the Commission Engineer for these tasks, or it can solicit requests for proposals from multiple consulting firms. At this time, I believe the most streamlined and cost-effective action is to request a proposal and cost estimate only from the Commission Engineer for the engineering tasks (similar to proposals they provide for feasibility studies). My recommendation is based on the following:

1. The Commission Engineer's time would be needed to help me develop a request for proposals (RFP) to solicit proposals from multiple firms and to review proposals received to ensure all engineering functions are included and appropriate. (Alternatively, TAC members could be asked to assist with these tasks.)
2. Having prepared the feasibility study, the Commission Engineer is already very familiar with the site conditions, permitting needs, and necessary construction components.
3. The Commission Engineer understands the Commission's goals, policies, objectives and methods of implementation; they would have the Commission's best interests firmly in mind.
4. If the Commission hired a firm other than the Commission Engineer, project funds would be spent reviewing that firm's designs and specifications, and may be spent answering questions, running the hydrologic model, and coordinating other aspects of the project before and during construction. Depending on the complexity of issues that arise, this could add several thousand dollars to project expenses.