



MEMORANDUM

Comfort Lake-Forest Lake Watershed District

Date: September 11, 2023
To: CLFLWD Board of Managers
From: Mike Kinney, District Administrator
Subject: WJD-6 Wetland Restoration Contract Award



Forest Lake
Management District

Background/Discussion

The purpose of this agenda item is to consider the contract award for the Washington Judicial Ditch 6 (WJD-6) Wetland Restoration Project located in the WJD-6 drainage of Forest Lake's 3rd Basin. At its August 10, 2023 meeting, the Board approved 90 percent plans for the project, and directed that final plans be prepared and that bids be solicited to construct the project.

The Project consists of excavation and restoration of a wetland located along a tributary of the WJD-6. The District has investigated the WJD-6 system and confirmed that the western tributary, on which the Project is located, is not legally defined as a part of the WJD-6 public drainage system. It is estimated that the Project would remove approximately 20 pounds of phosphorus per year from the WJD-6 drainage, improving water quality in Forest Lake.

The bid opening occurred on September 6th, the District received the Recommendation of Award from EOR on September 7th, and the low bid was received from Peterson Companies in the total amount (including add alternates) of \$296,653.54. If the low bid is awarded, the estimated total cost for the project is \$393,000, which is under the original budget by \$89,500. Of this amount, a Clean Water Fund grant will supply \$314,400.

The minimum non-state grant match is \$78,600 (25% of the grant amount). This would come from the CLFLWD ad valorem tax levy on real property within the watershed, apportioned between Chisago and Washington Counties in accordance with the net tax capacity of each. The match can be financed using the District's Clean Water Partnership loan. Match funds are not allowed to come from state grant sources (e.g., Clean Water Fund, Watershed Based Implementation Funding, Conservation Partners Legacy). Federal funds can be used for match. The District has used the entirety of its federal 319 Small Watersheds Focus grant to cover a portion of the match for the CR50 Iron Enhanced Sand Filter and the Sunrise River/Highway 61 Wetland Enhancement projects. Staff has inquired if it might be eligible for an early award of its next scheduled 319 Small Watersheds grant installment (typically wouldn't be available until 2026; 4-yr cycle).



MEMORANDUM
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The 2023 budget line item for this project is 5-228-D (Forest) WJD-6 Implementation (Wetland Restoration). The 2023 budget contains \$50,000 for this line item, and the draft 2024 budget contains \$410,000 for this line item (which is now higher than it needs to be). This project would span both fiscal years, and construction would occur in winter 2023/2024, with restoration occurring in spring 2024. The majority of construction expenditures and associated earned grant revenues are expected to occur in 2024.

Recommended Action

Proposed Motion: Manager _____ moves to adopt resolution 23-09-02 Awarding Contract for the WJD-6 Wetland Restoration Project. Seconded by Manager _____.

Attached: Engineer's Award Recommendation Memo, Resolution 23-09-02

**COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT
BOARD OF MANAGERS**

RESOLUTION 23-09-02

**AWARDING CONTRACT for the
WJD-6 WETLAND RESTORATION PROJECT**

Manager _____ offered the following resolution and moved its adoption, seconded by Manager _____:

WHEREAS the District has adopted a watershed management plan (WMP) in accordance with Minnesota Statutes §103B.231, which, in project 5-228-D, indicates the District will implement water quality protection measures as identified in the 2018 Washington Judicial Ditch 6 Assessment and Feasibility Study, one of which is a wetland restoration project (hereafter the "Project");

WHEREAS the Project will restore a wetland located on Scandia Trail North at the private western tributary of Washington Judicial Ditch (WJD) 6, by means of sediment excavation and vegetation rehabilitation;

WHEREAS a feasibility report prepared by the District engineer, dated February 16, 2023, finds that the Project will reduce phosphorus loading into Forest Lake by about 20 pounds per year;

WHEREAS the District has calculated appropriate excavation limits, based on a wetland soil core study and other available data and resources;

WHEREAS the District has investigated the WJD 6 system and confirmed that the western tributary, on which the Project is located, is not legally defined as a part of the WJD 6 public drainage system;

WHEREAS the District applied for and has been awarded a Clean Water Fund grant from the State of Minnesota, in the amount of \$386,000, for the Project;

WHEREAS on February 23, 2023, in accordance with Minnesota Statutes §103B.251, subdivision 3, and Minnesota Statutes §103E.227, the District Board of Managers ("Board"), established the project, and the District engineer

subsequently prepared 90 percent construction plans consistent with the concept design and the grant work plan;

WHEREAS on August 10, 2023, the Board approved the engineer's 90 percent construction plans and directed that sealed bids be solicited for Project construction;

WHEREAS the District duly advertised and solicited bids for Project construction, and 10 bids were submitted and reviewed by the District engineer;

WHEREAS in a memorandum dated September 7, 2023, the District engineer finds that the bid of Peterson Companies in the amount of \$296,653.54 is the low bid, that the bid is responsive, and that Peterson Companies is a responsible contractor, and recommends the award to Peterson Companies;

WHEREAS the Board adopts the findings and recommendations of the District engineer;

THEREFORE BE IT RESOLVED as follows:

- a. Peterson Companies is awarded the WJD-6 Wetland Restoration Project contract for the price of \$296,653.54;
- b. The District administrator is authorized to sign and transmit the notice of award, sign the construction agreement, and issue the notice to proceed on advice of counsel and when all prerequisites for issuance have been met by the contractor; and
- c. The District administrator is authorized, in their discretion and on advice of counsel, to sign task orders increasing the contract price in an aggregate net amount not to exceed 5 percent of the contract price.

The question was on the adoption of the above resolution and there were ____ ayes and ____ nays as follows:

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz				
Christopher Loth				
Dave Bakke				

Jackie Anderson				
Doug Toavs				

The President declared the resolution adopted.

Dated: September 14, 2023

 Dave Bakke, Secretary

* * * * *

I, Dave Bakke, Secretary of the Comfort Lake-Forest Lake Watershed District Board of Managers, do hereby certify that the above resolution is a true and correct transcription of an action of the Board taken on the date above indicated.

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of _____ 2023.

 Dave Bakke, Secretary

Project Name	WJD-6 Western Tributary Wetland Restoration	Date	09/07/2023
To / Contact info	CLFLWD Board of Managers Mike Kinney, CLFLWD Administrator		
Cc / Contact info	Blayne Eineichner, CLFLWD Project Manager		
From / Contact info	Greg Graske, District Engineer - EOR Kyle Crawford, PE - EOR		
Regarding	Recommendation for Award		

The purpose of this memorandum is to provide a recommendation for selecting a Contractor to construct the WJD-6 Western Tributary Wetland Restoration project.

Bid Summary

The Request for Bids was posted on QuestCDN on August 15, 2023 and within local newspapers over the same week. Bids were due on September 6, 2023 at 2:00pm with a formal bid opening at the same time via Zoom; contractors were invited to attend virtually.

For us to formulate our recommendation, we compared the Base Bid and Total Bid values for each of the contractors. There were three (3) Add Alternates for additional landscaping inputs for this project.

A total of 10 bids were received and the overall low bidder was Peterson Companies, with a Base Bid of \$281,545.54 and a Total Bid of \$296,653.54. Review of the submitted bid packages and relevant project experience was performed by Emmons & Olivier Resources, Inc. (EOR). After review of Peterson Companies' initial bid package was completed, the bid package was determined to be fully responsive. All required bid documents were provided, and no additional documentation is necessary at this time.

COMPANY	BID SECURITY INCLUDED	REQUIRED BID DOCUMENTS	BASE BID	ADD ALTERNATE 1	ADD ALTERNATE 2	ADD ALTERNATE 3	TOTAL BID
Peterson Companies	✓	✓	\$281,545.54	\$7,308.00	\$6,435.00	\$1,365.00	\$296,653.54
Dimke Excavating	✓	✓	\$327,562.00	\$2,500.00	\$13,572.00	\$1,125.00	\$344,759.00
Rachel Contracting	✓	✓	\$357,623.70	\$9,870.00	\$7,170.00	\$1,500.00	\$376,163.70
Dresel Contracting	✓	✓	\$366,980.32	\$4,200.00	\$11,935.56	\$2,815.25	\$385,931.13
Winberg Companies	✓	✓	\$379,431.06	\$6,425.00	\$6,306.72	\$1,339.00	\$393,501.78
MNL	✓	✓	\$397,369.98	\$15,000.00	\$7,260.00	\$1,875.00	\$421,504.98
Arnt Construction	✓	✓	\$430,001.84	\$8,000.00	\$33,336.00	\$3,450.00	\$474,787.84
<i>Engineer's Estimate</i>	<i>N/A</i>	<i>N/A</i>	<i>\$454,407.56</i>	<i>\$11,000.00</i>	<i>\$11,286.00</i>	<i>\$5,500.00</i>	<i>\$482,193.56</i>
Bituminous Roadways, Inc.	✓	✓	\$541,149.40	\$5,510.00	\$13,380.00	\$3,250.00	\$563,289.40
Taylor West LLC	✓	✓	\$614,268.27	\$5,767.00	\$20,488.00	\$4,325.00	\$644,848.27
RES, LLC.	✓	✓	\$817,739.00	\$15,709.00	\$15,400.00	\$4,725.00	\$853,573.00

Recommendation

Peterson Companies is a reputable area contractor that has performed numerous large-scale projects for the Watershed District in recent years. Following our review of their project experience and bid package, we are recommending approval of the Total Bid and award of the contract to the low responsive bidder, Peterson Companies, in the amount of **\$296,653.54**.

In addition, it is recommended the Board authorize the District Administrator to execute change orders, if necessary, in an amount not to exceed (in total) 5% of the construction contract to prevent extra construction delays or costs.