

**Reference Numbers:**

Metropolitan Council: 19I069-C Amendment #1

**PROJECT: GOLD LINE BUS RAPID TRANSIT PROJECT**

**MASTER AGREEMENT: Master Funding Agreement #19I069 – St. Paul Regional Water Services**

**PARTIES:**

- **Metropolitan Council (“Council”)**
- **St. Paul Regional Water Services (“SPRWS”)**

**AMENDMENT #1 TO SUBORDINATE FUNDING AGREEMENT #3  
Council Contract 19I069-C**

**St. Paul Regional Water Services – RE: Construction Inspection and Temporary Water**

THIS FIRST AMENDMENT (“Amendment”) is made and entered into effective when the Amendment is fully executed, (“Effective Date”) by and between the Metropolitan Council (“Council”), a public corporation and political subdivision of the State of Minnesota, and the St. Paul Regional Water Services (“SPRWS”) a Minnesota municipal corporation, herein collectively referred to as the “Parties” and individually as a “Party.”

**WHEREAS:**

1. The Parties entered into a Master Funding Agreement (“MFA”) for the Gold Line Bus Rapid Transit Project (“Project”), effective on April 3, 2020.
2. The Parties provided in the MFA that certain aspects of funding for the Project, or components related to but not part of the Project, would be determined in subsequent Subordinate Funding Agreements.
3. The Parties entered into Subordinate Funding Agreement #3 19I069-C (“SFA3”), effective on August 29, 2022, for reimbursement to SPRWS for providing temporary water and construction inspection services during construction of the Project in the amount up to, but not exceeding, \$71,625, unless authorized in a subsequent agreement or amendment to the SFA3.
4. The Council awarded the Gold Line Civil Construction Contract #21P320 (the “Contract”) for the Project on July 13, 2022, to Ames Construction.
5. During construction of the Project, the costs to SPRWS to provide temporary water and construction inspection increased due; (1) a low assumed level of effort in the initial cost estimate, (2) construction season beginning in 2025, two months sooner than initially predicted, and (3) utility work occurring on the project concurrently and requiring SPRWS to hire outside consultants to complete construction inspection.

**NOW, THEREFORE,** in consideration of the terms and conditions set forth in this Amendment, the Parties agree that the SFA3 is modified as follows:

1. **1. Amount of Authorized Funding** is deleted in its entirety and replaced with the following:

**Reference Numbers:**

Metropolitan Council: 19I069-C Amendment #1

**1. Amount of Authorized Funding.** The total cost authorized by this SFA shall be up to, but not exceeding, the amount of \$170,000, unless authorized in a subsequent agreement or an amendment to this SFA.

**2. 3. General Purpose of Funds** is deleted in its entirety and replaced with the following:

**3. General Purpose of Funds.** The Council will reimburse SPRWS for the costs to complete inspections of watermains installed as part of the Project, to provide temporary water services during construction, and to hire an outside consultant to complete utility inspections as needed based on the Project's Construction Schedule.

**3. 5. Project Activity Period.** is deleted in its entirety and replaced with the following:

**5. Project Activity Period.** The Project Activity Period for the purposes of this Subordinate Funding Agreement shall run from June 1, 2022, to December 31, 2025, or until reimbursement of costs associated with the Exhibit A-2 is complete or unless terminated earlier consistent with the terms of the Master Funding Agreement.

**4. Exhibit A is replaced in its entirety by Exhibit A-2, attached hereto and incorporated herein.**

Except as amended hereby, the provisions of the above-referenced contract shall remain in force and effect without change.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGE TO FOLLOW.]**

**Reference Numbers:**

Metropolitan Council: 19I069-C Amendment #1

**IN WITNESS WHEREOF**, the Parties have caused this Amendment to be executed by their duly authorized representatives on the dates indicated below. Furthermore, this Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

**BOARD OF WATER COMMISSIONERS OF  
THE CITY OF SAINT PAUL**

Approved as to form:

By: \_\_\_\_\_  
Its: President

By: \_\_\_\_\_  
Its: General Manager, SPRWS

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: Secretary

By: \_\_\_\_\_  
Its: Assistant City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: Director, Office of Financial Services

Date: \_\_\_\_\_

**METROPOLITAN COUNCIL**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

DPU Watermain Inspection  
Cost Estimate Form

Saint Paul Regional Water Services

Purpose

This form is used to provide an estimate of the inspection costs where a Damage Prevention Inspector will be required to be present for the installation of a project water main, services, and other features. Additionally this form has temporary water costs. This is only an estimate and actual costs will vary based upon site conditions, contractor competence and efficiency, and other factors. Actual costs will be determined after the project is completed and overages will be billed or refunds issued for excess.

|                                 |                |  |  |
|---------------------------------|----------------|--|--|
| <b>Project Name</b>             | BRT Goldline   |  |  |
| <b>Inspections Estimate By:</b> | LS             |  |  |
| <b>Temp Estimate By:</b>        | TZ/ML          |  |  |
| <b>Date:</b>                    | 9/19/2024 9:41 |  |  |
|                                 |                |  |  |

| Work order Number            | Qty | Cost Estimate       | Work order description  |
|------------------------------|-----|---------------------|---|
| 230093                       | 1   | \$12,039.65         | Goldline BRT 2023 - Billable Inspection Costs   |
| 2309219                      | 1   | \$2,620.43          | Goldline BRT Transitway 2022-2023 - MetCouncil Transitway project - Valve Operation - Earl & Hudson |
| 2403116                      | 1   | \$59,381.19         | 2024 GOLD LINE - INSPECTION ONLY  |
|                              | 1   | \$30,000.00         | Bolton & Menk inspection contract   |
| <b>Pre contingency total</b> |     | \$104,041.27        |   |
| <b>Inspections Total</b>     |     | <b>\$104,041.27</b> |   |

| Temporary Water Services |   |                    |  |
|--------------------------|---|--------------------|--|
| 2201613                  | 1 | \$41,473.97        | SET UP, MAINTAIN & TAKE DOWN TEMPS - HUDSON RD - BATES TO GRIFFITH           |
| 2201628                  | 1 | \$12,195.31        | SET UP, MAINTAIN & TAKE DOWN TEMPS - CONWAY ST - MOUNDS BLVD TO 100' E       |
| 2201624                  | 1 | \$8,461.70         | SET UP, MAINTAIN & TAKE DOWN TEMPS - WHITE BEAR AVE N - 192-290' S OF HUDSON |
| 2201614                  | 1 | \$3,827.75         | SET UP, MAINTAIN & TAKE DOWN TEMPS - RUTH ST N - 40'-200' S OF HUDSON        |
| <b>Total</b>             |   | \$65,958.73        |  |
| <b>Billable Total</b>    |   | <b>\$65,958.73</b> |  |