



COMMISSION FILE NO: 25-031-3 **DATE INTRODUCED:** March 10, 2025

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Operations Committee

RELATING TO: Change Order Request, Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, Restore the Executive Director's Original Delegated Authority, and Approve Changes in Total Project Cost

SUMMARY:

The Commission is requested to authorize the Executive Director to execute a change order to Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, with Super Excavators, Inc., (Super Excavators) in an amount not to exceed \$174,796 and to restore the Executive Director's original delegated authority.

Further, the Commission is requested to increase the total project cost (TPC) for Project W20028, Western Milwaukee Phase 2B, by \$174,796 for an amended TPC of \$59,619,796 and to make a corresponding change to the TPC for Project M99001, Allowance for Cost and Schedule Changes.

The Western Milwaukee Project is part of the overall Menomonee River Phase II Watercourse Management Plan (Plan). The Plan includes flood management with integrated watercourse restoration and reduces the flood risk for 319 structures while simultaneously providing aquatic and riparian habitat restoration.

The Western Milwaukee Project focuses on the Menomonee River between Hart Park and U.S. Highway (USH) 175 and is in the Cities of Milwaukee and Wauwatosa. The Western Milwaukee Phase 2B project consists of design and construction of a levee/floodwall system, lowering the floodplain between the river and the Canadian Pacific Kansas City Railroad (CPKC) tracks, and modifying the interior drainage system along West State Street between North 62nd Street and USH 175.

ATTACHMENTS: BACKGROUND KEY ISSUES RESOLUTION
FISCAL NOTE S/W/MBE OTHER _____

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Change Order Request, Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, Restore the Executive Director's Original Delegated Authority, and Approve Changes in Total Project Cost

In September 2023, the Commission awarded Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, to Super Excavators in the amount of \$40,945,637. The general scope of work for the contract includes:

- Demolition and abandonment of existing pavements, foundations, retaining walls and public utilities.
- Soil remediation by excavation and offsite landfilling of approximately 20,000 tons of contaminated soils.
- Quarry stone streambank reconstruction along approximately 1,500 feet of the north bank and south bank of the Menomonee River.
- Excavation, grading, and onsite management of low level contaminated soil along approximately seven acres of the north bank floodplain of the Menomonee River and construction of approximately 1,700 feet of earthen levees.
- Construction of a 200-linear-foot hybrid levee floodwall and a 1,150-linear-foot concrete floodwall.
- Construction of approximately 6,600 feet of 12-inch to 72-inch diameter storm sewer and 350 feet of 120-inch by 60-inch combined sewer overflow, including manholes, inlets, cast-in-place structures, and lateral reconnections, seven flap gates ranging from 24-inch to 60-inch, and two under crossings of the CPKC tracks.
- Construction of approximately 1,850 feet of 16-inch water main, including building services up to the right-of-way line, located on West State Street.
- Construction of approximately 2,000 feet of concrete encased conduit for City of Milwaukee communication service located in West State Street.
- Concrete pavement, asphalt, turf, and native vegetation restoration of all disturbed areas.

SUMMARY (Cont'd)

Change Order Request, Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, Restore the Executive Director's Original Delegated Authority, and Approve Changes in Total Project Cost

As the contract has progressed, the Executive Director has executed several change orders under the Executive Director's authority since that authority was last restored. These change orders addressed additional scope items or changes necessary to complete the project. Following is a summary of the work performed under these change orders:

- Gas main demolition.
- Dispose comingled soil and garbage at landfill.
- Meet environmental regulations for unmarked underground storage tanks.
- Abandon an eight-inch water service.
- Saw cut Works Progress Administration wall and State Street pavement.
- Install clear stone and quarry stone for erosion protection.
- Clear trees and brush.
- Railroad track monitoring.

Work under this contract has disturbed approximately a three-quarter acre of sloped area between Doyne Park and the project's south bank access road. The contract included minimal site restoration of this area, which leaves it looking less than aesthetically pleasing. Staff proposes to modify this area to improve its appearance and thus requests a change order to make these modifications. The scope of this additional restoration includes planting trees, shrubs, and native species to improve aesthetics. In addition, the area between the south bank access road and the river is steeply banked. Staff recommends adding nearly 1,000 feet of fencing along the road to reduce fall risks.

SUMMARY (Cont'd)

Change Order Request, Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, Restore the Executive Director's Original Delegated Authority, and Approve Changes in Total Project Cost

CONTRACT COST CHANGES

	AMOUNT	PERCENT INCREASE OVER ORIGINAL CONTRACT	AUTHORIZED BY	SWMBE
Original Contract	\$40,945,637		Commission	13.1%
Previous Change Orders ¹	\$868,695	2.1%	Executive Director	17.3%
Requested Change Order	\$174,796	0.4%	Request of Commission	0%
Total Change Orders	\$1,043,491	2.5%		14.4%
TOTAL	\$41,989,128			13.1%

1. The Commission authorized a change order in April 2024 in the amount of \$800,000 to construct a repair for a City-owned retaining wall that failed, which resulted in damage to two City-owned storm sewer outfalls within the footprint of Contract W20028C01. As of the writing of this Commission document, the City has yet to decide a course of action; therefore, that change order has not been executed and is not included here.

The Commission has delegated to the Executive Director the authority to make changes to construction contracts up to \$400,000 or 10% of the original contract price, whichever is less. For this contract, a limit of \$400,000 prevails. As of the writing of this Commission document, the Executive Director has used \$385,850 of this authority leaving a balance of \$14,150. With the construction phase scheduled to continue for another year, it is highly likely additional change orders will be necessary. The request to restore the Executive Director's authority is in case any additional construction changes beyond the remaining Executive Director's authority are necessary. Without this restored authority, work may need to stop while staff obtains necessary change order authority from the Commission.

The requested change order adds costs to the project. Staff requests to increase the TPC accordingly to account for the requested change order.

RESOLUTION

Change Order Request, Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, Restore the Executive Director's Original Delegated Authority, and Approve Changes in Total Project Cost

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute a change order to Contract W20028C01, Western Milwaukee Phase 2B Levee and Floodwall, with Super Excavators, Inc., in an amount not to exceed \$174,796, and that the Executive Director's original delegated authority is restored.

FURTHER RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the total project cost for Project W20028, Western Milwaukee Phase 2B, is increased by \$174,796 for an amended total project cost of \$59,619,796, and that a corresponding change is made to the total project cost for Project M99001, Allowance for Cost and Schedule Changes.