

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Change Order No. 1 with
Thomco Construction for the
Shore Ave Storm Water
Outfall Project

- _____ Briefing
- _____ Proposed Action
- _____ Consent
- _____ Action
- _____ First Reading
- _____ Second Reading
- _____ Third Reading
- _____ Public Hearing
- _____ Budget Advisory

COUNCIL BILL # _____
 Originating Department Public Works
 Contact Person Tom Fuchs
 Phone Number 425-257-8931
 FOR AGENDA OF March 16, 2016

Initialed by:
 Department Head _____
 CAA _____
 Council President 

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Southwest Everett, near Mukilteo Boulevard	Bid: June 2, 2015 Bid Award: June 24, 2015	Change Order No.1	Public Works

Amount Budgeted	\$1,900,000.00	Account Number(s): UP 3118
Expenditure Required	\$226,831.52	
Budget Remaining	\$140,000.00	
Additional Required	\$0.00	

DETAILED SUMMARY STATEMENT:

This project includes improving the storm drainage system along Shore Avenue and construction of a new outfall system.

Change order No.1 modifies Schedule A of the project on four existing bid items: Force Account, Traffic Control Labor, Hot Mix Asphalt and Gravel Borrow. Change order #1 also adds two new bid items to Schedule A - work to make modifications to the design of the Cathodic Protection System and to add approximately 400 linear feet of new eight-inch Ductile Iron water main and related parts to the City's water system on Shore Avenue.

The total net increase cost to the contract for these modifications and additions is \$226,831.52.

Additionally, Change order #1 extends the project's contract time by 70 working days.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign Change Order No.1 with Thomco Construction for the Shore Ave Storm Water Outfall Project in the amount of \$226,831.52, including Washington State sales tax.

**CITY OF EVERETT
Change Order**

Project Title Shore Avenue Storm Water Outfall Improvements

Department Public Works Department

Work Order No. 3118

Contractor: Thomco Construction

Contract Award Date: 6/24/2015

City Staff Contact: Tom Fuchs

Change Order No. 1

Change Order Effective Date January 4, 2016

CONTRACT PRICE (exclusive of Wash. State Sales Tax)

Original contract price	\$1,529,647.00
Cumulative Amount of prior change orders	\$0
Total Contract Price including prior change orders	\$1,529,647.00
Amount of this Change Order	\$226,831.52
Total Contract Price including this Change Order	\$1,756,478.52

CONTRACT TIME

Original Contract Duration 100	Working Days <input checked="" type="checkbox"/> Calendar Days <input type="checkbox"/>
Date of Notice to Proceed	8/5/2015
Cumulative adjustment to duration by <i>prior</i> Change Orders	0
Adjustment to duration by <i>this</i> Change Order	70
New Contract Duration (<i>including</i> this Change Order)	170

Contractor and City agree as follows:

1. The scope of Work shall be changed to the extent described in Exhibit A.
2. With the exception of Washington State sales tax, the amount of the change order for the changes described in Exhibit A, represents complete compensation for the changes described in Exhibit A, including all direct and indirect costs and impacts. The contract price shall be adjusted as described in this Change Order.
3. Everett Municipal Code 3.80.050 sets forth the threshold amounts below which the Mayor or his designee is authorized to direct Contractor to perform additional work. In calculating such threshold amounts, Washington State sales tax, if applicable to the Work, has been considered.
4. The duration of the Contract shall be adjusted to the extent described in this Change Order.
5. Contractor waives and releases any and all claims arising out of, or related to, this Change Order, the work described in Exhibit A, and all work and actual or constructive changes that occurred or began prior to the date of this Change Order, including, but not limited to, claims for equitable adjustment of time and compensation, delay, impact, overhead, or inefficiencies. This provision does not apply to requests for equitable adjustment of time or price for which the Contractor timely and properly provided notice of a differing site condition, protest, dispute, claim or Contract Claim as required by the Contract Documents. If the Contract Documents establish a time period for notice of a differing site condition, protest, dispute, claim, or Contract Claim that ends after the date of this Change Order, but relates to work performed prior to the date of this Change Order, then this provision does not apply if the Contractor timely and properly submits such notice
6. This Change Order only changes the contract between Contractor and City to the extent explicitly provided herein.

CITY			
_____ Mayor Date: _____	Attest: _____ City Clerk Date: _____	Approved As to Form: _____ City Attorney Date: _____	
Recommended By:			
Construction Manager (if applicable) _____ Date: <u>2-19-16</u>	Project Engineer (if applicable) _____ Date: <u>2-23-2016</u>	Engineering Manager (if applicable) _____ Date: <u>2/23/16</u>	Department Director _____ Date: <u>2/24/16</u>

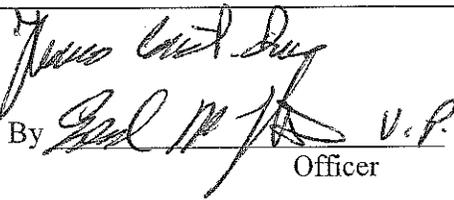
CONTRACTOR	
By  V.P. Officer	Date: <u>2/18/16</u>

Exhibit A—Description of Changed Work

Change Order #1 modifies 4 existing bid items and adds two new items to Schedule A portion of the contract as follows:

Modified bid items under schedule A are as follows:

Modify existing **bid item #5** titled, “**Force Account**,” by adding an additional \$50,000.00 to the amount anticipated for work completed by the Force Account method.

Modify existing **bid item #6** titled, “**Traffic Control Labor**,” by adding an additional 500 hours of Traffic Control Labor, at the unit price of \$53.00 per hour, resulting in a \$26,500.00 contract price increase.

Modify existing **bid item #13**, titled, “**HMA Class 1/2” PG64-22**,” by adding an additional 80 tons of HMA Class 1/2” PG64-22, at the unit price of \$131.00 per ton, resulting in a \$10,480.00 contract price increase.

Modify existing **bid item #37**, titled, “**Gravel Borrow Including Haul**,” by adding an additional 3,200 tons of Gravel Borrow Including Haul, at the unit price of \$21.00/ton, resulting in a \$67,200.00 contract price increase.

New items being added to schedule A are as follows:

Add **new item #100** to schedule A titled, “**Cathodic Protection System Modifications**”, in the lump sum amount of **\$15,403.52**.

Add **new item #101** to schedule A titled, “**8-Inch Ductile Iron Pipe and Appurtenances**”, in the lump sum amount of **\$57,248.00**.

The result of modifying four (4) existing bid items, and adding two (2) new items to the contract, results in a \$226,831.52 contract price increase.

JUSTIFICATION:

Existing **Item #5 – Force Account.** Existing schedule A dollar amount for this force account bid item was for \$50,000.00. The current amount paid out is at \$87,451.74 for work that's been directed and completed under the force account method of tracking costs. There is still some additional work anticipated to be directed and paid for under the force account method.

Existing **Item #6 – Traffic Control Labor.** Additional hours of Traffic Control Labor were required to complete work under schedule A portion of the Contract.

Existing **Item #13 – HMA Class ½” PG64-22.** Additional tons of HMA Class ½” PG64-22 will be required to complete the paving work on Shore Avenue under schedule A portion of the Contract.

Existing **Item #37 – Gravel Borrow Including Haul.** Additional tons of Gravel Borrow Including Haul were required to complete the trench backfilling and roadway subgrade preparation in schedule A portion of the Contract.

Item #100 – Cathodic Protection System Modifications. These modifications were being requested by the Public Works Utilities Department Technical Services Group which operate the various Cathodic Protection Systems throughout the City.

Item #101 – 8-inch Ductile Iron Pipe and Appurtenances. This item being added for safety reasons to protect workers and limit risk of further failure of the existing 6-inch cast iron water main which has ruptured twice in this vicinity since 2008. The new 8-inch ductile iron water main and appurtenances are being added to effectively provide a safe working environment for construction workers, which by contract, are required to install a new 36-inch storm drain pipe, some 15 feet lower in elevation and which crosses this water main in a nearly parallel fashion at one point and closely parallels it for several hundred feet along Shore Avenue.

CONTRACT TIME:

Seventy, (70), additional working days are being added to the contract time as a result of this change order. Thomco requested 105 working days be added to the contract time in its letter to the City dated November 23rd, 2015. The City of Everett responded on December 2, 2015, that it would agree to an addition of 36 added working days, and requested additional information on many of Thomco's requested additional days. Thomco furnished this information for City's evaluation in its January 12th 2016 letter, documenting that it would be willing to compromise on its earlier time request of 105 working days, to the addition of 70 working days. The City reviewed the information provided by Thomco and has elected to accept Thomco's revised time request of 70 additional working days to the Contract Time, as documented in the City's letter of January 28, 2016.

Reasons for this additional time being granted are attributed to the following: Changes requested by the City in materials to the Cathodic Protection System being installed, changed conditions in ground being excavated requiring additional monitoring and added trench dam installation, addition of approximately 450 linear feet on new 8-inch ductile iron pipe and appurtenances, additional time for

Project: Shore Avenue Storm Water Outfall Improvements Project
Change Order No.1
Change Order Effective Date: January 4, 2016

the ordering and procurement of long lead special HDPE pipe fittings and other materials, several existing drainage structures that were to be connected to, but which were not structurally sound and required installation of new structures, relocation of existing an existing cast iron water main to install new hydrodynamic separator and subsequent rupture of said existing water main, and repair of damages caused by said ruptured water main, repair of BNSF existing concrete culvert pipe, project delays to critical path work by BNSF not having flagman and signal man available during times of Thomco's critical path scheduled needs, and miscellaneous work that occurred which affected project critical path that was unforeseen at time of bid and paid for under the force account bid item.