

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: IBC
Amend No. _____

Date prepared: February 10, 2009

Council Meeting Date: April 7, 2009

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager *[Signature]*

FROM: Andrew Granger, P. E., Engineering Director *[Signature]*

THROUGH: Dan Nissen, P. E., Assistant City Engineer

PREPARED BY: Burton Charron, P. E., CFM, Senior Civil Engineer *[Signature]*

SUBJECT: Approve Contract Amendment No. 5 to Ledcor for various extra work claims, change of conditions claims and quantity adjustments for the Rose Garden Lane Drainage Improvements Project (Project No. SS-0203, Solicitation No. P07-0088, LCON 05707)

RECOMMENDATION:

Discussion and possible action to approve Contract Amendment No. 5 to Ledcor in the not to exceed amount of \$181,710.46, for various extra work claims, change of conditions claims, and quantity adjustments for the Rose Garden Lane Drainage Improvements Project.

SUMMARY:

The Rose Garden Lane Channel is one of several projects recommended by the Glendale-Peoria Area Drainage Master Plan (G-PADMP). Council adopted the recommendations of the G-PADMP in May 2001, and the Flood Control District of Maricopa County (District) Board of Directors adopted the G-PADMP recommendations in December 2001. Peoria ranked this project as a high priority compared to the remaining projects of the G-PADMP.

The Rose Garden Lane Drainage Project included two distinct phases for construction. Phase 1 consisted of channel and box culvert improvements along Rose Garden Lane from 99th Avenue (Lake Pleasant Road) to the Agua Fria River (115th Avenue). The City shared the costs of this phase of the project with the Flood Control District. Phase 2 consisted of construction of box culvert improvements on 107th Avenue from Rose Garden Lane to the Desert Star Subdivision basin, modifications to the 107th Avenue channel along the east side between the Desert Star basin and Williams Road, and modifications of the Dove Valley Ranch basin and the 95th Avenue box culvert. The City was responsible for all costs associated with this phase of the project.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# 05101E LIC. # _____
Action Date: _____

Construction of Phases 1 and 2 of the Rose Garden Lane Drainage project have been completed. This contract amendment is for additional work and changes in field conditions encountered during construction. Detailed descriptions of the field change orders comprising this contract amendment are included in Attachment A. Staff recommends acceptance and approval of Contract Amendment No. 5. Below is a summary of the revised Ledcor contract amount.

Original Construction Contract	\$7,415,325.08
Contract Amendment No. 1 (Regrade channel due to survey error)	14,763.42
Contract Amendment No. 2 (Deduct for filling Rose Garden channel in-lieu of hauling off excess material)	(5,586.73)
Contract Amendment No. 3 (Install 45 lf – 12" waterline from the 105 th Ave/Rose Garden Lane well site to the existing 12" waterline)	19,795.08
Contract Amendment No. 4 (Additional costs for constructing box culverts, remove and fill culvert crossing at 95 th Ave/LPP, filling Ventana Lakes channel along 111 th Ave and a change to the drainage, slope and roadway improvements at the SEC of Rose Garden Lane/107 th Ave)	703,801.22
Contract Amendment No. 5	<u>181,710.46</u>
Revised Contract Amount	\$8,329,808.53

The overall scope of the Rose Garden Lane Drainage included the construction of a large retention basin in the Agua Fria River to accommodate the discharge from the newly constructed drainage facilities. Staff has been working almost three years with the Arizona State Land Department (ASLD) to acquire the property and eventually excavate the basin. Engineering has requested an additional \$2 million through the FY10 budget process for the excavation of the basin. Staff will return to Council for the award of the basin excavation contract once the property has been acquired and the contractor selected.

FISCAL NOTE:

Payment will be from the Rose Garden Lane Drainage Project Proposed GO Bond Fund Storm Drain System Account 4220-4220-543004-CIPDR-PW00184CO in the amount of \$170,529.89, the Rose Garden Lane Channel Project Outside Sources Fund Storm Drain System Account 4810-4810-543004-CIPDR-PW00184CO in the amount of \$9,654.23, and the Westbrook Village Verdict Project GO Bond Fund Storm Drain System Account 4220-4220-543004-CIPDR-EN00003CO in the amount of \$1,526.34.

ATTACHMENT:

Summary of Field Change Orders Comprising Contract Amendment No. 5

ATTACHMENT A

Summary of Field Change Orders Comprising Contract Amendment No. 5

Field Change Order No. 15; Change 24" SD to 2-15" SD

Due to a waterline conflict, the 24" diameter storm drain would have required the 16" waterline to be relocated. The costs to relocate the waterline were compared to changing the 24" Storm Drain to 2-15" Storm Drains to avoid the waterline conflict. The less expensive alternative was to change the storm drain connection to 2-15" diameter pipes thus eliminating the need to relocate the 16" waterline.

This Field Change Order is for the "not to exceed" amount of \$ 10,626.50. The contract will be extended by three working days for this change. This work is exclusively within Phase 2 and is the sole responsibility of the City.

Field Change Order No.16; Survey Bust from 3+27 to 7+24

The surveyor was mistakenly working from an outdated version of the project plans when performing the staking for the 107th Avenue box culvert. The contractor had rough excavated the grade, performed fine grading work, compacted the grade and placed forms for the box culvert. Prior to placing concrete, the contractor performed a quality control task and determined that the grades were in error.

This change order is for the contractor's efforts and time to remove forms, re-excavate the proper grade, perform fine grading, re-compact the grade and re-establish the forms in the proper location. Since the City is administering the contract for providing the survey, and also administering the contract to compensate the contractor, this change order is being processed from project proceeds. The City of Peoria intends to seek reimbursement from the survey consultant. In order to reimburse the project this will be paid from an Outside Sources account.

This Field Change Order is for the "not to exceed" amount of \$ 27,301.47. The contract will be extended by two working days for this change.

Field Change Order No. 17; Gas Line Drop Delay

Construction activities related to correcting the previous Survey Bust change order, ruptured a fitting on the gas main.

This change order is for the contractor's delay claim and the associated General Conditions cost reimbursement. The contractor is assessing 5 of 7 actual days since work could be performed elsewhere on the project.

This Field Change Order is for the "not to exceed" amount of \$ 22,605.66. The contract will be extended by five working days for this change. This work is exclusively within Phase 2 and is the sole responsibility of the City.

Field Change Order No. 18; Trench Box Costs

In a previous Contract Amendment No. 4, trench box costs were requested by the contractor for change of conditions in trench stability, for the combined estimated amount of \$424,289.76. The actual cost for all Trench Box Costs considered in Change Order No. 18 is \$428,234.70. The overall result is an additional cost of \$3,944.94 for the project.

This Field Change Order No 18 is to summarize all costs associated with providing the Trench Boxes which will be an additional cost in the amount of \$3,944.94.

Since this work was initially necessitated by a change in conditions in trench stability, and considering the circumstances from the original claim, the Flood Control District and the City previously agreed to a cost share differing from the IGA. The Flood Control District agrees to be responsible for 25% of the costs in the amount of \$986.24 and the City of Peoria agrees to be responsible for 75% of the costs in the amount of \$2,958.71.

Field Change Order No. 19; Additional Traffic Control

The City spent a year coordinating this project with the utility companies. All relocations were to be completed prior to commencement of project construction. Unfortunately, the utility companies failed to complete their relocations prior to construction and as a result, the contractor deferred certain project tasks throughout the pursuit of the construction contract in order to accommodate the utility companies. The contractor did his best to perform work elsewhere in the project in order to continue to try to meet the project schedule. Meanwhile, the pricing for goods and services provided to the project had been increasing over the term of the contract.

This cost will be split equally between the project phases and in accordance with the IGA. This Field Change Order No. 19 is for the "not to exceed" amount of \$ 45,956.67. The contract will be extended by five working days for this change.

The City will be responsible for \$34,467.50 and the Flood Control District will be responsible for \$11,489.17.

Field Change Order No. 21; Light Pole Conduit

Due to the box culvert installations, the electrical connections to three street lights needed to be fed from alternate locations. APS provided a recommendation as to extending and installing new electrical conduit and relocating street light poles, in order to re-connect the three street lights.

This change was necessitated by a change in conditions and required to maintain connection to three street lights. This work is split between both project phases; two light poles are paid as part of Phase 1 and one light pole is paid by Phase 2. This Field Change Order is for the "not to exceed" amount of \$ 9,158.76. The contract will be extended by three working days for this change.

The City will be responsible for \$6,105.84 and the Flood Control District will be responsible for \$3,052.92.

Change Order No. 23; Actual Quantities Summary

During the pursuit of the construction contract, various bid item quantities are adjusted at the conclusion of the project to reflect the actual quantities provided. This overall accounting of quantities results in an additional cost of \$62,116.46.

The City will be responsible for \$66,464.22, the Flood Control District will show a credit of (\$5,874.10) and the Westbrook Village Verdict will be responsible for \$1,526.34.



CONTRACT AMENDMENT Change Order

OFFICIAL
Materials Management
Procurement
8314 W. Conobar Ave
Peoria, AZ 85345
Telephone (623) 773-7115
Fax (623) 773-7118

Solicitation No.: P07-0088 Page 1
Amendment No Five (5) Date March 4

Buyer Christine Finney
June 21, 2007

Project No.: SS-0203
Project Description: Rose Garden Ln Drainage
Agreement Date
Completion Date: August 18, 2008

Change Order Type: Owner Initiated Errors & Omissions Unknown Conditions Phased Award

The changes as shown on the attached sheet are hereby made to the contract.

Contract Price Change:

Original Contract Price:	\$7,415,325.08
Total of previous change orders:	\$732,772.99
Original contract price plus previous change order(s):	\$8,148,098.07
The contract price due to this change order will be increased by:	\$181,710.46
The new contract price including this change order will be:	\$8,329,808.53

Contract Time Change:

The contract time will be increased by 16 days.

The date for completion of all work is September 3, 2008

Contractor hereby acknowledges receipt and agreement. A signed copy shall be filed with the City of Peoria, Materials Management Division.

	3/2/08	Christine Finney, Buyer	Ledcor CMI, Inc.
Signature	Date	Typed Name and Title	Company Name

20403 N. Lake Pleasant Pky Box 488	Peoria	AZ	85382
Address	City	State	Zip Code

Witnessed By:
Mary Jo Kief, City Clerk

18C
CC Number

LCON 05707E
Contract Number

Official File

Dan Nissen, P.E. Assistant City Engineer

Christine Finney, Buyer 3-4-2008

Approved by: Herman F. Koebergen, Materials Manager

Approved as to Form: Stephen M. Kemp, City Attorney
The above referenced Contract Amendment is hereby Executed
_____ at Peoria, Arizona

Carl Swenson, City Manager