



## Legislation Text

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File #: 21-1069, Version: 1

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### **CITY MANAGER AUTHORITY PROCUREMENT AWARDS**

#### **ACTION REQUESTED:**

Approve the award of Change Order #4 to Contract 21-141, Julian Street Improvements, to Copenhaver Construction for an amount not to exceed \$68,300 and a total award of \$3,188,903.98 and an additional 29 days, which will move the substantial completion date from October 1, 2021 to October 30, 2021

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director

#### **BACKGROUND:**

City Council awarded Contract 21-141 to Copenhaver Construction on May 4, 2021 for an amount not to exceed \$3,113,187.98 with a completion date of October 1, 2021. The purpose of this contract is to bring Julian Street up to city collector street standards from Gartner Road to Prairie Avenue. This includes adding additional storm sewers to improve drainage, extending watermain and sanitary sewers, improving pedestrian connectivity by adding sidewalks, installing street lights, installing a box culvert and installing curb and gutters. At the north end of the project, between Prairie Avenue and Porter, a 36-inch storm sewer will be installed to address flooding issues.

City Manager awarded Change Order 1 of Contract 21-141 to Copenhaver Construction on July 1, 2021 for an amount not to exceed \$6,910 and a total award of \$3,120,097.98.

City Manager awarded Change Order 2 of Contract 21-141 to Copenhaver Construction on July 9, 2021 for an amount not to exceed (\$3,994) and a total award of \$3,116,103.98.

Change Order 3 of Contract 21-141 for an amount not to exceed \$4,500 and a total award of \$3,120,603.98 is currently being process for review and approval.

#### **DISCUSSION:**

A change order is requested due to delays in getting underground storm structures from concrete suppliers and additional fees associated with aeration of excavated material. The request is to use all 29 contingency days on the project.

The storm structures were put on a production schedule the day Copenhaver received submittal approval but there was a substantial backup at the production facilities. Copenhaver looked at alternate production locations and those facilities were experiencing the same lead times. This was due to orders delayed last year due to the pandemic and a shortage of material from production stalls during the pandemic shutdown.

Excavated material was sampled in advance of construction and found to have no contaminants. However, during the time of excavation an unknown odor was discovered causing the dump sites to reject it despite testing showing no levels of contaminants. Clean demolition debris sites reserve the right to reject material based on several factors including odor. Upon further testing, the site was confirmed to have no contamination. However, dump sites will no longer take the material. To avoid dumping material at a non-special waste site or further rejection from clean demolition debris sites, the dirt was hauled and aerated until the odor dissipates. The contractor will spread out, aerate and reload the dirt and dispose at an alternative clean demolition debris site.

The amount of this change order increases the original contract expiration date by 29 days from October 1, 2021 to October 30, 2021.

I, Ray Fano, of TED certify this work is necessary for successful completion of the contract. I further certify the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed.

The contract was approved with contingency in the amount of 3% (\$93,395.64) of the original contract value and 29 days. Staff requests use of all 29 days in the original contract for the change order in order to move the construction completion date from October 1, 2021 to October 30, 2021. A summary of the contingency information is provided in the table below.

**Contract Award**

Original Contract Value	\$3,113,187.98
Prior Cumulative Approved Change Orders	\$7,416.00
Subtotal	\$3,120,603.98
(+/-) This Change Order	\$68,300.00
Total Contract Value	\$3,188,903.98

**Contingency**

Authorized Contingency	Days	Dollars
<i>Original Amount</i>	29	\$93,395.64
(-) Previously Authorized	0	\$7,416.00
Subtotal	29	\$85,979.64
(-) This Change	29	\$68,300
Balance Left	0	\$17,679.64

**FISCAL IMPACT:**

CIP: SC216 & SW038

Julian Street improvements are expensed to the infrastructure account listed below as part of the capital improvement program. A total of \$3,775,000 is budgeted for SC216 and SW038 in 2021. The

requested change order is within budget.

<b>Account Number</b>	<b>Fund Description</b>	<b>Total Budget Amount</b>
30282300-551502	Bond Fund	\$9,243,000