



Legislation Details (With Text)

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On agenda: 4/2/2024 **Final action:**

Title: Approve the award of Change Order #1 to Contract 22-070-0.01, 2022 Guardrail Improvements Project, to Misfits Construction Company for an amount not to exceed \$27,222.86 and a total award of \$175,389.86 and for an additional 577 days

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/2/2024	1	City Council	approved	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Approve the award of Change Order #1 to Contract 22-070-0.01, 2022 Guardrail Improvements Project, to Misfits Construction Company for an amount not to exceed \$27,222.86 and a total award of \$175,389.86 and for an additional 577 days

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: William J. Novack, P.E., Director of Transportation, Engineering and Development/City Engineer

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The City Council awarded Contract 22-070 to Misfits Construction Company on April 5, 2022, with a completion date of November 1, 2022. The purpose of this contract is to replace obsolete guardrail end terminals with terminals that meet current Illinois Department of Transportation standards. Based on guidance from federal and state transportation agencies, the City updated its guardrail inventory in 2017 and identified runs of guardrail that did not meet current standards for crashworthiness. The City started replacing these obsolete end terminals in 2018. This contract completes this replacement program, improving safety and helping keep Naperville in line with federal and state recommendations regarding existing guardrail installations.

DISCUSSION:

This Change Order is requested to accommodate additional work that is necessary to properly complete the project.

111th Street

One of the guardrail locations on 111th Street is close to railroad tracks, and for safety reasons, the railroad company required the use of their flaggers during any work on the guardrail. While an approximate allowance had been provided in the contract to account for this expense, it was insufficient to complete the entire duration of the work.

Book Road

During construction, it was discovered there was a Nicor gas main close to the end terminals being installed along Book Road. To ensure the guardrail posts could be safely driven into the ground, the contractor had to pothole deeper than originally anticipated to find the gas main.

After completion of the work on Book Road, a discrepancy between the manufacturer's alignment specifications and the design plans for the specified end terminal type was determined to have resulted in the end terminals being installed incorrectly. To ensure the guardrail will function correctly if struck by a vehicle, the end terminals need to be replaced with a different type that can be installed according to the alignment in the design plans. The contractor has quoted a lump sum cost of \$15,550 to replace these end terminals. The remainder of the requested funds in the amount of \$11,672.86 is for the previously completed work that exceeded the approximate allowance of the original contract, detailed above.

While the original work was completed on time, additional time is needed to replace the end terminals. The issue was discovered at the end of October 2022, and after discussion with the designer and confirmation from the manufacturer, it was determined in late November 2022 that the end terminals should not remain in place in their current state. Staff tried reaching out to the contractor to coordinate a solution but did not get a response until late October 2023. With lead time, it is expected to take eight weeks to complete the replacement after approval of the Change Order. A revised completion date of May 31, 2024 is requested.

The amount of this Change Order exceeds the original contract amount by \$27,222.86 and extends the original contract expiration date by 577 days. This contract was approved with contingency in the amount of \$7,408.35, or 5% of the original contract value. Staff is not requesting the use of contingency funds for this Change Order because they are insufficient to cover the required work. A summary of the award information is provided in the table below.

Contract Award

Original Contract Value	\$ 148,167.00
Prior Cumulative Approved Change Orders	\$ 0.00
Subtotal	\$ 148,167.00
(+/-) This Change Order	\$ 27,222.86
Total Contract Value	\$ 175,389.86

FISCAL IMPACT:

CIP #: MP014

Guardrail Improvements are expensed to the Infrastructure account listed below. In 2024 there was

no budget included for MP014 as this work was anticipated to be completed last year. However, due to unforeseen issues additional work needed to be completed. The requested award can be accommodated within the budget due to delays in other projects.

Account Number	Fund Description	Total Budget Amount
30282200-551502	Capital Projects Fund	\$29,448,000