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Legislation Details (With Text)

File #:	12-0442 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	4/5/2012	**In control:**	Board of Supervisors
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Title: Department of Transportation recommending the Board authorize the Chair to sign Contract Change Order No. 34.1 with DeSilva Gates - Viking, A Joint Venture in an amount of $100,875.82 to provide payment for additional cleaning and painting of existing structural steel on the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project, CIP No. 71336.

FUNDING: State Transportation Improvement Program regional grant funds; State Highway Operations and Protection Program state operation funds; American Recovery and Reinvestment Act Transportation Enhancement federal grant funds; Transportation, Community, and System Preservation federal grant funds; Congestion Mitigation and Air Quality regional grant funds and Missouri Flat Master Circulation and Funding Plan local funds.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - CCO 34.1, 2. B - CCO 34, 3. C - CCO 34 and 34.1 Summary, 4. D - 12-04-25 project budget update.pdf

Date	Ver.	Action By	Action	Result
5/1/2012	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board authorize the Chair to sign Contract Change Order No. 34.1 with DeSilva Gates - Viking, A Joint Venture in an amount of $100,875.82 to provide payment for additional cleaning and painting of existing structural steel on the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project, CIP No. 71336.

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BUDGET SUMMARY:		
Total Estimated Cost		$100,875.82
Funding		
Budgeted*	$100,875.82	
New Funding	$	
Savings	$	
Other	$	
Total Funding Available	$100,875.82	
Change To Net County Cost		$0

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*Included in the Department's Fiscal Year 2011/2012 budget and the adopted 2010 Capital Improvement Program.

Fiscal Impact/Change to Net County Cost:
The cost of this Contract Change Order (CCO) is $100,875.82. Payment for this proposed CCO will come from the contingency budget for the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project (Project).

Background:
On October 21, 2009, the Department of Transportation (Department) opened bids for the Project. The construction estimate for the Project was $32 million and the low bid submitted by DeSilva Gates - Viking, A Joint Venture (DSG-V) was $23,834,107. On November 9, 2009, the Board awarded construction of the Project to DSG-V. As a part of the award, the Board also authorized a contingency budget of $2,400,000. The Project is currently expected to be completed in fall 2012.

Reason for Recommendation:
During construction, errors have been discovered in the contract documents which have resulted in the need for this CCO. The original Proposal Pay Items and Bid Price Schedule (Bid List) upon which DSG-V based its bid included Item 112 - Spot Blast, Clean, and Paint Undercoat. Item 112 compensates DSG-V for spot blasting, cleaning, and painting steel surfaces on the existing Weber Creek Bridge at locations where new structural steel is attached to the existing bridge. The Project's Bid List provided a quantity of 42 square meters (452 square feet) for Item 112. However, this quantity was incorrect, as the work shown on the contract plans actually required 135.83 square meters (1,462 square feet).

All construction contract documents issued by the Department include very specific language to address changes to contract item quantities on the Bid List. When an item's actual quantity is between 75% and 125% of the quantity shown on the Bid List, the Contractor is paid at the Contractor's bid price. Standard Specification 4-1.03(B)1 states that when the actual quantity of an item exceeds 125% of the quantity shown on the Bid List, the Contractor must still be paid the Contractor's bid price up to 125% of the original quantity, but for that portion of the quantity above 125%, the Contractor is paid an adjusted item price.

In this case, since the error was discovered by the Department prior to performance of the work, the Department and DSG-V agreed to track all of the work on a time and materials basis and then divide the total cost by the total quantity to calculate an adjusted unit price.

However, when this work began in summer 2010, the Department and DSG-V knew the work would be spread over multiple construction seasons, and that the adjusted price would not be known until the work was complete. In order to provide temporary payment to DSG-V before the Item 112 work was complete and the adjusted unit price could be computed, the Department executed CCO 34 with DSG-V for $141,344 to temporarily increase the quantity in the Bid List from 42 square meters to 92.48 square meters. CCO 34 stated that the payment in excess of 125% of the Bid List quantity for Item 112 was temporary and would be replaced with an adjusted unit price after completion of the Item 112 work. After completion of the item 112 work, extended negotiations ensued between Department staff and DSG-V, which resulted in Department staff obtaining an adjusted unit price that was lower than DSG-V's original bid unit price. Accordingly, CCO 34.1 reduces payments made by CCO 34 at the full unit price down to 125% of the quantity in the Bid List and replaces those temporary full unit price payments with the lower adjusted unit price. The net cost increase of CCOs

34 and 34.1 is $242,219.82. A tabular summary of payments made via Item 112, CCO 34, and CCO 34.1 is attached.

Action to be taken following Board approval:
1) The Clerk of the Board will obtain the Chair's signature on CCO No. 34.1.
2) The Clerk of the Board will forward the signed CCO No. 34.1 to the Department for further processing.

Contact:
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