



Legislation Text

File #: 13-0677, **Version:** 10

Community Development Services, Department of Transportation, recommending the Board retroactively approve and authorize the Chair to execute Contract Change Order 66, Supplement 1, with Myers and Sons Construction L.P., in the amount of \$79,547.64, to complete payment for the construction of additional drainage features on the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP 71328, PW 12-30647, P&C 078-C1499.

FUNDING: Silva Valley Interchange Set-Aside (42%), 2004 General Plan Silva Valley Interchange Set-Aside (45%), Developer-Advanced Funds (10%), State and Local Partnership Program Grant (2%), and Road Fund (1%).

DEPARTMENT RECOMMENDATION

Community Development Services (CDS), Department of Transportation (Transportation), recommending the Board retroactively approve and authorize the Chair to execute Contract Change Order 66, Supplement 1 (Change Order 66.1), with Myers and Sons Construction L.P., in the amount of \$79,547.64, to complete payment for the construction of additional drainage features on the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Project (Project), CIP 71328, PW 12-30647, P&C 078-C1499.

DISCUSSION / BACKGROUND

The contract for the Project was awarded to Myers and Sons Construction L.P. (Contractor) by the Board on October 22, 2013 (Item 24). Construction was completed on June 1, 2016, and the Project was accepted by the Board on October 11, 2016 (Item 27).

Construction projects in Transportation's Capital Improvement Program generally include a 10% contingency budget for items of construction work that are unanticipated. This Project's contingency budget is \$2,971,515 and Transportation's departmental Contract Change Order (Change Order) authority for this Project is \$210,000 per Change Order.

Change Order 66 was executed by Transportation on May 10, 2016, with an estimated cost of \$200,000. Change Order 66 provided payment to the Contractor for constructing additional drainage features for the Project. As of the July 20, 2016, progress payment, \$184,950.01 had been paid on Change Order 66. An additional \$60,109.83 in extra work bills were submitted and paid on the August 20, 2016, progress payment, raising the cumulative total paid on Change Order 66 to \$245,059.84 (122.53% of the original Change Order amount of \$200,000). Payment up to 25% above the estimated dollar amount on force account change orders has been allowed. After payment on the August 2016 progress estimate was made, Transportation realized that the cumulative amount paid on Change Order 66 exceeded Transportation's departmental authority of \$210,000 per Change Order. Transportation reviewed project records and determined that still more money was owed to the Contractor for the work associated with Change Order 66. In August 2016, Transportation staff directed the Contractor to provide the remaining billings on Change Order 66 in order to confirm the total cost for the work. Nine months later, in April 2017, the Contractor submitted the final billing for this Change Order with its exceptions to the Proposed Final Estimate. It took several months for

Transportation staff and the Contractor to reconcile the costs for this Change Order. The final total costs for the work have been submitted by the Contractor, and Transportation has approved an additional \$34,487.80 for payment, bringing the total cost of Change Order 66 to \$279,547.64. Transportation requests that the Board retroactively approve all costs over the departmental authority of \$210,000.

Change Order 66 exceeded the departmental authority, due to reasons including the following:

- As part of the original contract, the Contractor installed underdrains at the toe of slopes adjacent U.S. Highway 50. Rock was encountered during construction of the underdrains, and it was anticipated during the minor excavation required under Change Order 66 for placement of the hot mix asphalt drainage ditches. The Contractor proposed utilizing a smaller excavator with hammer, than that which was used for the underdrain work, to ensure that only the required amount of material was removed. The Resident Engineer agreed with the Contractor's proposal. As a result, this work took longer to complete than estimated.
- Change Order 66 required the installation of hot mix asphalt (HMA) dikes along the back side of the HMA ditches. Caltrans initially told Transportation that the areas between the dikes and the adjacent excavated slopes would not have to be backfilled, so this work was not performed during the construction of the rest of Change Order 66. Then, during one of the final inspections, Caltrans told Transportation that the aforementioned areas would indeed have to be backfilled. This required the Contractor to haul in a considerable amount of material to be placed behind the approximately 4,000-lineal feet of HMA dike constructed under Change Order 66. At the time of the State's notification, all fine grading work for the Project was complete, so the Contractor was required to haul in suitable material for this work and mobilize additional equipment to complete this work at considerable expense.

ALTERNATIVES

The Board could choose to not approve Change Order 66.1. The Contractor would likely then file a claim against the County to recuperate monies expended.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

This Project has had an unusually low number of Change Orders. Those executed have been generally minor in nature and low in cost, therefore, adequate funding for the proposed Change Order 66.1, remains in the Project's construction phase budget, which was originally approved by the Board on October 22, 2013 (Item 24). No additional funding is being requested.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board will obtain the Chair's signature on Change Order 66.1.
- 2) Clerk of the Board will return a fully executed copy of Change Order 66.1 to CDS Transportation, attention of John Kahling, Headington Engineering, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Raphael Martinez, Director

Community Development Services, Department of Transportation