



## MEMORANDUM

---

February 28, 2012

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator  
David Parker, P.E., City Engineer  
Paul Holzen, P.E., Interim Director of Engineering  
Patricia Proctor, P.E., Utilities Project Manager

SUBJECT: Consideration of Final Change Order with W.L. Hailey & Company, Inc. for the Downs Boulevard 24-inch Water Line (COF Contract No. 2009-0099, Division B) For A Decrease in the contract Amount of \$69,641.54

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Final Change Order for the Downs Boulevard 24-inch Water Line (COF Contract No. 2009-0099, Division B).

### **Background**

The Board of Mayor and Aldermen (BOMA) approved the construction contract for the above referenced project with W.L. Hailey & Company, Inc. on December 17, 2009. The main objective of this project was to connect the existing 24-inch water line at Hwy 96 West to the existing 12-inch water line at Downs Boulevard and Columbia Avenue to provide a distribution loop in this Corridor. The finished project included approximately 13,187 linear feet of 24-inch diameter ductile iron pipe. At this time, the contractor has fulfilled its obligations as part of the construction contract and has submitted its final pay request.

The original completion date for this project was May 15, 2011. Since the start of construction, the contractor has received two time extension approvals to extend the final completion date to July 11, 2011. As part of the final change order the contractor is requesting an additional 44 days associated with the Columbia Avenue bore alignment changes and additional work associated with the special waste removal along Downs Blvd. Testing of the Downs Boulevard 24" water line was completed on October 17, 2011. City staff is recommending a 54 day time extension to extend the final completion date to August 24, 2011. Per the Standard Agreement form in the contract, Article 00500.04.02-03, the Owner may be entitled payment or reimbursement from the Contractor in the amount of \$1,500.00 for each day that expires after the Contract completion date. City staff is recommending the reimbursement of \$81,000 (54 days x \$1,500/Day) for the additional time required for the installation of work as defined in Contract Documents.

### **Financial Impact**

A DEDUCT of \$69,641.54 from the construction contract with W. L. Hailey & Company, Inc. The final construction contract amount will be \$1,928,580.33. The contractor shall pay the City reimbursement in the amount of \$81,000.00 for the additional time required as defined in the Contract Documents.

### **Recommendation**

Staff recommends approval of the Final Change Order to close this project with W. L. Hailey & Company, Inc. with a DEDUCT of \$69,641.54, a time extension of 54 days and approval of the \$81,000.00 reimbursement as defined in the Contract Documents.

**Request for Construction Change  
Final Change Order**

City of Franklin  
Engineering Office  
109 Third Avenue South  
Franklin, TN 37064

Contract No. 2009-0099, Division B  
Project Downs Blvd 24" Water Line

Whereas, we, W.L. Hailey & Company, Inc., entered into an contract with the CITY OF FRANKLIN, on December 17, 2009, for the construction by said Contractor of the above designated contract; and Whereas, certain items of construction encountered are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the City at the prices scheduled therefore below:

**Reason for Change Order:**

Final adjustment of unit price items installed and revised completion date due to delays regarding the weather, bore alignment and easement acquisition, and handling of Special Waste detailed in Change Order No. 3.

**Attachments (List documents supporting change):**

- Letter from W.L. Hailey & Co., Inc., dated January 10, 2012, requesting an extension to Contract Time for weather delays from June 2011 through October 2011
- Letter from W.L. Hailey & Co., Inc., dated February 15, 2012, requesting an extension to Contract Time for delays associated with prior bore alignment change and easement acquisition referenced in Change Order No. 2, as well as, delays associated with the handling of Special Waste detailed in Change Order No. 3.
- Letter from Smith Seckman Reid, Inc., dated February 21, 2011, reviewing the request, including Final Contract Change Order, and accompanying recommendation to the City of Franklin

Item No.	Description of Work	Unit	Estimate Quantity	Unit Price	Amount
1	Final Adjusting Change Order (decrease)	LS	1	(\$69,641.54)	(\$69,641.54)
<b>TOTAL</b>					<b>(\$69,641.54)</b>

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ 1,978,090.00
Net Increase (Decrease) from previous Change Orders No. 0 to <u>2</u> : \$ 20,131.87
Contract Price prior to this Change Order: \$ 1,998,221.87
Net increase (decrease) of this Change Order: (\$ 69,641.54)
Contract Price with all approved Change Orders: \$1,928,580.33

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>455 days</u> Ready for final payment: <u>545 days</u>
Net change from previous Change Orders No. 0 to <u>2</u> to: Substantial Completion: <u>57 days</u> Ready for final payment: <u>57 days</u>
Contract Times prior to this Change Order: Substantial Completion: <u>July 11, 2011</u> Ready for final payment: <u>October 9, 2011</u>
Net increase (decrease) this Change Order: Substantial Completion: <u>44 days</u> Ready for final payment: <u>44 days</u>
Contract Times with all approved Change Orders: Substantial Completion: <u>August 24, 2011</u> Ready for final payment: <u>November 23, 2011</u>

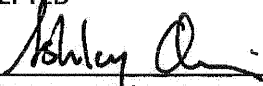
Now, Therefore, We, W.L. Hailey & Company, hereby agree to this Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except in so far as specifically modified by this supplemental Agreement.

RECOMMENDED FOR APPROVAL BY:

By:  By: Patricia Proctor By:   
ENGINEER - Frank P. Smith, III P.E. CITY PROJECT MANAGER DIRECTOR OF ENGINEERING

Date: February 22, 2012 Date: 2/29/12 Date: 2/29/12

ACCEPTED

By:   
CONTRACTOR (Authorized Signature)  
Ashley Quinn (District Manager)

Date: February 22, 2012

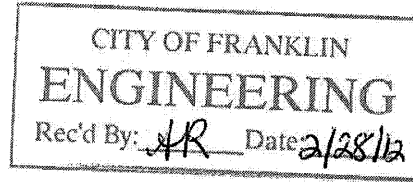
APPROVED:

By: \_\_\_\_\_  
OWNER (Authorized Signature)

Date: \_\_\_\_\_



2995 Sidco Drive  
Nashville, TN 37204  
(615) 383-1113  
Fax (615) 386-8469  
www.ssr-inc.com



February 22, 2012

Mrs. Patricia Proctor  
City of Franklin  
109 3<sup>rd</sup> Avenue South  
Franklin, Tennessee 37065

Re: **Division B - Downs Boulevard 24" Water Line**  
**Final Pay Estimate and Adjusting Change Order**  
**SSR No. 07-41-033.0**

Dear Mrs. Proctor:

Enclosed, please find the Final Adjusting Change Order that includes the final quantities for the referenced project. Also included are five (5) copies of the final pay request submitted by W.L. Hailey and Company, Inc., as well as, letters from W.L. Hailey & Company, Inc. detailing their request for a final extension to Contract Time for delays regarding the weather, bore alignment and easement acquisition, and handling of the Special Waste detailed in Change Order No. 3.

The final change order reflects the final measured unit quantities installed on the project and all changes to the contract. The original Contract amount was \$1,978,090.00, and increased to \$1,998,221.87 after the prior three (3) Change Orders to the project. The contract amount has decreased approximately \$69,641.54. The final contract amount is now \$1,928,580.33. The contractor has addressed all items identified during the final inspection, other than the repair of the traffic loop and associated pavement repair at Columbia Ave. This activity will be completed during the Warranty Period, as soon as the Contractor has the ability to obtain asphalt from a nearby operating plant. We now recommend acceptance of this project. The final amount owed to W.L. Hailey and Company, Inc. is described in more detail in the paragraphs below.

Due to weather and changes in the scope of work in the project, the Contract completion date was previously revised to July 11, 2011 through Change Order No. 2. At that time, the Contractor also requested an extension of Contract Time regarding the bore alignment adjustment at Columbia Avenue, and the associated easement acquisition on the Lankford property. In the attached letters, the Contractor has requested an additional extension of Contract Time for four (4) work days, or six (6) Contract days, for weather related delays, twenty-four (24) Contract days for the time associated with the Columbia Avenue bore alignment and Lankford property easement acquisition, and ten (10) work days, or fourteen (14) Contract

Dallas

Denver

Fort Lauderdale

Hernando

Houston

Knoxville

Memphis

Nashville

Phoenix

Sarasota

Mrs. Patricia Proctor  
February 22, 2011  
Page 2 of 2

days for work associated with the Special Waste removal along Downs Boulevard for a total Contract Time extension of forty-four (44) days. We have reviewed this request, and recommend the extension to Contract Time. Furthermore, testing requirements on the Downs Boulevard 24" Water Line were completed on October 17, 2011, approximately fifty-four (54) days after the final extended completion date. We also recommend the City consider accepting the successful completion of testing procedures on the Downs Boulevard Reclaimed Water Line as the completion date of the project.

Per the Standard Agreement Form in the Contract, Article 00500.04.02-03, the Owner may be entitled payment or reimbursement from the Contractor in the amount of \$1,500.00 for each day that expires after the Contract completion date. Based on the Contract Documents we feel the City of Franklin could request a reimbursement of \$81,000.00 for the additional time required for the installation of work as defined in the Standard Agreement Form of the Contract Documents. The retainage amount currently being held, along with billed work this estimate is at \$121,101.00. Deducting the reimbursement from the retainage, the City of Franklin would owe W.L. Hailey and Company, Inc. a Final Payment of **\$40,101.00.**

Please let us know how you would like to proceed in this matter. Also, please forward one copy of the Pay Request and Final Change Order to the Contractor, along with your payment. We have retained a copy for our files. If you have any questions regarding the Final Adjusting Change Order please call me at (615) 460-0549.

Sincerely,  
**SMITH SECKMAN REID, INC.**



Frank P. Smith, III, P.E.

Attachments

Cc: COF – David Parker, Paul Holzen  
FWMD – Mark Hilty  
SSR - JHB  
File (1)