



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 12-inch Reclaimed Water Line and West Reclaimed Water Line (ARRA Project - COF Contract No. 2009-0099, Division A) For a Decrease in the Contract Amount of \$372.60

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 12-inch Reclaimed Water Line and West Reclaimed Water Line Projects (ARRA Project – COF Contract No. 2009-0099, Division A).

Background

The Board of Mayor and Aldermen approved the construction contract for the above referenced projects with W.L. Hailey & Company, Inc. on December 17, 2009. The main objective of this project was to provide reclaimed water to the western portion of Franklin to serve the Columbia Avenue, Downs Boulevard and Hwy 96 West Corridor for non-potable uses such as irrigation and construction use. The finished projects included approximately 12,481 linear feet of 8” diameter PVC and 12,593 linear feet of 12” diameter PVC reclaimed water lines. 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 54 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 12” reclaimed water line was completed on October 17, 2011.

Financial Impact

A DEDUCT of \$372.60 from the construction contract with W. L. Hailey & Company, Inc. The final construction contract amount will be \$952,843.06.

Recommendation

Staff recommends approval of the Final Change Order to close this project with W. L. Hailey & Company, Inc. with a DEDUCT of \$372.60 and a time extension of 54 days.

**Request for Construction Change
Final Change Order**

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

Contract No. 2009-0099, Division A
Project ARRA Project: West Reclaimed Water Line and
Downs Blvd 12" Reclaimed 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	(\$ 372.60)	(\$ 372.60)
TOTAL					(\$ 372.60)

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ 895,359.00
Net Increase (Decrease) from previous Change Orders No. 0 to <u>2</u> : \$ 57,856.66
Contract Price prior to this Change Order: \$ 953,215.66
Net increase (decrease) of this Change Order: (\$ 372.60)
Contract Price with all approved Change Orders: \$ 952,843.06

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: Frank P. Smith, III By: Patricia Proctor By: Paul P. Hoje
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: Ashley Quinn
CONTRACTOR (Authorized Signature)
Ashley Quinn (District Manager)

Date: February 22, 2012

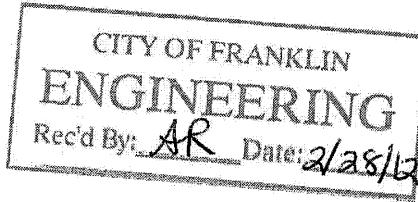
APPROVED:

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 3rd Avenue South
Franklin, Tennessee 37065

Dallas

Denver

Fort Lauderdale

Re: **ARRA GREEN PROJECTS – Division A - Downs Boulevard 12” Reclaimed Water Line and West Reclaimed Water Line Final Pay Estimate and Adjusting Change Order**
SSR No. 07-41-037.0 & 04-41-020.0 / Loan No. CGA 2009-250

Hernando

Houston

Knoxville

Dear Mrs. Proctor:

Memphis

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., ARRA Reporting Information Sheet, certified payroll sheets for the missing weeks referenced in previous letters, Stansell Electric invoice for the electric line repair at Jim Warren Park, two (2) Labor Standards Interview forms per ARRA requirements, and 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 Contractor has not submitted certified payroll sheets for the weeks of November 15, 2010 and June 6-17, 2011 because the Contractor reported they do not have a record of a crew working on the project during these dates.

Nashville

Phoenix

Sarasota

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 \$895,359.00, and increased to \$953,215.66 after the prior three (3) Change Orders to the project. The contract amount has decreased approximately \$372.60. The final contract amount is now \$952,843.06. The Contractor has addressed all items identified during the final inspection. 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 had previously been 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

Mrs. Patricia Proctor
February 22, 2011
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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 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 12" Reclaimed 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. During a meeting on January 27, 2012, between the City of Franklin and Smith Seckman Reid, Inc., it was agreed that it would be excessive to pursue a reimbursement payment on both Division A and Division B Contracts given the nature of the relationship between the two Contracts, (i.e. award to combined low bidder on both contracts, parallel and identical contract time, including contract time extensions, adjacent and interrelated construction activity, etc.). Therefore, we recommend the City compensate W.L. Hailey & Co., Inc. for the retainage currently being held on this Contract, Division A, along with billed work this estimate, for a Final Payment amount of \$90,036.51.

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. 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)