



MEMORANDUM

August 8, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
David Parker, City Engineer/CIP Executive
Paul Holzen, Director of Engineering
William Banks, Staff Engineer

SUBJECT: **Consideration of Change Order No. 4 to the Construction Contract for the 3rd Avenue North Extension Project (Bicentennial Park Phase I) (COF Contract No. 2012-0089)**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Change Order No. 4 (Time Extension) to the Construction Contract for the 3rd Avenue North Extension Project (COF Contract No. 2012-0089).

Background

The 3rd Avenue North Extension (Bicentennial Park Phase I) construction contract was awarded by BOMA to The Parkes Companies, Inc. on August 14, 2012, for \$4,795,129.72. The anticipated project completion was September 2013. Change Order No. 1 was approved by BOMA on October 23, 2012, for a decrease of \$416,362.43. It replaced some existing bid line items with the alternate Redi-Rock Wall bid line items, causing a substantial cost savings. Change Order No. 2 was approved by BOMA on January 8, 2013, which included small changes required to properly complete the project, but no contract price increase. Change Order 3, a cost increase of \$242,409.68, was approved on February 12, 2013, and included adding limestone caps for the bridge, Redi-Rock bridge headwall and a credit for reducing the size of our water main from 10" to 6".

This Change Order #4 is a request for additional time to the construction contract. The Parkes Companies, Inc. has requested 122 days to be added to the originally approved 365 day contract. Our consultant, Wisser Company, LLC., has reviewed Parkes' request, and recommends 120 additional calendar days be awarded. See Exhibit A for the detailed explanation for the time extension. In summary, overhead MTEMC utility lines prohibited the contractor from installing the bridge abutments, causing 99 days of delay. MTEMC helped relocate as many conflicts as possible, but were held up by condemnation court proceedings related to the Hillsboro Road Improvements off-site electrical circuit relocations. Another 21 days are warranted because of weather and flooding related impacts.

Financial Impact

Change Order #4 to the Construction Contract (COF Contract NO 2012-0089) with The Parkes Companies, Inc. is just a time extension. No contract cost change.

Recommendation

Approval of Change Order No. 4 to the construction contract (COF Contract No. 2012-0089) with The Parkes Companies, Inc. for a time extension of 120 calendar days. Contract time will go from 365 calendar days to 485 calendar days, making the completion date change from September 12, 2013, to January 10, 2014. Contract price remains at \$4,621,176.97.

**Request for Construction Change
Change Order No. 4**

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

Contract No. 2012-0089
Project Third Avenue North Extension

Whereas, we The Parkes Companies entered into a contract with the CITY OF FRANKLIN, on August 14, 2012, 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 contract modifications to be performed by the Contractor and paid by the City at the prices scheduled therefore below:

Reason for Change Order:

- | |
|--|
| 1. Modify contract time as recommended in attached letter from Wiser, dated July 10, 2013. |
|--|

Item No.	Description of Work	Unit	Estimate Quantity	Unit Price	Amount
NO ADDITIONAL PAY ITEMS ADDED					

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ 4,795,129.72
Net (Decrease) from previous Change Orders No. 1 to 3: (\$173,952.75)
Contract Price prior to this Change Order: \$4,621,176.97
Net of this Change Order: \$0.00
Contract Price with all approved Change Orders: \$4,621,176.97

CHANGE IN CONTRACT TIMES:
Original Contract Times: Ready for final payment: <u>365 Calendar days</u> (September 12, 2013)
Net change from previous Change Orders No. 1 to 3 to: Ready for final payment: <u>0 calendar days</u>
Contract Times prior to this Change Order: Ready for final payment: <u>365 Calendar Days</u> (September 12, 2013)
Increase this Change Order: Ready for final payment: <u>120 calendar days</u>
Contract Times with all approved Change Orders: Ready for final payment: (485 Calendar days) (January 10, 2014)

Now, Therefore, We, **The Parkes Companies**, hereby agree to this Change Order consisting of the above mentioned items and prices, and agree that this Change Order 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 Change Order.

RECOMMENDED FOR APPROVAL BY:

By: Maty McWilliam By: William A. Evans By: Paul P. Hayes
ENGINEER CITY PROJECT MANAGER DIRECTOR OF ENGINEERING
Date: 7/30/13 Date: 07-30-13 Date: 7-30-13

ACCEPTED

By: William A. Evans
CONTRACTOR (Authorized Signature)
Date: 7-30-13

APPROVED:

By: _____
OWNER (Authorized Signature)
Date: _____



7/10/13

Mr. William Banks
City of Franklin Engineering
109 Third Avenue South
Franklin, TN 37064

RE: Contract 2012-0089 Third Avenue North Extension - Time Extension request from the Parkes Company – review and comments

Dear Mr. Banks,

I am in receipt of a letter dated May 28, 2013 from Mr. William R. Evans III (Trey) of SiteSolutions A Parkes Company. The letter (attached) is titled "3rd Ave. N. Extension – Time Delay". In the letter Mr. Evans request additional time is added to the Third Avenue North Extension construction contract due to not being able to start construction on the Sharpes Branch bridge due to existing Middle Tennessee Electric Membership Corporation (MTEMC) power poles located within the excavation area for the bridge. Mr. Evans also notes that the bridge construction was and is a critical path item that needed to be complete in order to progress the project forward. Mr. Evans is requesting an additional 122 calendar days be added to the contract for this delay.

I have reviewed Mr. Evans' letter, our field documentation, and e-mails as it pertains to the request. In the process of this review I have found the following information:

The Third Avenue North Extension project was advertised and bid under the assumption that all MTEMC lines and poles would be removed from the site therefore allowing the awarded contractor to work without conflicts with overhead power pole and lines.

The project was awarded to the Parkes Company on August 16, 2012 with the Notice to Proceed following on September 12, 2012.

On August 29, 2012 a Preconstruction Conference was held and at that conference the Parkes Company submitted, as required, a projected schedule of activities and dates for the construction of the Third Avenue project. This schedule was developed under the assumption that MTEMC lines and poles would be removed. In the initial schedule, submitted by the Parkes Company, the bridge construction was to begin on October 8, 2012.

On September 5, 2012 during a site investigation by the Parkes Company (Mike McDonald) it was noted that MTEMC poles and lines were not removed from the site and that there were potential conflicts and concerns.

On September 6, 2012 MTEMC, AT&T, and Comcast were notified by you that there were potential conflicts and requested a meeting on September 11, 2012 at the project site. The meeting was subsequently held on September 14, 2012. At the meeting we were informed by MTEMC that the earliest the lines and poles could be removed would be around the first of

January 2013. The lines could not be removed at the current time due to the lines serving as back feeds into the Resthaven Subdivision and the new SR96 circuit was not complete and in service.

On September 29, 2012, I was notified by you that MTEMC had condemnation cases for the new SR96 circuit that would not be acted upon until January 7, 2013 therefore meaning the conflicting lines and poles would not be removed from the site until March 2013.

In early November when we saw that the Parkes Company was limited on the remaining work that they could accomplish to progress the project, we requested that MTEMC give us alternatives or work a rounds for the conflicting poles in order to progress the project. MTEMC developed a work around for the pole in conflict with bridge abutment #1 but stated it would be early December 2012 before they would have it removed.

December 5, 2012, MTEMC installed a work around and removed the pole conflicting with abutment #1.

Prior to the removal of the conflicting power pole, it was determined that the existing elevated sewer service crossing Sharpes Branch was in conflict with the bridge abutment #2. In order to take the active line out of service the contractor had to institute a bypass pump operation. The bypass pumping began on January 4, 2013

Beginning of bridge footing construction - Abutment #2 Excavation began on January 4, 2013.

Time delay between initial schedule to begin bridge footing construction (October 8, 2012) and actually beginning bridge footing construction (January 4, 2013) was 89 days.

Abutment #2 concrete was poured on February 18, 2013.

Sharpes Branch Channel relocation started on March 7, 2013.

Abutment #1 excavation began on March 13, 2013.

Abutment #1 concrete poured on March 21, 2013.

After abutment #1 was constructed the contractor requested to schedule a time with MTEMC in which the overhead lines could be de-energized. This would allow the crane room to rotate and set the bridge structures without the possibility of striking an energized electrical line. MTEMC said that they were at a point in the construction of the SR96 project that they could completely remove the overhead lines but that it may be a couple of weeks before that could be accomplished. Parkes Company was at a standstill and had completed the installation of all other items that could be completed. Progress of the project now completely hinged on the installation of the bridge. Therefore the contractor pulled off the project between March 27, 2013 and April 6, 2013. This accounted for a time period of 10 days.

MTEMC overhead lines and poles removed from service April 5, 2013.

Bridge structure complete and in-place on April 10, 2013.

Given the nature and location of the bridge work along Sharpes Branch, any attributable rainfall amount would cause a rise in the water level thereby creating conditions that were not favorable for work. After reviewing the contractor's data, our field reports, and rainfall logs between the dates of January 4, 2013 and April 10, 2013, I have determined that there were 21 days that the contractor could not have worked on the bridge components due to weather related conditions.

After reviewing all the information as indicated above, it is in my opinion and thereby recommend that the City of Franklin provide 120 additional days to the contract period. This additional 120 days, if approved, would change the contracted time from 365 calendar days to 485 calendar days and modify the contract completion date from September 12, 2013 to January 10, 2014.

Should you have any questions or comments, please let me know. I can be contacted via e-mail at mdmcmwilliams@wiserconsultants.com or by phone at (615) 278-1500.

Sincerely,



Marty McWilliams, PE, PMP
WISER



SiteSolutions

A PARKES COMPANY

May 28, 2013

105 Reynolds Drive / Franklin, TN 37064-2926 / 615-595-2400 / 615-595-2475 Fax / www.parkescompanies.com



William R. Evans III (Trey)
Direct Line: (615) 595-2433

Mr. Marty McWilliams
Wiser Company, LLC
237 W. Northfield Blvd.
Suite 200
Murfreesboro, TN 37129

Sent Via: Hand Deliver

RE: 3rd Ave. N. Extension - Time Delay

Dear Mr. McWilliams:

Please consider this letter our official request for additional time on the 3rd Ave. N. Ext. project. During the latter part of 2012, the critical path of the project was hampered in a substantial way as we were unable to begin digging for the bridge footings due to the presence of a power line pole located too close to the dig area. Being that the bridge was and is a critical path item, this delay prevented work being done to further the progress of the project.

On my initial schedule dated August 29, 2013 submitted to you on that same day along with other preconstruction documents, we were to start setting the bridge pieces on 12/7/12. However, due to the conflict with the existing power pole, we could not begin setting the precast bridge until 4/10/13. The pole in question could not be moved until December 5, 2012, and we could not work on the project's critical path for the months of September, October, November, and December. While it is our intent to push forward on the project to complete it as soon as possible, I believe that The Parkes Companies, Inc. is due approximately 122 calendar days of extension for the months that we could not work on the critical path toward completion.

Sincerely,

SiteSolutions
A Parkes Company

William R. Evans III
Project Manager



Building Solutions, From the Ground Up!