



MEMORANDUM

June 17, 2014

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
David Parker, City Engineer/CIP Executive
Paul Holzen, Director of Engineering
Jonathan Marston, Staff Engineer 3

SUBJECT: **Consideration of Change Order No. 1 (Time Extension Only) to the Contract with Brown Builders, Inc. for the Construction of Intersection Improvements at Wilson Pike (SR-252) and East McEwen Drive (COF Contract No. 2012-0145)**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Change Order No. 1 (Time Extension Only) to the contract with Brown Builders, Inc. for the construction of Intersection Improvements at Wilson Pike (SR-252) and East McEwen Drive (COF Contract No. 2012-0145).

Background

The construction contract (COF Contract No. 2012-0145) for the Intersection Improvements at Wilson Pike (SR-252) and East McEwen Drive was awarded by the BOMA to Brown Builders, Inc. on October 23, 2012, in an amount of \$1,991,572.82.

Before construction could begin, the City was required to complete a lengthy project approval process with CSX Transportation (CSXT). The City received final approval from CSXT in mid-2013. A Notice to Proceed, with an effective date of July 8, 2013, was then issued to the contractor. This project was originally awarded with a contract time of 365 calendar days. However, the contractor could not fully begin work, until all overhead utilities were relocated by the respective owners. Unfortunately, relocation of utilities ran well into October 2013. This delay forced the widening of Wilson Pike (SR-252) into the winter months. The additional width on Wilson Pike (SR-252) had to be constructed as one of the first items, because the contractor need area along the east side of the railroad tracks to stage equipment for construction of the new bridge.

This Change Order No. 1 is a request for additional time to complete construction. The contractor has experienced significant delays, due to utility relocations and weather. Delays of this nature are common and at no fault of the contractor. The contractor has requested the following extensions to the contract time:

	<u>Original Contract Dates</u>	<u>Proposed Contract Dates</u>	<u>Net Change (days)</u>
Substantial Completion	July 8, 2014	October 6, 2014	+90
Ready for Final Payment	N/A	October 31, 2014	N/A

It is important to note that, as a condition of this change order, the City is requiring the contractor to have functional left turn lanes on both Wilson Pike (SR-252) and East McEwen Drive prior to the first day, August 8TH, of Williamson County Schools. These turn lanes may be in temporary locations, but must be fully functional to motorists. This requirement should help alleviate some of the traffic back-ups experienced by motorists at this location.



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

Financial Impact

Change Order No. 1 to the Construction Contract (COF Contract No. 2012-0145) with Brown Builders, Inc. is for a TIME EXTENSION ONLY. This change order represents NO net change in contract cost.

Recommendation

Staff recommends Approval of Change Order No. 1 to the construction contract (COF Contract No. 2012-0145) with Brown Builders, Inc. for a time extension of 90 days to substantial completion and the establishment of a date for final payment submittal. Contract dates will become October 6, 2014 for substantial completion and October 31, 2014 for the submittal of the final payment request. The total project cost remains at \$1,991,572.82.

**Request for Construction Change
Change Order No. 1**

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

Contract No. 2012-0145
Project Intersection Improvements at Wilson Pike
(SR-252) & East McEwen Drive

Whereas, We, **Brown Builders, Inc.** entered into a contract with the CITY OF FRANKLIN, on **October 23, 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 additional items of construction to be performed by the Contractor and paid by the City at the prices scheduled therefore below:

Additional Information for Change Order:

Contract Time Extension for project delays outside the control of the contractor.

By acceptance of this change order, the contractor agrees to have the following items in operation prior to the first day (e.g. August 8, 2014) of Williamson County Schools:

- (1) Separate northbound lanes for left turns and thru traffic on Wilson Pike (SR-252) and
- (2) Separate eastbound lanes for left turns and right turns on East McEwen Drive.

The above items must be fully functional, but may be located in temporary locations.

Attachments (List documents supporting change):

See Exhibit A.

Item No.	Description of Work	Unit	Estimate Quantity	Unit Price	Amount
TOTAL					

CHANGE IN CONTRACT PRICE:
Original Contract Price
\$1,991,572.82
Net Increase (Decrease) from previous Change Orders
No. 0 to ____:
N/A
Contract Price prior to this Change Order:
\$1,991,572.82
Net increase (decrease) of this Change Order:
0
Contract Price with all approved Change Orders:
\$1,991,572.82

CHANGE IN CONTRACT TIMES:
Original Contract Times:
Substantial Completion: July 8, 2014
Ready for final payment: N/A
Net change from previous Change Orders No. 0 to ____ to:
Substantial Completion: N/A
Ready for final payment: N/A
Contract Times prior to this Change Order:
Substantial Completion: July 8, 2014
Ready for final payment: N/A
Net increase (decrease) this Change Order:
Substantial Completion: 90 Days
Ready for final payment: N/A
Contract Times with all approved Change Orders:
Substantial Completion: October 6, 2014
Ready for final payment: October 31, 2014

Now, Therefore, We, **Brown Builders, Inc.**, 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: _____ By: _____
ENGINEER CITY PROJECT MANAGER DIRECTOR OF ENIGNEERING

Date: _____ Date: _____ Date: _____

ACCEPTED

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

APPROVED:

By: _____
OWNER (Authorized Signature)

Date: _____

BROWN BUILDERS, INCORPORATED

2807 CLINARD DRIVE
SPRINGFIELD, TN 37172

PHONE: 615-384-5654
FAX: 615-384-2465

SINCE 1977

June 4, 2014

City of Franklin, Engineering
Attn: Jonathan Marston
City Hall
109 3rd Avenue South
Franklin, TN 37064

RE: McEwen Drive / Wilson Pike Intersection Improvements
Project No. 2012-0145

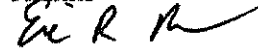
Time Extension Request

Dear Mr. Marston,

Brown Builders, Inc. is requesting a time extension totaling 90 calendar days or a completion date of October 6, 2014 for the above referenced project. We are requesting additional time as a result of the unusually bad weather during last fall and winter months. The project was started later in the year than was originally scheduled as a result of utility conflicts and CSX requirements of them. This later start date put the excavation of Wilson Pike during an unusually wet fall, which led to undercutting all of Wilson Pike and placement of graded solid rock borrow, which led to a couple weeks delay to get everything approved and in order. This in turn led to base stone going down in the winter when temperatures allowed, which in turn led to over three weeks of waiting for temperatures in order to pave on Wilson Pike and divert traffic to construct bridge abutment #2. Then once we got traffic shifted on Wilson Pike we ran into another delay in order to move the sewer into a temporary bypass, because we had to get an official bypass drawn up by an engineer and get it priced accordingly for approval.

Please let us know if you need any additional information.

Thanks



Eric R Brown

President; Brown Builders, Inc.