



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #11

CIP

08-12-10

## MEMORANDUM

August 3, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: WTP Raw Water Reservoir Rehabilitation Project – Change Order No. 1

### **Purpose**

The purpose of this memo is to recommend approval of Change Order No. 1 for the WTP Raw Water Reservoir Rehabilitation Project.

### **Background**

Summit Constructors, Inc, was awarded the construction contract for the WTP Raw Water Reservoir Rehabilitation Project by BOMA on December 17, 2009. The 180 day original contract period expires on September 28, 2010. The contractor is requesting a contract extension of 21 days based on the record rainfall event the first of May and a delay based on exceeded bid quantities of the removed filter backwash material, which required an amended permit from TDEC and an additional survey of the site to resolve the issue. This request may not be necessary at this time but is proactive on the contractor's part to ask for it at this time and to be on record. After discussions between the City, Summit Constructors and AECOM, an addition of 14 days to the contract was deemed acceptable as a fair compensation for the delays.

### **Financial Impact**

No Financial Impact as a result of this Change Order.

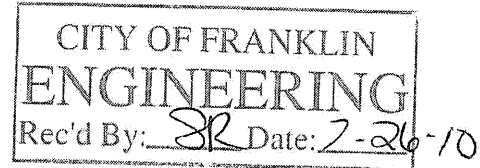
### **Recommendation**

Staff recommends approving Change Order No. 1 to add 14 days to the contract for the WTP Raw Water Reservoir Rehabilitation Project.



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Nashville, TN 37228-1352  
www.aecom.com

July 26, 2010



Ms. Patricia Proctor, P. E.  
Project Manager  
City of Franklin Tennessee  
Engineering Department  
109 Third Avenue S.  
Franklin, TN 37065

**RE: WTP RAW WATER RESERVOIR REHABILITATION  
COF 2009-0088 DWA #2009-097 (60147341)  
SUMMIT CONTRACT TIME EXTENSION**

Dear Ms. Proctor:

As attached, Summit Constructors, Inc. has requested a contract time extension for the subject project. The six month original contract period expires September 27<sup>th</sup> and liquidated damages of \$500.00 per day could be assessed until completion. This contractor presents two issues for consideration and both have merit.

The first requests a seven (7) day extension for the record May flooding prohibiting operations. As all can attest, this was an abnormal weather event with over 14-inches of rain in a 36-hour period. We recommend the said time extension.

The second request is a "pause" in operations Summit took in June for filter backwash material removal. On June 2<sup>nd</sup> the TDEC permit and bid quantity was exceeded and the landfill appropriately ceased material acceptance. This also had contract financial implications. An amended TDEC permit was also required and was obtained. This pause was prudent so as not to be in a "surprise" position with contract funding. This was as we meet on June 2<sup>nd</sup> at site and discussed. This took two weeks to survey and resolve to an acceptable commencement status. Summit did delay in re-mobilizing and that is reflected in the request from the actual 3 weeks off-site.

In summary, we find the total twenty one (21) day extension to be appropriate and beyond the contractor's control. Article 19 of the contact addresses Time for Completion and Liquidated Damages and in paragraphs B. and C. address the issues presented and apply in this case. The issues present "unforeseeable cause beyond the control and without the fault or negligence of the contractor." Summit is making this request in a timely manner and may not require the time extension. However the request is correct to consider and be on record. We recommend this time extension be reflected in the Final Change Order for the project. If you have any questions or require additional information, please contact me at 313-0365.

Respectfully,  
| AECOM

Paul A. Stonecipher, P.E.  
Associate Vice President/Project Manager  
PAS:br

Enclosure(s)

xc: Mr. David Parker, Mr. Eric Gardner, Mr. Mark Hilty, Mr. David Phillips, Summit

I/Franklin/Raw Water Reservoir  
/Time Extension

# SUMMIT Constructors

July 16, 2010

Mr. Mark Hilty  
City of Franklin – Water Department

Subject: Franklin WTP Raw Water Reservoir Rehabilitation  
DWA #2009-0088 – Activity & Work Hours

Mr. Hilty,

The contract we are performing work on for the City of Franklin is set up with a 180 Calendar Day duration. This time frame started on April 1<sup>st</sup> with the 180<sup>th</sup> Calendar day scheduled for September 27<sup>th</sup>.

As you are aware we have had two significant delays during the course of the project that have affected our ability to prosecute the work. We respectfully asked for a twenty one (21) calendar day extension to mitigate these two events delaying action. These two events are briefly outlined below.


The first of these events was the extraordinary flood event of May 1<sup>st</sup> and 2<sup>nd</sup>. This event produced rains that filled the reservoir with water to a point that prohibited work for a one week period. SUMMIT's pumping and drying efforts, which were significantly supplemented by the personnel at the water treatment plant, began on May 1<sup>st</sup> and continued well past May 7<sup>th</sup> when we resumed hauling filter backwash material. Please extend our completion date seven (7) calendar days for this event.

The second of these events was the pause that we took at the beginning of June. With the knowledge of the City of Franklin and AECOM, we ceased all operations on June 2<sup>nd</sup> to make two critical determinations. The first of these determinations was the quantity of filter backwash that had been hauled and was remaining to be removed. The second was the grading plan that would be followed from the finish of filter backwash to the beginning of liner placement. These two items are unit price items and the project team was aware of the need to be prudent that the quantities of work we were performing would not exceed the contract monies available to pay. With this in mind an additional topographic survey was performed, quantities were developed and meetings were held among the project team to verify the status of quantities and direction of scope that was to be followed to finish the project. As a consequence of these actions, additional yardage was added to the permit with TDEC for filter backwash removal. Filter backwash removal actions resumed on June 24<sup>th</sup>. The shut down period was twenty two days long. For this event we are asking for an extension of our completion date by fourteen (14) calendar days.

SUMMIT Constructors appreciates the spirit of teamwork and cooperation we have enjoyed thus far on the project and remains available should there be any questions or concerns that we need to address.

Regards,

SUMMIT Constructors



David Phillips

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Site Grading & Utilities

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