


## MEMORANDUM

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June 3, 2011

TO: The Board of Mayor and Aldermen

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

SUBJECT: Consideration of Change Order No. 2 with W.L. Hailey & Company, Inc. for the Downs Boulevard 24 Inch Water Line (COF Contract No. 2009-0099)

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider approval of Change Order No. 2 for the Downs Boulevard 24 Inch Water Line Project (COF Contract No. 2009-0099).

### **Background**

The BOMA approved the construction contract for the above referenced project with W.L. Hailey & Company, Inc. on December 17, 2009 in the amount of \$1,978,090.00. The Notice to Proceed was issued on February 15, 2010 with a contract completion date of May 15, 2011. On May 24, 2011, The Board of Mayor and Aldermen approved Change Order No. 1 extending the completion date to June 8, 2011. For Change Order No. 2, W.L. Hailey & Company, Inc. is requesting a time extension of fifty five (55) working days to the contract time and an increase of \$11,993.36 to the contract amount.

Based on additional testing requirements, alignment changes, construction changes and weather related delays that were above and beyond normal, Staff recommends an addition of thirty three (33) calendar days to be added to the contract. If approved, this would change the completion date to July 11, 2011. In addition utility conflicts altered the alignment requiring the contractor to do additional work. Change Order #2 is necessary to establish unit prices for those items not included in the original contract.

### **Financial Impact**

If approved, an INCREASE of \$11,993.36 will be added to the construction contract with W.L. Hailey & Company, Inc. The total construction contract amount will be \$1,990,083.36. This project is still within the original budget for this project.

### **Recommendation**

Staff recommends approval of Change Order No. 2 with W.L. Hailey & Company, Inc. for a time extension of thirty three (33) calendar days and an INCREASE to the contract in the amount of \$11,993.36.

## CHANGE ORDER

No. 2

DATE OF ISSUANCE: June 2, 2011

EFFECTIVE DATE: \_\_\_\_\_

OWNER: City of Franklin, TN  
CONTRACTOR: W.L. Hailey & Co., Inc.  
Project: Division B - Downs Boulevard 24" Water Line  
ENGINEER: Smith Seckman Reid, Inc.

*Description:*

An extension to Contract Time of 33 days for additional work regarding line taps, valves, preparation for sectional testing of the utility line at the direction of the City, as well as, additional work regarding the alignment change and weather delays. The justification for the time extension is described in more detail in the attached recommendation letter from SSR dated June 2, 2011. A change in scope of work requiring an establishment of unit prices for items that were not defined in the original Contract. The additional work is as follows: An alignment change to the 24" WL and 12" RWL along Downs Blvd. resulting in approximately 4,800 LF of saw-cut to asphalt at the unit price of \$4.75/LF, 4,800 LF of backfill compaction in 6-inch lifts at the unit price of \$3.13/LF, and 175 tons of B-M2 asphalt binder at the unit price of \$136.50/ton. Of the proposed installation of 4,800 LF and 175 tons of B-M2 binder, 1522 LF of saw-cut and compaction are a direct result of the alignment change to the 24" WL under Division B of the Contract. This results in a difference to the Contract price of \$11,993.36.

*Reason for Change Order:*

From Partnership Circle to the completion of the project at Columbia Avenue, existing utility conflicts with Atmos gas lines caused an alignment change to both the 24" WL and 12" RWL along Downs Blvd. This alignment change resulted in the removal of pavement and installation of aforementioned utilities within the bike lane/paved shoulder of the west-bound lane of Downs Blvd. From Partnership Circle to West Main Street, existing utility conflicts with the same Atmos gas lines, as well as, existing City of Franklin fiber optic line caused a similar, but more significant alignment change. This alignment change resulted in the removal of an approximate (550' x 7') section of pavement, as well as, replacement of binder flush to the existing pavement of the west-bound lane Downs Blvd.

*Attachments: (List documents supporting change)*

1. Letter from W.L. Hailey & Co., Inc., dated May 11, 2011, requesting a Contract Change Order.
2. Letter from W.L. Hailey & Co., Inc., dated June 1, 2011, reviewing a previous request for time extension and requesting an additional time extension for additional delays on the project
3. Letter from Smith Seckman Reid, Inc., dated May 12, 2011, reviewing the Contractor's request for a Contract Change Order and accompanying recommendation to the City of Franklin
4. Letter from Smith Seckman Reid, Inc., dated June 2, 2011 recalling the reason for the Change Order and reviewing the Contractor's request for an additional time extension to the Contract

CHANGE IN CONTRACT PRICE:
Original Contract Price (Division B):
\$ 1,978,090.00
Net Increase (Decrease) from Previous Change Orders:
\$ 0.00
Contract Price prior to this Change Order:
\$ 1,978,090.00
Net Increase (Decrease) of this Change Order:
\$ 11,993.36
Contract Price with all approved Change Orders:
\$ 1,990,083.36

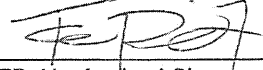
CHANGE IN CONTRACT TIMES:
<b>Notice to Proceed: February 15, 2010</b>
Final Completion: 455 days – May 15, 2011
Ready for Final Payment: 545 days – August 13, 2011
Net Change from Previous Change Orders:
Final Completion: 24 days
Ready for Final Payment: 24 days
Contract Times prior to this Change Order:
Substantial Completion: 479 days – June 8, 2011
Ready for Final Payment: 569 days – September 6, 2011
Net Increase (Decrease) this Change Order:
Final Completion: 33 days
Ready for Final Payment: 33 days
Contract Times with all approved Change Orders:
Final Completion: <b>July 11, 2011</b>
Ready for Final Payment: <b>October 9, 2011</b>

The attached Terms of Agreement are made a part of this Change Order along with the above requirements.

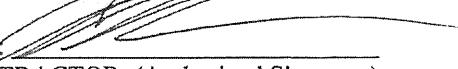
RECOMMENDED:

APPROVED:

ACCEPTED:

By:   
 ENGINEER (Authorized Signature)  
 SSR, Frank P. Smith, III, PE

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

By:   
 CONTRACTOR: (Authorized Signature)  
 Andrew C. Swank, Vice President

DATE: 06/02/2011

DATE: \_\_\_\_\_

DATE: 06/02/11



**W.L. HAILEY**  
A COMPANY INC.

May 11, 2011

Smith Seckman Reid, Inc.  
2995 Sidco Drive  
Nashville, TN 37204

Attn.: Mr. Frank P. (Tripp) Smith, III P.E.  
Project Manager

Re: Downs Blvd – West Reclaimed Water Lines  
ARRA 2009 Clean Water Projects

Subject: Request for Change Order #1

Mr. Smith,

As requested, we have provided pricing to saw cut the existing pavement, compact the base stone and install binder flush to the surface along Downs Blvd. At this time we would like to request a change order based on the following unit prices;

Description	U.O.M.	Unit Price	Total
Saw Cut	4,800 LF	\$ 4.75	\$ 22,800.00
Compaction	4,800 LF	\$ 3.13	\$ 15,024.00
Binder Installation	175 Ton	\$ 136.50	\$ 23,887.50
Total			\$ 61,111.50

This will be a unit price agreement. Quantities are not guaranteed and are subject to change. All quantities will be field measured and agreed upon before payment.

We request an additional 7 contract days for the portion of this scope that has been completed.

It was discovered on, 3/17/11, that existing utility conflicts would prevent the installation of the Colombia Ave bore. It was decided that additional easements would be required to complete the activity. As of this letter the easement acquisition process is ongoing. At this time, we request 19 contract days to cover the period from 3/17/11 to 4/5/11. The balance of days will be calculated upon completion of the easement acquisition.

There have been 44 weather related days noted on the monthly pay requests from 4/1/10 thru 2/20/11.

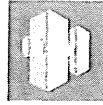
Sincerely,  
W.L. Hailey and Company, Inc.

Phillip Taylor  
Project Engineer

cc: J. Evans, WLH, S. Kelley, WLH

B U I L D I N G T R U S T S I N C E 1 9 2 5

2971 Kraft Drive PO Box 40646 Nashville, Tennessee 37204 -0646  
T (615) 255-3161 F (615) 256-1316 www.wlhailey.com



**W.L. HAILEY**  
& COMPANY INC.

June 1, 2011

Smith Seckman Reid, Inc.  
2995 Sidco Drive  
Nashville, TN 37204

Attn.: Mr. Frank P. (Tripp) Smith, III P.E.  
Project Manager

Re: Downs Blvd – West Reclaimed Water Lines  
ARRA 2009 Clean Water Projects

Subject: Request for Change Order #2

Mr. Smith,

As discussed, there have been changes to the scope of the project. Those changes have impacted the overall construction sequence and schedule. Below is a breakdown of the major activities and their respective impact to the project...

Additional sample points for all the water line on the project were needed. It was decided that this work would be performed on a time and materials basis. At this time we would like to request an additional 14 days for this scope of work, including installing the sample points, restoring the areas disturbed and re-chlorinating the reclaimed water lines.

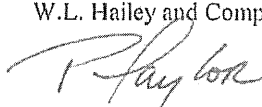
As previously mentioned, the Columbia Ave bore alignment has changed (reference letter dated 5/11/11). At this time we would like to request 19 days for this alignment change and the related easement acquisition delay.

There were numerous alignment changes at the Limestone Church property. These changes included multiple utility conflicts as well as the addition of a fire line "tap" for the church. We would like to request 7 days for this change.

In an effort to assist the city with their paving efforts, we mobilized additional manpower and equipment to the site to test, flush and tie in a portion of the new 24-inch water line. This activity resulted in a 2 day delay to the overall project schedule.

There have been 13 weather related days noted on the monthly pay requests from 2/21/11 thru 5/17/11.

Sincerely,  
W.L. Hailey and Company, Inc.

  
Phillip Taylor  
Project Engineer

cc: J. Evans, WLH, S. Kelley, WLH

B U I L D I N G T R U S T S I N C E 1 9 2 5

2971 Kraft Drive PO Box 40646 Nashville, Tennessee 37204 -0646  
T (615) 255-3161 F (615) 256-1316 www.wlhailey.com



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

May 13, 2011

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

Dallas

Denver

**Re: Downs Boulevard 12-inch Reclaimed Water Line and West Reclaimed Water Line –  
ARRA Division A; Downs Boulevard 24-inch Water Line – Division B  
Change Order No. 2  
SSR No. 07-41-037.0, 04-41-020.0, 07-41-033.0**

Fort Lauderdale

Hernando

Dear Mrs. Proctor:

Houston

Please find attached Change Order No. 2 Division A and Division B of the Contract, as well as, the accompanying Contractor request, as referenced in the Change Order documents. We have reviewed the Contractor's, W.L. Hailey & Company, Inc., request for a Change Order to the Contract. After several discussions and negotiations, including all parties, we agree and recommend the addition of the items and unit prices to the Contract to cover the additional scope of work associated with the project alignment change. The total proposed cost of the additional work is **\$61,711.50**. The cost was split between the separate Divisions of the Contract because alignment changes in both the 12-inch reclaimed water line and the 24-inch potable water line resulted in varying quantities of additional work. This is described in further detail in the Change Order No. 2 documents.

Knoxville

Memphis

Nashville

Phoenix

The Contractor's letter also requests a time extension to the Contract for conflict surrounding the road-crossing at Columbia Avenue, as well as, time for the completed scope of this work and weather delays. Currently we have recommended an extension of twenty-four (24) of the forty-four (44) days requested. We anticipate another Change Order for these projects to cover the additional work, and any additional time extensions to the Contract will be reviewed at that time.

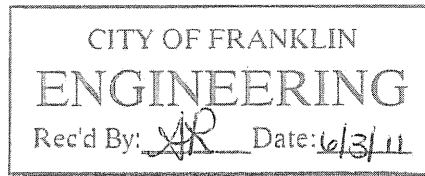
Sarasota

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

Frank (Tripp) P. Smith, III, P.E.

Attachments

Cc: File (1), JHB



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

June 2, 2011

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

Dallas

Denver

Fort Lauderdale

**Re: Downs Boulevard 12-inch Reclaimed Water Line and West Reclaimed Water Line –  
ARRA Division A; Downs Boulevard 24-inch Water Line – Division B  
Change Order No. 2  
SSR No. 07-41-037.0, 04-41-020.0, 07-41-033.0**

Hernando

Houston

Dear Mrs. Proctor:

Knoxville

Please find attached Change Order No. 2 Division A and Division B of the Contract, as well as, the accompanying Contractor requests and a previous recommendation letter from SSR, as referenced in the Change Order documents. As mentioned in our previous letter, we have reviewed and recommend the Contractor's, W.L. Hailey & Company, Inc., request for a Change Order to the Contract for the amount of **\$61,711.50**. The cost was split between the separate Divisions of the Contract to reflect the cause of the additional work due to the respective alignment changes.

Memphis

Nashville

Phoenix

The Contractor also has submitted an additional request for a time extension to the Contract for several events, including:

Sarasota

- 1) the addition of sample points for bacteriological testing,
- 2) conflicts and delays surrounding the road-crossing at Columbia Avenue,
- 3) time for scope of work regarding the alignment change adjacent to Limestone Church,
- 4) discontinuing pipe installation in one area of the project, mobilizing equipment in a separate area of the project, and installing equipment to test a portion of the utility lines from Highway 96 to West Main St./Carter's Creek Pike, and
- 5) weather delays from 2/21/11 to 5/17/11.

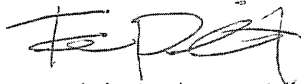
The total time extension request is for fifty-five (55) working days or seventy-seven (77) calendar/Contract days. At this time, we recommend an extension to contract time for thirty-three (33) days. After conversations with the Resident Project Representative (RPR) on the project, he felt that the Contractor was only due twelve (12) of the fourteen (14) days requested for the work regarding the sample points and bacteriological testing, and five (5) of the seven (7) days requested regarding the alignment change near Limestone Church. It is our opinion

that the delays surrounding the change of the bore alignment, and acquisition of easement and revised Tennessee Department of Transportation (TDOT) road-crossing permit should be reviewed further by the City and Engineer. At no time during the requested nineteen (19) days was the Contractor prohibited from working, and the crew required to complete the crossing is still not on-site. Above average precipitation occurred only in the months of February and April; and according to the RPR, the only delays experienced by the Contractor in these months were four (4) days in April. Therefore, our recommendation includes the extension of twenty-three (23) work days or thirty-three (33) Contract days.

We anticipate another Change Order, on a time and material basis, for the addition of sampling points to the reclaimed water line. The Contractor has not submitted a quote for this work, but the labor and material associated with the installation of sampling points was monitored by the RPR. We do not anticipate any additional requests for time extension to Contract. If you have any questions regarding this Change Order, please feel free to contact me.

Sincerely,

**SMITH SECKMAN REID, INC.**



Frank (Tripp) P. Smith, III, P.E.

Attachments

Cc: File (1), JHB