



ITEM #26
BOMA
08/23/2011

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

August 2, 2011

Mr. Paul Holzen
Project Manager
City of Franklin
Box 305, City Hall
Franklin, Tennessee 37065

**RE: Nichol Mill Lane Improvements
Change Order No. 1
Time Extension**

Dear Paul:

Please find the attached Change Order Form related to the above referenced project. This change is for an extension of time only, and does not reflect a change of the contract price. As you are aware, the project has experienced considerable delays related to the necessary relocation of utilities since its commencement on February 14, 2011. The project also faced a number of weather related delays this past spring, and a few additional days this summer. Per the contract documents, the contractor has kept up with and provided documentation related to the delays with each monthly Application for Payment. Since March 31, 2011, we have reviewed and approved 63 total days, and therefore recommend a time extension matching this approval.

As of the date of this letter, the Phase I construction is progressing and barring any unforeseen circumstances, we see no reason the Phase I construction should not be complete ahead of the original completion date of October 12, 2011. We recommend that the time extension be reflected for Phase II work only; and expect Phase I to finish by the original contract date or be subject to liquidated damages. With the time extension, the contract time for Phase II would expire on December 14, 2011.

In addition to the Change Order form, also included with this letter are letters which followed the March, April, and May payment request which indicate the approved delays for each month respectively.

We appreciate the opportunity to work with the City of Franklin on this project. If you have any questions or concerns about this proposal, please contact me at your convenience.

Sincerely,

SMITH SECKMAN REID, INC.

A handwritten signature in black ink, appearing to read 'Andrew T. Johnson', with a long horizontal line extending to the right.

Andrew T. Johnson, P.E.

cc: Eric Gardner, David Parker – City of Franklin

CHANGE ORDER

No. 1

DATE OF ISSUANCE: August 2, 2011

EFFECTIVE DATE: _____

OWNER: City of Franklin, TN
CONTRACTOR: Jenco, Construction, Inc.
Project: Nichol Mill Lane Improvements
ENGINEER: Smith Seckman Reid, Inc.

Description:

An extension of sixty-three (63) days of Contract Time for the above project in accordance with Article 12.03.A of Section 00700, General Conditions of the Contract Documents. The delays are related to the variety of utility relocations the project has experienced, and weather delays.

Reason for Change Order:

Since commencement of the work on February 14, 2011, the project has encountered a number of utilities which were in conflict with the work. The extent of the utility conflicts was not known until ground was broken, and the delay burden has been higher than anticipated prior to the start of construction. The contractor has experienced delays related to the relocation of the following utilities: Atmos gas line, Mallory Valley Utility District waterline, AT&T fiber optic line, MTEMC electrical lines.

The project has also experienced a typical number of weather delays for the first 6 months of construction. The majority of the weather related delay was from April and May of this year.

Attachments: (List documents supporting change)

1. Letter from SSR dated March 31, 2011 approving contractor's request for delays since Notice to Proceed date of February 14, 2011.
2. Letter from Contractor seeking delays accompanying March Application for Payment.
3. Letter from SSR dated May 11, 2011 approving contractor's April Application for payment and request for delays for the month of April.
4. Letter from Contractor seeking delays accompanying April Application for Payment.
5. Letter from SSR dated June 13, 2011 approving contractor's May Application for payment and request for delays for the month of May.
6. Letter from Contractor seeking delays accompanying May Application for Payment.

CHANGE IN CONTRACT TIMES:
Notice to Proceed: February 14, 2011
Final Completion (Phase I and II): 240 days – October 12, 2011
Net Change from Previous Change Orders:
Final Completion: 0 days
Contract Times prior to this Change Order:
Final Completion: 240 days – October 12, 2011
Net Increase (Decrease) this Change Order:
Final Completion Phase I: 0 days <i>Including Mallory Lane Intersection and Traffic Signal Work</i>
Final Completion Phase II: 63 days
Contract Times with all approved Change Orders:
Final Completion Phase I: October 12, 2011 (no change) <i>Including Mallory Lane Intersection and Traffic Signal Work</i>
Final Completion Phase II: December 14, 2011

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

RECOMMENDED:

By: _____
ENGINEER (Authorized Signature)

DATE: _____

ACCEPTED:

By: _____
CONTRACTOR (Authorized Signature)

DATE: _____

APPROVED:

By: _____
OWNER (Authorized Signature)

DATE: _____

ACCEPTED:

By: _____
SUBCONTRACTOR: (Authorized Signature)
(S&W)

DATE: _____



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March 31, 2011

Mr. Paul Holzen, P.E.
City of Franklin – Engineering Department
Box 305, City Hall
Franklin, Tennessee 37065

Sent via Email and USPS Mail

**RE: Nichol Mill Lane Reconstruction
Weather/Utility Relocation Impact to Construction**

Dear Paul:

Jenco Construction has provided us with the attached letter indicating project delays impeding the construction progress since the Notice to proceed date of February 14, 2011. Per the pre-construction meeting minutes, the contractor provided this information with the monthly payment request for March. We have reviewed the request and believe that a time extension is warranted.

Our review of the NOAA weather data for the area indicated that there have been 21 calendar days since February 14th which would be considered to be rain or mud days. A mud day is generally recognized when the amount of rain on the previous day exceed 0.5 inches. Jenco has indicated that 13 days have been missed due to weather and provided rainfall totals from the gauge located on the construction site. Based upon the above average rainfall for the period since the construction start, and our independent review of weather data, we are in agreement with the 13 days.

In addition, and as you are aware, there have been a variety of utility relocations necessary since the project's commencement. The relocations have contributed to additional delays for the contractor, although some of the time is encompassed by the rain days. The delay claims during the period in which the gas work was ongoing, and the contractor was awaiting decisions on the electric and AT&T work are justified. Based upon a review of this period in conjunction with the rain delays mentioned prior, we recommend that an additional 7 days be approved.

In summary, we recommend that 20 calendar days be recorded as an approved time extension to the contract through the March application for payment. We have not put together a formal change order at this time. Since we believe the project may still finish within the original allotted contract time, our recommendation is that the time delays be recorded each month and should a formal time extension be necessary, we would proceed with such at the BOMA level at the appropriate time.

We appreciate the opportunity to work with the City on this project. Do not hesitate to call to discuss this further.

Sincerely,

SMITH SECKMAN REID, INC.

Andrew T. Johnson, P.E.

Attachment

cc: Don Terry – City of Franklin (via email), Owen Jennette– Jenco (via email), File

Jenco[®]
CONSTRUCTION, INC

Commercial • Industrial
Excavation / Utilities

Nichol Mill Lane Improvements
Nichol Mill & Mallory Lane Traffic Signal

Dear Sirs,

Since inception of this project there have been 44 days to expire, leaving 196 days remaining to substantially complete this project. With this being said, Jenco Construction Inc is behind schedule due to weather and utility relocations beyond our control. As of this date we have had 9.1 inches of rain causing us to miss 13 days of work, 4.1" from 2-21-11 thru 2-28-11 and 5" from 3-01 thru 3-28.

Atmos gas started relocation February 23rd and finished March 18, 2011. Discussion about conduits and pricing 3-1-11 and was accepted 3-14-11, started 3-21-11 and finished 3-25-11. Grades and profile for traffic signal section 3-3-11 and approved 3-25-11. Conflicts with overhead wires and poles, drop manhole and location 3-3-11 and approved 3-7-11.



3-30-11



Hwy. 46 So. P.O. Box 37 • Bon Aqua, TN 37025 • 931-670-3888 • Nashville 615-244-8881



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May 11, 2011

Mr. Paul Holzen
City of Franklin
Engineering Department
PO Box 305
Franklin, TN 37065

RE: **Nichol Mill Lane Improvements**
Application for Payment No. 3
SSR Project No. 10-41-028.0

Dear Paul:

Please find the attached Application for Payment No. 3 as submitted by Jenco, Inc. for the above referenced project. We have reviewed the application, and recommend payment in the amount of \$10,155.69 as submitted. The quantities represented in this request have been verified in the field by the City's inspector and confirmed through routine visits to the site. The contractor has withheld 5% in retaining as required by the contract.

Also attached is a letter from Jenco related to work time lost during the month of April due to weather and utility relocation delays. We agree that the contractor's claim for this time is warranted. Adding this claim to the time recorded for the project through March would bring the total agreed to lost time to 41 days. We believe it remains possible that the project can be completed within the original contract dates; however, we will pursue a formal change order time extension at the BOMA level as necessary in the next few months.

Please forward one copy of the Pay Request to the Contractor along with payment. We have retained a copy for our files. Should you have any questions, please feel free to contact me.

Sincerely,
SMITH SECKMAN REID, INC

A handwritten signature in black ink, appearing to read 'Andrew T. Johnson', with a long horizontal line extending to the right.

Andrew T. Johnson, P.E.

Attachments

cc: Eric Gardner, Don Terry - City of Franklin Engineering – via Email
10-41-028.0 (9)

Jenco[®]
CONSTRUCTION, INC

Commercial • Industrial
Excavation / Utilities

Nichol Mill Lane Improvements
Nichol Mill & Mallory Lane Traffic Signal

Dear Sirs,

Since inception of this project there have been 76 days to expire, leaving 164 days remaining to substantially complete this project. With this being said, Jenco Construction, Inc. is behind schedule due to weather and utility relocations beyond our control. For the month of April, we have had 10.81 inches of rain causing us to miss 21 days of work.

MTEC pulled new wire on 4/21/2011 and hooked up on 4/22/2011.

As of April 30, 2011 Bellsouth and other electric is still in the way.

Jenco Construction, Inc. is asking for a total of 21 days because of weather and delays for the month of April.



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June 13, 2011

Mr. Paul Holzen
City of Franklin
Engineering Department
PO Box 305
Franklin, TN 37065

RE: **Nichol Mill Lane Improvements**
Application for Payment No. 4
SSR Project No. 10-41-028.0

Dear Paul:

Please find the attached Application for Payment No. 4 as submitted by Jenco, Inc. for the above referenced project. We have reviewed the application, and recommend payment in the amount of \$5,461.93 as submitted. The work represented in this request for the additional electrical requirements has been approved and will be paid from allowance funds. The contractor has withheld 5% in retaining as required by the contract.

Also attached is a letter from Jenco related to work time lost during the month of May due to weather and continued utility relocation delays. We agree that the contractor's claim for this time is appropriate as the lost time has been verified by the City personnel and our routine visits. Adding this claim to the time recorded for the project since the Notice to Proceed Date of February 14, 2011 would bring the total agreed to lost time to 63 days. The time added would move the completion date from October 12, 2011 to December 14, 2011. We do not anticipate additional utility relocation delays and are confident the project can still be completed well before the December date above. We will soon put together a change order for time a time extension for an upcoming BOMA meeting.

Please forward one copy of the Pay Request to the Contractor along with payment. We have retained a copy for our files. Should you have any questions, please feel free to contact me.

Sincerely,

SMITH SECKMAN REID, INC

A handwritten signature in black ink, appearing to read "Andrew T. Johnson", is written over a horizontal line.

Andrew T. Johnson, P.E.

Attachments

cc: Eric Gardner, Don Terry - City of Franklin Engineering -- via Email
10-41-028.0 (9)

Jenco
CONSTRUCTION, INC

Mailed
6/3/11

Commercial • Industrial
Excavation / Utilities

Nichol Mill Lane Improvements
Nichol Mill & Mallory Lane Traffic Signal

Dear Sirs,

Since inception of this project, there has been 107 days to expire leaving 133 days remaining for substantial completion.

With this being said, Jenco Construction, Inc. is behind schedule due to weather and utility relocations.

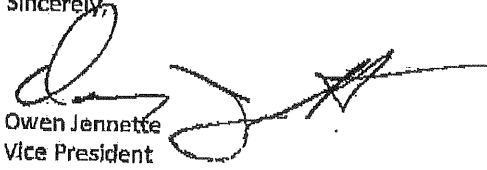
For the month of May, we have had 6.59 inches of rain causing us to miss 10 days of work. The rest of the month is due to electrical and AT&T relocations. We are asking for 22 days due to weather and delays.

On May 25, 2011 the new electrical conduits for Academy Sports lighting were complete. As of May 31, 2011, AT&T has their line in the new conduit, but has yet to make connection in the building.

As you are aware, their communication line is in conflict with sewer and storm drain in phase one. This utility has been the major hold up of this project.

Time has become critical for completion dates to remain on track. We must be ready for pavement on or before August 2, 2011 for Phase I.

Sincerely,


Owen Jennette
Vice President



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HISTORIC
FRANKLIN
TENNESSEE

ITEM #3
CIC
08-11-11

MEMORANDUM

August 4, 2011

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
David Parker, City Engineer/CIP Executive
Eric Gardner, Director of Engineering
Paul Holzen, Engineering Supervisor

SUBJECT: Consideration of Change Order No 1 for the Nichol Mill Project for a Phase II Contract Time Extension of 63 Calendar Days. (New Phase II Completion Date of December 14, 2011) COF Contract No.: 2010-0180

Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) for the consideration of Change Order No 1 to the Nichol Mill Project for Phase II Construction

Background

On July 13, 2010 the BOMA passed unanimously Resolution 2010-51, a resolution to authorize the construction of the Nichol Mill Lane Project. Construction Bids were publicly opened and read aloud on January 6, 2011 and Jenco Construction, Inc was the low bidder. The Construction Notice to Proceed date was February 14, 2011. The project was to be completed no later than October 12, 2011. For construction management purposes, staff and the contractor are looking at the project in two phases. Phase I is from the intersection with Mallory Lane to the entrance of Academy Sports; Phase II is from the entrance of Academy Sports to the limits of construction at the creek crossing on the existing Nichol Mill Lane. During construction of Phase I the contractor discovered numerous unmarked private utilities to include electrical, phone and cable that was servicing Academy Sports. These utilities basically stopped construction of Phase I and delayed the contractor 63 days. City staff is recommending adding 63 additional days to Phase II of the project. No additional time will be added to the signal/intersection and Phase I. The contractor will be required to substantial complete Phase I and signal/intersection work by October 12, 2011 to avoid disrupting holiday traffic.

The contractor has placed base stone on the entire length of Phase I as well as a significant portion of Phase II and will begin installing curb and gutter next week. Signal bases have been excavated and will be poured soon. The contractor should be able to complete Phase I on time as stated above.

Financial Impact

No Financial Impact

Recommendation

City staff has reviewed change order 1 and recommends approval.