

MEMORANDUM

November 28, 2011

TO: Board of Mayor and Aldermen

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

SUBJECT: Consideration of Change Order No 3 (Final) for the Southeast Corridor Water System Improvements and Booster Station Project (COF Contract No. 2009-0059) For a Decrease in the Contract Amount of \$49,853.67

Purpose

The purpose of this memo is to provide information to the Board of Mayor and Aldermen (BOMA) to consider Change Order No 3 (Final) for the Southeast Corridor Water System Improvements and Booster Station Project and close out this contract.

Background

BOMA approved the construction contract with Century Construction Company, Inc., for the Southeast Corridor Water System Improvements and Booster Station project on December 8, 2009. The main objective of this project was to provide sufficient water capacity to the southeast corridor of the City as new development continues to be built. These improvements have also created a new pressure zone in this area. The finished project included 3,767 linear feet of 16" water line, 6 fire hydrants and the booster pump station. At this time, the contractor has fulfilled its obligations as part of the construction contract and has submitted the final pay request. City Staff agrees with the recommendation of not charging liquidated damages.

Financial Impact

A DEDUCT of \$49,853.67 from the construction contract with Century Construction Company, Inc. The final construction contract amount will be \$853,321.33.

Recommendation

Staff recommends approval of the Final Change Order to close this project with Century Construction Company, Inc. with a DEDUCT of \$49,853.67 and approval the consultant's recommendation of not assessing liquidated damages.



AECOM
220 Athens Way
Suite 200
Nashville, TN 37228
www.aecom.com

615 244 8864 tel
615 244 8760 fax

November 28, 2011

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

**RE: SOUTHEAST CORRIDOR WATER SYSTEM IMPROVEMENTS
COF 2009-0059
CENTURY CHANGE ORDER NO. 3 FINAL**

Dear Ms. Proctor:

Transmitted herewith electronically is **CHANGE ORDER NO. 3 – FINAL** as executed by CENTURY Construction Company, Inc. for the referenced project for your review and COF staff recommendation to the BOMA. This will adjust the bid/awarded contract amount of \$903,175.00 by final balancing construction unit price/quantity items and additions downward to the **\$853,321.33 - final contract price**. The contract efforts are complete and the project financial records are to be adjusted for closure to the final amount being reflected on future final payment request and a retainage release request. We recommend this Change Order No. 3 – Final for further COF execution and presentation to BOMA.

The amount is based upon quantities verified by COF and the requested/approved changes by the COF as the project progressed. The two items of additional cost reflected in this document for a total of \$18,436.00 are recommended formally by AECOM to the COF for approval to be reflected upon execution of this Change Order. These were for discussed and required additional work related to MTEMC primary service/transformer changes for which time was added in CO#2 and the most recent tie-in at the tank required night work. A contract value under-run of approximately \$49,853.67 (~5.4%) is reflected for the final balancing change order. Record drawings have been provided and all construction acceptance items addressed. 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. Mark Hilty, COF Water Management Dept.
Mr. Berkeley Nance, Century

CHANGE ORDER NO. 03-Final

OWNER: City of Franklin
P. O. Box 305
Franklin, Tennessee 37065

PROJECT NAME: Southeast Corridor Water System Improvements
COF Project # 2009-0059

CONTRACTOR: Century Construction Company, Inc.
111 Southeast Parkway Court
Franklin, Tennessee 37064

DATE: November 22, 2011

PURPOSE OF CHANGES: Adjust Contract Price to Final Value as Hereafter Listed.

I. DESCRIPTION OF CHANGES INVOLVED

A. Unit Quantity/Price Items Final Balancing to as Constructed of Record

Item	Description	(+) Addition	(-) Reduction
A-1	16-inch Ductile Iron Pipe Water Main outside roadway (+)238.5 @\$60/ L.F.	\$14,310.00	
A-2	16-inch Ductile Iron Pipe Water Main inside roadway with crushed stone backfill (-)231.25@\$60/ L.F.		\$13,875.00
A-3	16-inch Ductile Iron Pipe Water Main by bore and jack in 24-inch steel casing pipe (-)40@\$350 /L.F.		\$14,000.00
A-4	10-inch Ductile Iron Pipe Water Main (-)34@\$13.50/ L.F.		\$459.00
A-5	8-inch Ductile Iron Pipe Water Main (-)32@\$55.00 /L.F.		\$1760.00
A-6	6-inch Ductile Iron Pipe Water Main (-)60@\$21.00/L.F.		\$1260.00
A-7	16-inch Gate Valve with valve box and casting	NC	NC
A-8	10-inch Gate Valve with valve box and casting	NC	NC
A-9	8-inch Gate Valve with valve box and casting (-)1@\$1400.00/Ea.		\$1,400.00
A-10	6-inch Gate Valve with valve box and casting (-)1@\$950.00/Ea.		\$950.00
A-11	Fire Hydrant Assemblies (-)1@\$2250.00/Ea.		\$2250.00
A-12	Air Release Valve on Water Main with manhole	NC	NC
A-13	10-inch by 10-inch tapping sleeve and 10-inch tapping gate valve with valve box and casting	NC	NC
A-14	Ductile Iron Fittings including glands and gaskets on Water Main (-)10,062@\$0.1067 /pound		\$1073.62
A-15	Concrete for Blocking, Concrete Cap and Concrete Encasement on Water Main (-)229@\$100.00 / C/Y.		\$22,900.00
A-16	Erosion Control Fencing siltation barrier including final removal	NC	NC
A-17	Rip-Rap for Erosion Control Rock Barriers/Berms for siltation control including final removal (-)40.23@\$35.00 / C.Y.		\$1408.05
A-18	9-inch asphalt binder plus 2-inch asphaltic surface roadways/driveways or 4-inch concrete driveway restoration, patch restoration (-)128@\$71 / L.F.		\$9088.00
A-19	Rip-Rap for creek bank and creek bed stabilization	NC	NC
A-20	6-inch asphaltic binder trench patch for water main roadway restoration (-)199.5@\$32.00 / L.F.		\$6384.00

Item	Description	(+) Addition	(-) Reduction
A-21	1.5-inch asphaltic surface roadway restoration including striping (-) 515@\$8.00 / S.Y.		\$4120.00
A-22	Unclassified excavation for unsuitable foundation conditions where ordered by Engineer (-)50@\$25.00 / C.Y.		\$1250.00
A-23	Additional crushed stone refill for unsuitable foundation conditions and/or additional backfill where ordered by Engineer (-) 50@\$25.00 / C.Y.		\$1250.00
A-24	Topsoil, seeding, and strawing for improvements restorations (+)20@\$2.00 / L.F.	\$40.00	
A-25	Erosion control matting restorations where ordered by Engineer (-) 150@\$10.00 / L.F.		\$1,500.00
B-1B	Lewisburg Pike Water Booster Pump Station	NC	NC
	Subtotals	\$14,350.00	\$84,927.67
	Total		\$70,577.67

NC - No Change

B. Previous Approved Change Orders

• C.O. #1 - Lewisburg Pike ¾" Service Taps	(+) \$2,288.00
• C.O. #2 - Time Extension - to June 15, 2011	No Cost Change
Total Approved Change Orders	(+) \$2,288.00

C. Other Approved Additional Work/Changes

• Electrical Modifications for MTEMC Primary Service	(+) \$16,951.00
• Night Work at Long Lane for Tie-in	(+) \$1,485.00
Total Additional Work/Others	(+) \$18,436.00

D. Reasons for Other Approved Additional Work/Changes

- As attached, Century requested additional compensation for pump station site changes due to coordination with MTEMC and primary electrical service to the site. Issues arose with multiple property owners for the electrical service upgrade by MTEMC and pole placement in the existing utility easement. To timely resolve the issues, a change requiring additional lineal footage of primary service conduit from a nearby pole to the transformer and transformer placement was required with minor additional appurtenances. This change resulted in additional costs of \$16,951.00. This additional cost was concurred with by COF staff and due to noted sufficient contract cost under runs at the time to cover the added cost, the change was not presented to BOMA and reserved for the final balancing CO. The time extension granted in Change Order No. 2 addressed this issue for the impending time delay while the costs were being negotiated.
- As attached, an additional cost was incurred by Century for the COF required nighttime tie-in of the proposed water main at the Long Lane tank in an amount of \$1,485.00. This was required to minimize water service unavailability and limited inconvenience to the area, such

as Ladd Park and the Expo Center customers. This constraint was not known at bidding time to the contractor.

- The contractor through no fault of his own experienced significant delays due to the vendor and manufacturer of the package water booster pump station. The vendor and manufacturer were both specified in the bid documents to standardize equipment for COF and provide local service responsiveness for operating issues. The flood of May 2010 and redirection of resources from this new water system work for future development to the prioritized COF WWTP and sewer pumping stations recovery. This redirected the same vendor's resources and equipment assembly as requested by COF and for the environmental public health needs. In accordance with COF contract Standard Conditions this circumstance relieves the prime contractor of responsibility for time delays attributed to such dire issues for the benefit of all. Therefore the extension of time, no additional contractor costs due to said delay and no assessment of liquidated damages for the delayed completion of this project water booster pump station portion. Century had aggressively constructed and placed into service in April 2010 the 16-inch water main extension portion of the project.

SUMMARY

A.	Balancing Final Units	(-) \$70,577.67
B.	Previous Change Orders	(+) \$2,288.00
C.	Other Work/Changes	(+) \$18,436.00
	Liquidated Damages	\$0.00
	Change Order No. 3 - Final	(-) \$49,853.67
	Original Contract Amount	\$903,175.00
	Change Order No. 3 - Final	(-) \$49,853.67
	Final Contract Amount	\$853,321.33

II. CHANGE ORDER CONDITIONS

1. All work to be performed under this Change Order shall be carried out in compliance with the Contract Documents included in the preceding description of Change Order Items involved, with the Supplemental Contract Drawings designated as N/A and under the provisions of the Original Contract, including compliance with applicable Specifications for the same type of work.

2. This Change Order, unless otherwise provided herein, does not relieve Contractor from strict compliance with the guarantee provisions of the Original Contract, particularly those pertaining to performance and operation of equipment.

3. Contractor expressly agrees that it will place under coverage of its Performance and Payment Bonds and Contractor's Insurance all work covered by this Change Order.

4. The costs established under this Change Order are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor which may be affected in any manner by the work described herein. Contractor hereby waives all claims, known and unknown, relating in any way to the work, or the time required for performing the work, associated with this Change Order, including, without limitation, claims relating to the impact of this and other Change Orders on unchanged work and the cumulative effect of this and other Change Orders on Contractor's costs and time of performance.

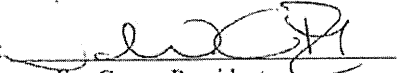
III. ADJUSTMENTS IN AMOUNT OF CONTRACT

Total Original Amount:	<u>\$903,175.00</u>
Amount of this Final Change Order Request:	<u>\$(49,853.67)</u>
Percent of this Final Change Order Request:	<u>(5.37%)</u>
Final Contract Amount including this Change Order:	<u>\$853,321.33</u>

VI. ADJUSTMENTS IN CONTRACT TIME

Original Contract Time:	<u>180</u>	Calendar Days
Net Addition due to previous Change Orders and BOMA action:	<u>76</u>	Calendar Days
Completion Date due to Previous Change Orders:	<u>June 15, 2011</u>	
Current Contractual Completion Date including this Change Order:	<u>September 15, 2011</u>	

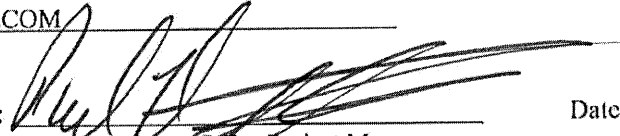
ACCEPTED BY THE CONTRACTOR

By: 
Jim Cross, President

Date: 11.28.11

RECOMMENDED BY:

AECOM

By: 
Paul Stonecipher, P.E., Project Manager

Date: 11/28/11

Title: Associate Vice President

RECOMMENDED BY:

CITY OF FRANKLIN, CITY ENGINEER/CIP EXECUTIVE

By: _____
David Parker, P.E.

Date: _____

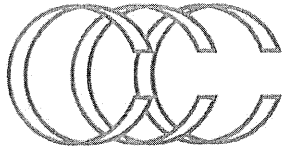
APPROVED BY BOARD OF MAYOR AND ALDERMAN ON: _____

By: _____
Dr. Ken Moore, Mayor

Date: _____

ATTEST:

This the ____ day of _____ 2011.



CENTURY
CONSTRUCTION COMPANY, INC.

TO: Ms. Patricia Proctor

FROM: Berkeley Nance

DATE: April 5, 2011

RE: Change Order #3
Electrical Change order for S.E. Corridor Pump station

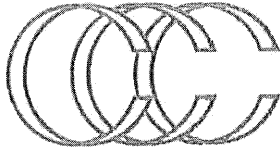
Ms. Proctor:

Below is a description of the items for Change order #3 for the electrical changes for the above reference project:


- 1 – Upgrade to a 300A 277/480V 3 phase generator receptacle for hook up portable generator
- 2 – Upgrade to 400A 277/480V 3 phase WP disconnect fused at 300A
- 3 - Furnish and install CT cabinet
- 4 – 300A 480V 3 phase feeder from building to pad mounted transformer.....\$5,951
- 5 – Run 4” primary conduits per MTEMC standards, including erosion control, seed and straw ditch approximately 200’ @ \$35/lf...\$7,000
- 6 – Install 2 MTEMC pull boxes @ \$1,250/ea
- 7 – Install concrete pad mounted transformer per MTEMC standards.....\$1,500

*We have not included road crossing or ditch to transformer, as that footage was included in original price.

Total of Electrical Changes: \$ 16,951



CENTURY
CONSTRUCTION COMPANY, INC.

TO: Ms. Patricia Proctor
FROM: Berkeley Nance 
DATE: November 9, 2011
RE: Change Order #6
Request for night work

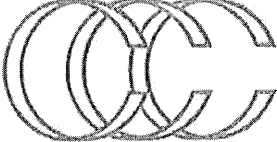
Ms. Proctor:

A request was made for Century Construction Co. to install a 10" Tee in lieu of a tapping sleeve as shown on the contract documents. Due to this request a shut down of the water line could only be done at night.

We request a change order in the amount of

Labor	\$	486
Lights		200
10" tee/acc		456
Dewatering pump		150
Profit/Overhead		193

Total Change \$ 1,485



CENTURY
CONSTRUCTION COMPANY, INC.

November 9, 2011

Ms. Patricia Proctor, P.E.
City of Franklin
109 3rd Avenue South
Franklin, TN 37064

RE: Southeast Corridor Pumpstation Delay

Ms. Proctor:

Century Construction Company, Inc has installed and put into service the 16" water line down Lewisburg Pike as of May 2010.

Century Construction Company, Inc. also completed the exterior construction as well as the electrical portion in preparation for a start up of the pump house as of June 1, 2011. We have been contacting the City specified vendor since March 28, 2011 as to the progress of the station in order to have ample time to meet the June 15, 2011 deadline.

Since the July 11, 2011 start up, there has been little to no contact from the vendor till you set up a meeting to discuss the remaining items.

As was shown in the August 27, 2011 meeting, there was no sense of urgency to complete this project or the restart by the specified vendor.

The specified vendor has been an encumbrance upon CCC due to the lack of responsiveness it has shown as well as to its ultimate customer, the City of Franklin. Century has also endured a hardship due to the lack of an equal to vendor being specified for the project.

Further more, in an effort to save The City money, an alternate price was submitted for approval, which was approximately 30% less than the specified vendor. Ultimately the alternate vendor was determined not to be "an equal," although the vendor claims the opposite.

Century Construction Co. has completed its contract in the time specified and is due no liquidated damages that would burden the company more. The issue at hand is a City-specified vendor relationship. Century Construction Co. acknowledges a punch list and has completed said punch list.

Should you have any questions, please don't hesitate to contact me.

Sincerely yours,

CENTURY CONSTRUCTION CO., INC.

A handwritten signature in black ink, appearing to read 'Berkeley Nance', written over the company name.

Berkeley Nance
Senior Project Manager

cc: Mr. Jim Cross
Mr. Paul Stonecipher
Mr. Paul Holzen



AECOM
220 Athens Way
Suite 200
Nashville, TN 37228
www.aecom.com

615 244 8864 tel
615 244 8760 fax

November 22, 2011

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

**RE: SOUTHEAST CORRIDOR WATER SYSTEM IMPROVEMENTS
COF 2009-0059
CENTURY SUBSTANTIALLY COMPLETE**

Dear Ms. Proctor:

CENTURY Construction Company, Inc. has indicated their construction efforts are substantially complete for the subject project and requested project closure. A final inspection for final project acceptance was requested and to the degree possible due to the 2MG Goose Creek water tank not in operation held September 15, 2011. We concur with the statement and recommend declaration the project is *Substantially Complete* as of September 15, 2011 the date of last corrective actions for the pump station. The 16-inch water main pipe portion of this contract, which is considered 50% of the contract, was put into service in April 2010. The contractor issued a notice of stoppage on April 28, 2011 and requested a time extension of contract. It is recommended that for warranty purposes the commencement dates respectively due to the distinct startup times be as follows per contract terms:

16-inch Water Main along Lewisburg Pike - April 30, 2010
Southeast Water Booster Pump Station - September 15, 2011

In this matter we are preparing the Final Balancing Change Order. The only outstanding item is startup of the booster pumps in the automatic mode of operation which the contractor will do under warranty as soon as the new water tank is put in service. 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. Mark Hilty
Mr. Berkeley Nance, Century

November 28, 2011

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

RE: SOUTHEAST CORRIDOR WATER SYSTEM IMPROVEMENTS
COF 2009-0059
CENTURY CHANGE ORDER NO. 3 FINAL

Dear Ms. Proctor:

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

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xc: Mr. Mark Hilty, COF Water Management Dept.
Mr. Berkeley Nance, Century



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November 22, 2011

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COF 2009-0059
CENTURY SUBSTANTIALLY COMPLETE**

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