

MEMORANDUM

November 22, 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 American Recovery and Reinvestment Act of 2009 (ARRA) Clean Water Projects – Simmons Ridge Sanitary Sewer, Boyd Mill Low pressure Sewer and Country Road Low Pressure Sewer (COF Contract No 2009-0098) For a Decrease in the contract amount of \$56,784.50.

Purpose

The purpose of this memo is to provide the Board of Mayor and Aldermen (BOMA) with information to consider the Final Change Order for the Simmons Ridge Gravity Sanitary Sewer Project, approval of liquidated damages and the close out this contract.

Background

The Board of Mayor and Aldermen (BOMA) approved the construction contract (COF Contract No 2009-0098) with W. L. Hailey & Company, Inc., for the ARRA Clean Water Projects on December 17, 2009. The Boyd Mill Low Pressure Sewer Project and the Country Road Low Pressure Sewer Projects were completed and have been closed out. The Contractor has fulfilled his obligations for the Simmons Ridge Gravity Sanitary Sewer Project and has submitted a final pay request. The main objective of the Simmons Ridge project was to provide sanitary sewer service to the area east of I-65 and south of Highway 96 East with the construction of a 24" gravity sanitary sewer interceptor. The finished project included 3,745 linear feet of 24" diameter HOBAS pipe, 11~5' diameter manholes, one crossing of the Harpeth River and one crossing for the future extension and realignment of South Carothers Road. The total as-built cost of this project is \$1,146,359.50, which is \$56,784.50 less than the previously approved construction contract amount of \$1,203,144.00.

The original completion date for this project was February 15, 2011. Since the start of construction for this project, the contractor has received two time extension approvals and a work stoppage. This extended the final completion date to June 24, 2011. In addition the contractor was granted 10 weather days making the final adjusted completion date July 4, 2011. Testing and Acceptance of the sanitary sewer line was completed on August 12, 2011. Staff is recommending that the City charge Liquidated Damages as provided for in the Contract (Section 00500; Agreement Form; Article 4 – Contract Times; 4.03 Liquidated Damages) for this project at the rate of \$500 per day for 38 days (July 4, 2011 – August 12, 2011) for a total of \$19,000.00 for not completing this project as contracted.



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

Financial Impact

A DEDUCT of \$56,784.50 from the construction contract with W. L. Hailey & Company, Inc. for a final construction contract amount of \$1,146,359.50. The contractor shall pay the City liquidated damages in the amount of \$19,000.00.

Recommendation

Staff recommends approval of the Change Order No 3 (Final) to COF Contract No 2009-0098 to close this project with W. L. Hailey & Company, Inc. with a DEDUCT of \$56,784.50 and approval to charge liquidated damages in the amount of \$19,000.00 for not completing the project within the Contract Time as approved.



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

November 16, 2011

Ms. Patricia Proctor
City of Franklin
109 3rd Avenue South
Franklin, Tennessee 37065

Dallas

Denver

Fort Lauderdale

Re: **ARRA CLEAN WATER PROJECTS – Simmons Ridge Sanitary Sewer, Boyd Mill
Low Pressure Sewer, and Country Road Low Pressure Sewer
Final Pay Estimate
SSR No. 07-41-003.0 / Loan No. CGA 2009-250**

Hernando

Houston

Knoxville

Dear Ms. Proctor:

Memphis

Enclosed, please find the Final Adjusting Change Order that includes the final quantities for the referenced project. Also included are five (5) copies of the final pay request submitted by W.L. Hailey and Company, Inc.

Nashville

The final change order reflects the final measured unit quantities installed on the project and all changes to the contract. The contract amount has decreased approximately \$56,784.50. The final contract amount is now \$1,146,359.50. The contractor has addressed all items identified during the final inspection. We now recommend acceptance of this project. The final amount owed to W.L. Hailey and Company, Inc. is described in more detail in the paragraphs below.

Phoenix

Sarasota

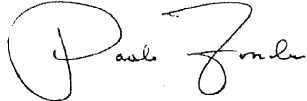
The City of Franklin, Tennessee has the option to assess Liquidated Damages (LD's) accumulated during the construction process. Due to weather and testing issues the completion date was revised to July 4, 2011. Testing was complete on August 12, 2011, approximately 38 days after the final extended completion date. A project timeline is attached for your use. While not obligated to do so, we recommend the City discontinue LD's beginning with the date that the sewer system successfully passed testing procedures. The Standard Agreement Form in the contract states the Contractor shall pay the Owner \$500.00 for each day that expires after the time specified in paragraph 4.02. Based on this recommendation we feel the City of Franklin is entitled to \$19,000.00 in LD's.

The retainage amount is currently being held at \$57,381.96. The City is due a \$1,280.00 credit for three (3) joints of 24" Hobas pipe that was used to repair a damaged section in the line. Deducting LD's and the pipe credit from the retainage leaves \$37,101.96 due to W.L. Hailey and Company, Inc.

Ms. Patricia Proctor
November 16, 2011
Page 2 of 2

Please forward one copy of the Pay Request and Final Change Order to the Contractor, along with your payment. We have retained a copy for our files. If you have any questions regarding the Final Adjusting Change Order, Liquidated Damages, or retainage please call me at (615)460-0543.

Sincerely,
SMITH SECKMAN REID, INC.

A handwritten signature in cursive script that reads "Paolo Fonda". The signature is written in black ink and is positioned above the printed name.

Paolo M. Fonda, P.E.

Attachments

Cc: File (9)

CHANGE ORDER

Final

DATE: November 16, 2011

OWNER: City of Franklin, Tennessee
PROJECT: ARRA Clean Water Projects – Simmons Ridge Sanitary Sewer
LOAN NO.: CGA 2009-250
ENGINEER: Smith Seckman Reid, Inc.
CONTRACTOR: W.L. Hailey & Company, Inc.

Description:

1. Final Balance of Unit Price Items Installed and revised completion date due to weather days and pipe coordination days.

Reason for Change Order:

1. Final Completion of Contract.

Attachments: (List documents supporting change)

1. Excel spreadsheet with final measured unit quantities installed on the project.
2. Correspondence detailing credit for City owned Hobas pipe that was used by W.L. Hailey & Company.
3. Project timeline document.

CHANGE IN CONTRACT PRICE:
Original Contract Price:
\$ 1,183,474.00
Net Increase (Decrease) from Previous Change Orders:
\$ 19,760.00
Contract Price prior to this Change Order:
\$ 1,203,144.00
Net Increase (Decrease) of this Change Order:
(\$ 56,784.50)
Contract Price with all approved Change Orders:
\$ 1,146,359.50

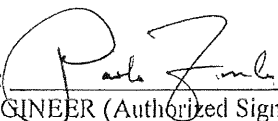
CHANGE IN CONTRACT TIMES:
Notice to Proceed: February 15, 2010
Final Completion: 365 days – February 15, 2011
Ready for Final Payment: 455 days – May 15, 2011
Net Change from Previous Change Orders:
Final Completion: 128 days**
Ready for Final Payment: 128 days**
Contract Times prior to this Change Order:
Final Completion: 494 days – June 24, 2011**
Ready for Final Payment: 584 days – Sept. 22, 2011**
Net Increase (Decrease) this Change Order:
Final Completion: 10 days
Ready for Final Payment: 10 days
Contract Times with all approved Change Orders:
Final Completion: 504 days – July 4, 2011
Ready for Final Payment: 594 days – Oct. 2, 2011

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

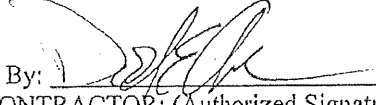
RECOMMENDED:

APPROVED:

ACCEPTED:

By: 
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: 
CONTRACTOR: (Authorized Signature)
Donald E. Ackerman, Bxe VP

DATE: 11/16/2011

DATE: _____

DATE: 11/16/11

****Previous Change Orders included 82 day work stoppage time****

CERTIFICATE OF THE CONTRACTOR OR HIS DULY AUTHORIZED REPRESENTATIVE

To the best of my knowledge and belief, I certify that all items, units quantities, and prices of work and materials shown on the face of Sheet(s) 1 and 2 of this Payment Request Form are correct and all work has been performed and materials supplied in full accordance with the terms and conditions of the corresponding construction contract documents between the undersigned as Contractor and Owner and all authorized changes thereto; that the following is a true and correct statement of the contract amount up to and including the last day of the period covered by this estimate and that no part of the "Total Amount Due" has been received:

Original Contract Amount:	\$1,183,474.00
Plus/Minus Approved Change Orders:	
No. 1 Dated: 08/02/10	\$19,670.00
No. Dated:	
No. Dated:	
No. Dated:	
Contract Amount To Date:	\$1,203,144.00

(a) Amount Earned To Date.....	\$1,146,359.50
Stored Materials.....	\$0.00
Total Amount Earned.....	\$1,146,359.50
(b) Retainage:.....	\$0.00
(c) Total Earned	\$1,146,359.50
(d) Less Total Previously Approved For Payment & Escrow Deposits....	\$1,090,257.52
(e) Liquidated Damages.....	\$0.00
(f) Bonus For Early Completion.....	\$0.00
(g) TOTAL AMOUNT DUE THIS ESTIMATE.....	\$56,101.98

I further certify that all claims outstanding as of this date against the undersigned as Contractor for labor, materials, and expendable equipment employed in the performance of said contract up to this date have been paid in full accordance with requirements of said contract

Project Name: ARRA Projects- Simmons Ridge Sanitary Sewer, Boyd Mill Pressure Sewer, Country Road Low Pressure Sewer
WLH Job #0945

Payment Request No. 12-FINAL Rain days this month: 0

Period Covered: From: 26-Aug-11 To 16-Nov-11

CONTRACTOR: W.L. Hailey and Company, Inc. By: Jeramie White Title: Project Engineer Date: 11-16-11

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the TOTAL AMOUNT DUE THIS ESTIMATE.

ENGINEER: Smith Seckman Reid, Inc By: [Signature] Title: _____ Date: 11/16/2011

OWNER'S RECOMMENDATION FOR PAYMENT

OWNER: _____ City of Franklin By: _____ Title: _____ Date: _____

JOB NAME: ARRA Projects- Simmons Ridge Sanitary Sewer, Boyd Mill Pressure Sewer, Country Road Low Pressure Sewer

CONTRACTOR: W.L. Hailey and Company, Inc.
P.O. Box 40646
Nashville, TN 37204

PAY ESTIMATE NO. 12-FINAL
FOR PERIOD FROM 26-Aug-11 TO 16-Nov-11

ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	UNIT	UNIT PRICE	CONTRACT AMOUNT	APPROVED QUANTITIES		CURRENT AMOUNT	AMOUNT TO DATE
						CURRENT	PREVIOUS		
1	24" Dia. Hobas Gravity Sewer	3,795	LF	\$175.00	\$664,125.00	0.0	3,745.0	\$0.00	\$655,375.00
2	River Crossing- Sta. 23+75 to 25+25	1	LS	\$35,000.00	\$35,000.00	0.0	1.0	\$0.00	\$35,000.00
3	50' LF Rd. Crossing 24" Sewer in 42" Casing Pipe	1	LS	\$20,000.00	\$20,000.00	0.0	0.0	\$0.00	\$0.00
4	42" Steel Casing Pipe	140	LF	\$250.00	\$35,000.00	0.0	140.0	\$0.00	\$35,000.00
5	5' Dia. MH 0'-5' Cut	12	EA	\$2,000.00	\$24,000.00	0.0	11.0	\$0.00	\$22,000.00
6	Additional Manhole Sidewall	186	VF	\$175.00	\$32,550.00	0.0	172.5	\$0.00	\$30,187.50
7	Extra for Watertight MH F&C	12	EA	\$500.00	\$6,000.00	0.0	11.0	\$0.00	\$5,500.00
8	Manhole Vent assembly	2	EA	\$2,500.00	\$5,000.00	0.0	2.0	\$0.00	\$5,000.00
9	Rip-Rap Erosion Protection	5	TN	\$33.00	\$165.00	0.0	0.0	\$0.00	\$0.00
10	Temporary Construction Fencing	3,260	LF	\$1.50	\$4,890.00	0.0	1,600.0	\$0.00	\$2,400.00
11	Overdepth Excavation and Backfill with Crushed Stone	10	CY	\$7.40	\$74.00	0.0	0.0	\$0.00	\$0.00
12	Crushed Stone Place as directed	10	TN	\$15.00	\$150.00	0.0	0.0	\$0.00	\$0.00
13	Concrete Check Dam	12	EA	\$200.00	\$2,400.00	0.0	4.0	\$0.00	\$800.00
14	Connection to Existing 24" Diam Sewer	1	EA	\$3,230.00	\$3,230.00	0.0	1.0	\$0.00	\$3,230.00
15	Erosion Control	1	LS	\$30,000.00	\$30,000.00	0.0	1.0	\$0.00	\$30,000.00
16	Streambank Stabilization Allowance	1	EA	\$5,000.00	\$5,000.00	0.0	0.0	\$0.00	\$0.00
C.O. #1	Additional Steel Casing	1	LS	\$19,670.00	\$19,670.00	0.0	1.0	\$0.00	\$19,670.00
	Vent Pipe Check Valves	2	EA	\$800.00	\$1,600.00	2.0	0.0	\$1,600.00	\$1,600.00
	24" Hobas Pipe- Supplied By City of Franklin	0	EA	\$960.00	\$960.00	(3.0)	0.0	(\$2,880.00)	(\$2,880.00)
	Boyd Mill Low Pressure Sewer								
1	2" PVC Low Pressure Collection Line (OR)	1,660	LF	\$25.00	\$41,500.00	0.0	1,418.0	\$0.00	\$35,450.00
2	2" PVC Low Pressure Collection Line (IR)	1,935	LF	\$25.00	\$48,375.00	0.0	2,610.0	\$0.00	\$65,250.00
3	1-1/4" PVC Service Piping (IR)	470	LF	\$7,050.00	\$3,303,750.00	0.0	650.0	\$0.00	\$4,650.00
4	1-1/4" PVC Service Piping (OR)	1,040	LF	\$15.00	\$15,600.00	0.0	185.0	\$0.00	\$2,775.00
5	Air Release Valve w/ Box	1	EA	\$1,500.00	\$1,500.00	0.0	1.0	\$0.00	\$1,500.00
6	2" Ball Valve w/Box w/Cleanout	4	EA	\$500.00	\$2,000.00	0.0	4.0	\$0.00	\$2,000.00
7	End of Line Flushing Assemblies	3	EA	\$300.00	\$900.00	0.0	2.0	\$0.00	\$600.00
8	Service Line Connection Assemblies at Property Line	28	EA	\$200.00	\$5,600.00	0.0	30.0	\$0.00	\$6,000.00
9	Pavement Repair Patching for Low Pressure Trench	2,405	LF	\$18.00	\$43,290.00	0.0	2,939.0	\$0.00	\$52,902.00
10	Connection to Existing Manhole	1	EA	\$2,000.00	\$2,000.00	0.0	1.0	\$0.00	\$2,000.00
11	Class B Concrete as Directed by Engineer	10	CY	\$100.00	\$1,000.00	0.0	0.0	\$0.00	\$0.00
12	Erosion Control	1	LS	\$15,000.00	\$15,000.00	0.0	1.0	\$0.00	\$15,000.00
13	Misc. Sewer Allowance	1	LS	\$10,000.00	\$10,000.00	0.0	0.0	\$0.00	\$0.00
	Country Road								
1	2" PVC Low Pressure Collection Line (IR)	1,740	LF	\$25.00	\$43,500.00	0.0	1,840.0	\$0.00	\$46,000.00
2	2" PVC Low Pressure Collection Line Creek Crossing	1	LS	\$300.00	\$300.00	0.0	1.0	\$0.00	\$300.00
3	2" PVC Low Pressure Collection Line (OR)	65	LF	\$1,625.00	\$1,056,250.00	0.0	0.0	\$0.00	\$0.00
4	1-1/4" PVC Service Piping (IR)	130	LF	\$25.00	\$3,250.00	0.0	130.0	\$0.00	\$2,600.00
5	1-1/4" PVC Service Piping (OR)	110	LF	\$20.00	\$2,200.00	0.0	135.0	\$0.00	\$2,700.00
6	Air Release Valve w/ Box	1	EA	\$1,500.00	\$1,500.00	0.0	1.0	\$0.00	\$1,500.00
7	2" Ball Valve w/Box w/Cleanout	1	EA	\$500.00	\$500.00	0.0	1.0	\$0.00	\$500.00
8	End of Line Flushing Assemblies	1	EA	\$1,000.00	\$1,000.00	0.0	1.0	\$0.00	\$1,000.00
9	Pavement Repair Patching for Low Pressure Trench	1,870	LF	\$25.00	\$46,750.00	0.0	1,970.0	\$0.00	\$49,250.00
10	Service Line Connection Assemblies at Property Line	8	EA	\$200.00	\$1,600.00	0.0	8.0	\$0.00	\$1,600.00
11	Connection to Existing Manhole	1	EA	\$1,500.00	\$1,500.00	0.0	1.0	\$0.00	\$1,500.00
12	Class B Concrete as Directed by Engineer	10	CY	\$100.00	\$1,000.00	0.0	3.0	\$0.00	\$300.00
13	Erosion Control	1	LS	\$3,000.00	\$3,000.00	0.0	1.0	\$0.00	\$3,000.00
14	Misc. Sewer Allowance	1	LS	\$10,000.00	\$10,000.00	0.0	0.0	\$0.00	\$0.00
					\$1,205,704.00			(\$1,280.00)	\$1,146,359.50

**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
REPORTING INFORMATION SHEET for the
Contractor**

Please submit the following information with each Request for Disbursement.

This sheet is protected so that you can tab between the highlighted cells that need information.

Project Title: ARRA Clean Water Projects

State Revolving Fund Loan Program's Project Number: CGA 2009-250

Pay Estimate No. 12

Reporting Period- From/To: 8/26/2011 11/16/2011

- | | | |
|-------|---|--|
| 1. | Prime Contractor's Name | <u>W.L. Hailey &
Company, Inc.</u> |
| 2. | Prime Contractor's 9-digit DUNS number | <u>005774617</u> |
| 3. a. | Prime Contractor and all subs - Total job hours created or retained for the time period included in this Request. | <u>0</u> hours |
| 3. b. | Total standard hours for a full-time schedule during the time period (8 hrs/day or 40 hrs/wk)
Example: If a pay estimate or Request for Disbursement includes 4 weeks and 2 days, the total number of standard hours for a full-time schedule during the time period would be 176 hours : 40 hrs per week x 4 weeks plus 2 full days x 8 hrs per day = 160+16 hours | <u>176</u> Standard hours
for a full-time
schedule |
| 3. c. | Prime Contractor and all subs - Jobs created or retained as "full time equivalent" employees (FTEs) = 3.a./3.b. | <u>0.00</u> FTEs |
| 4. | Prime Contractor and all subs - Total payroll of job hours created or retained for the time period included in this Request. | \$ <u>-</u> Payroll in \$ |
| 5. | For this contract, are any Buy American Waiver's, including a National Waiver, applicable? If yes, please submit a copy with this sheet. | <u>Yes</u> |

Wage Rate Certification Statement:

I do hereby state that any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates contained therein are not less than the applicable Davis-Bacon wage rates contained in any wage determination incorporated into the contract; and that the classifications set forth therein conform with the work performed.

Jeramie White, Project Manager

W.L. Hailey & Company, Inc.

Jeramie White, Project Manager
Printed Name of Company's Authorized Representative and Title

Printed Name of Company

Jeramie White
Signature

11-16-11
Date

Paolo Fonda

From: Jeramie White [JWhite@wlhailey.com]
Sent: Tuesday, November 08, 2011 2:49 PM
To: Paolo Fonda
Cc: David Boyd
Subject: RE: ARRA Sewer Projects/Simmons Ridge

Yes, this matches my records as well.

Jeramie White #39121379

From: Paolo Fonda [mailto:pfonda@ssr-inc.com]
Sent: Tuesday, November 08, 2011 2:46 PM
To: Jeramie White
Cc: David Boyd
Subject: RE: ARRA Sewer Projects/Simmons Ridge

Based on my records I show the total cost per 20' joint of 24" Hobas 46SN pipe to be \$960.00. Hailey used three (3) joints or \$2,880.00. Two (2) sewer vent check valves were installed for \$800.00/each or \$1,600.00. That leaves a difference of \$1,280.00. Is this accurate to you?

Regards,

Paolo

Paolo M. Fonda, P.E.
Civil Group
Smith Seckman Reid, Inc.
Cell: (615)429-2244
Direct: (615)460-0543
Fax: (615)386-8469
<http://www.ssr-inc.com>



Please do not print this e-mail unless necessary

Notice: This message is confidential, is intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you received this message and are not an intended recipient, please delete it from your computer.

From: Jeramie White [mailto:JWhite@wlhailey.com]
Sent: Tuesday, November 08, 2011 1:06 PM
To: Paolo Fonda
Cc: David Boyd
Subject: RE: ARRA Sewer Projects/Simmons Ridge

Paulo,

That is correct. I agree that is the only outstanding item.

Jeramie White #39121379


From: Paolo Fonda [mailto:pfonda@ssr-inc.com]
Sent: Monday, November 07, 2011 4:17 PM
To: Jeramie White
Subject: ARRA Sewer Projects/Simmons Ridge

Jeramie,

I would like to submit the final change order for your review and approval. I can only think of 1 outstanding item – the vent check valves that were installed. I know we agreed this would be done for a price of \$800/each. As discussed this cost would be subtracted from the price of the pipe that the City of Franklin supplied to Hailey. I believe the City supplied three (3) joints of 24” Hobas pipe. Is that correct?

Regards,
Paolo

Paolo M. Fonda, P.E.
Civil Group
Smith Seckman Reid, Inc.
Cell: (615)429-2244
Direct: (615)460-0543
Fax: (615)386-8469
<http://www.ssr-inc.com>

 Please do not print this e-mail unless necessary

Notice: This message is confidential, is intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you received this message and are not an intended recipient, please delete it from your computer.
