



HISTORIC
FRANKLIN
TENNESSEE

ITEM #6
CIC
02-09-12

MEMORANDUM

January 31, 2012

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
David Parker, P.E., CIP Executive/City Engineer
Paul Holzen, P.E., Director of Engineering
Dan Allen, P.E., Assistant Director of Engineering
Tom Ingram, P.E., Engineering Supervisor
Jonathan Marston, P.E., Staff Engineer 2

SUBJECT: Consideration of Change Order No 6 with the Parkes Companies, Inc. for the McEwen Drive Phase III Project (COF Contract No. 2011-0003) for a time only extension

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. 6 for the McEwen Drive Phase 3 Project.

Background

The BOMA approved the construction contract for the above referenced project with The Parkes Companies, Inc. on January 13, 2011 in the amount of \$7,199,484.05. The Notice to Proceed was issued on February 15, 2011 with a substantial completion date of February 15, 2012. To date, \$86,645.20 in change orders have been approved for this project, bringing the total contract amount to \$7,286,129.25.

From the beginning of the project, the scheduled completion date of February 15, 2012 presented a unique challenge to the project team. This project is constructed in accordance with City of Franklin and Tennessee Department of Transportation (TDOT) specifications. *TDOT Standard Specifications for Road and Bridge Construction* state: "No bituminous plant mix, with a compacted thickness of 1.5 in. (40 mm) or less, shall be placed between November 30 and April 1." In other words: no asphalt surface mix allowed during winter months. The contractor has worked diligently, throughout the project with this fact in mind. However, the contractor was unable to place the surface course of asphalt, before the plants closed for the season. After discussions with the project team, including the prime contractor and the paving subcontractor, it is in the best interest of the City to place the asphalt surface mix and final pavement markings during standard paving season. As previously stated, standard paving season begins April 1, 2012. The contractor has assured the City, that if weather permits, paving will commence at an earlier date.

Change Order No. 6 involves a time extension of 76 days to the contract with The Parkes Companies, Inc. This will extend the substantial completion date of the asphalt surface mix and final pavement markings to April 30, 2012. All other items that are not contingent upon the placement of this mix shall be completed on or before February 15, 2012.

Financial Impact

None.

Recommendation

Staff recommends approval of Change Order No. 6 with Parkes Companies, Inc. for a 76 day time extension to the McEwen Drive Phase 3 Project construction contract (new contract time of 441 calendar days).

Supplemental Agreement and/or Request for Construction Change
Change Order No. 06

City of Franklin
Engineering Office
109 Third Avenue South
Franklin, TN, 37064

Contract No. PIN107520.00
Project No. 94LPD1-S3-004
Reference No. N/A
County: Williamson

Whereas, we **The Parkes Companies, Inc.**, with **Fidelity and Deposit Company of Maryland**, as Surety, entered into a contract with the CITY OF FRANKLIN, on **January 13, 2011**, for the construction by said Contractor of the above designated contract; and *Whereas*, certain items of construction encountered are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the City at the prices scheduled therefore below:

The purpose of this Change Order is to extend the days for project completion.

It is agreed to extend the days for substantial completion and Final payment as found in, Article 4 – Contract times of the contract. Subsection 4.02 of this section states, "The work will be substantially completed on or before 365 calendar days from notice to proceed, (February 15, 2011), and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions on or before 395 calendar days from the notice to proceed." This agreement extends the work to be substantially completed on or before **441 calendar days** from notice to proceed, and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions on or before **471 calendar days** from the notice to proceed. The original contract substantial completion ended on Feb. 15, 2012 and with this time extension this date is April 30, 2012.

It is agreed by all parties that according to the TDOT specifications there are weather limitations governing the placement of asphalt materials. The specifications state that, "No bituminous plant mix, with a compacted thickness of 1.5 in. (40 mm) or less, shall be placed between November 30 and April 1." The contractor has been on schedule throughout the life of the project, but due to the limitations of these specifications the asphalt surface mix, and items that are to be installed after the placement of this mix will not be completed until after April 1. All other items that are not contingent to the placement of this mix shall be completed on or before Feb. 15, 2012.

No Changes to contract items.

Project Documents supporting this change order are available upon request.

Item Number	Description	Unit	Original Quantities	Revised Quantities	Over + Under -	Contract Price	Net Amount Due Change
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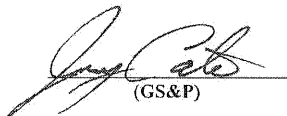
NO CHANGES TO CONTRACT ITEMS

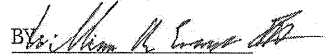
Contract Amount	\$7,199,484.05	Changes This Request	\$ 0.00
		Previous Changes	\$ 86,645.20
		Changes to Date	\$ 86,645.20

Now, Therefore, We, **The Parkes Companies, Inc.** Contractors, and **Fidelity and Deposit Company of Maryland**, Surety, hereby agree to this Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except insofar as specifically modified by this Supplemental Agreement.

Date Approved: _____

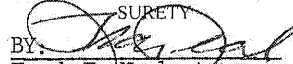
RECOMMENDED FOR APPROVAL BY GRESHAM, SMITH AND PARTNERS:


(GS&P)

THE PARKES COMPANIES, INC.
BY: 
CONTRACTOR

APPROVED BY:

(City of Franklin)

FIDELITY AND DEPOSIT
COMPANY OF MARYLAND
SURETY
BY: 
Frank E. Neal, Attorney-in-Fact