

Mayor and Council Communication

DATE: 09/13/22

M&C FILE NUMBER: M&C 22-0690

LOG NAME: 20KROGER DRIVE PHASE 2 CHANGE ORDER 4

SUBJECT

(CD 4) Authorize Execution of Change Order Number 4 in the Amount of \$57,493.42 to the Contract with Reliable Paving, Inc., for Construction of Paving, Drainage and Traffic Signal Improvements for Kroger Drive Phase II From Ray White to Park Vista Circle for a Revised Contract Amount of \$3,577,354.67 (2018 Bond Program)

RECOMMENDATION:

It is recommended that the City Council authorize execution of Change Order Number 4 in the amount of \$57,493.92 City Secretary Contract Number 55427 with Reliable Paving, Inc., for construction of paving, drainage, and traffic signal improvements for Kroger Drive Phase II from Ray White to Park Vista Circle for a revised contract amount of \$3,577,354.67 (City Project No. 101015).

DISCUSSION:

On March 2, 2021, Mayor and Council Communication (M&C) 21-0147, the City Council authorized a contract with Reliable Paving, Inc. in the amount of \$3,211,162.73 for construction of paving, drainage and traffic signal improvements for Kroger Drive Phase II from Ray White to Park Vista Circle (City Project No. 101015). The contract was subsequently revised by Change Orders No. 1, 2, and 3.

Change Order No. 1 in the amount of \$78,060.85 administratively authorized August 6, 2021 that provided for black powder coating of the proposed traffic signals and street lights, and boring of the electrical conduit across Kroger Drive rather than installing it by open cut.

Change Order No. 2 in the amount of \$154,656.61, Mayor and Council Communication (M&C) 21-0848, authorized 11/9/2021 that provided for changes in the type of upgraded traffic signal detection equipment, decreasing the amount of pedestrian rail required for the project. Change Order No. 2 also provided 50 additional calendar days due to delays associated with review and approval to incorporate the revisions.

Change Order No. 3 in the amount of \$75,981.06 administratively authorized March 25, 2022 that provided for relocation of 8" water main to clear a proposed culvert extension, and cost for installing electrical power supply.

Change Order No. 4 provides changes to replace existing underlying pavement due to pavement failure encountered upon removal of surface; increasing embankment, sod, and topsoil due to sidewalk shifts to avoid utility conflicts as well as underestimated plan quantities; adding pedestrian push button to meet ADA requirements due to signal pole incorrect plan dimension; adding edge of pavement striping not deemed necessary previously. Change Order 4 also provides two additional calendar days due to the added work for the embankment, topsoil, and sod. Staff intends to pursue reimbursement by engineer for cost due to design errors.

This project is included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018) and subsequent actions taken by the Mayor and Council.

Funding is budgeted in the TPW Dept Highway & Streets Department's 2018 Bond Program Fund for the purpose of funding the Basswood @US 377 & Kroger @377 project, as appropriated.

Reliable Paving, Inc. agrees to maintain its initial M/WBE commitment of 17% that it made on the original contract and extend and maintain that same M/WBE commitment of 17% to all prior change orders up to and inclusive of this Change Order No. 4. Therefore Reliable Paving, Inc. remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

This project is located in COUNCIL DISTRICT 4.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2018 Bond Program Fund for the Basswood @US 377 & Kroger @377 project to support the approval of the above recommendation and execution of the change order. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

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