

# Mayor and Council Communication

**DATE:** 04/26/22

**M&C FILE NUMBER:** M&C 22-0326

**LOG NAME:** 80LAKE COMO/OAKLAND PARK DAM CONSTRUCTION CHANGE ORDER 1

## **SUBJECT**

(CD 3 and CD 8) Authorize Execution of Change Order No. 1, in the Amount of \$369,982.50, with The Fain Group, Inc., for the Lake Como and Oakland Lake Dam Improvements Project, Increasing the Contract Amount to \$1,958,246.50 to Provide for Additional Scope of Work, Adopt the Attached Appropriation Ordinance, and Amend the Fiscal Years 2022-2026 Capital Improvement (2018 Bond Program)

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize Execution of Change Order No. 1, in the amount of \$369,982.50, to City Secretary Contract No. 56515, a Construction Contract with The Fain Group, Inc., increasing the construction contract amount to \$1,958,246.50 and adding 90 days to the contract time;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations from the Park Dedication Fees Fund in the amount of \$330,000.00, from available funds, for the purpose of funding the Oakland Lake Park Dam project (City Project No. 101875); and
3. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

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## **DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of Change Order No. 1, in the amount of \$369,982.50 to City Secretary Contract No. 56515, a Construction Contract with The Fain Group, Inc., increasing the contract amount to \$1,958,246.50, and to appropriate \$330,000.00 in Park Dedication Fees.

Funding for the difference of \$39,982.50 between the change order amount and the appropriation amount is available in the base project budget.

On August 10, 2021, City Council authorized the execution of a construction contract with the Fain Group, Inc., in the amount of \$1,588,264.00 for construction of dam improvements at Lake Como Park and Oakland Lake Park (M&C 21-0561). After the award of construction it was determined that the design of the spillway wier and the elevation of the Oakland Lake dam embankment had to be modified in order to prevent flooding downstream.

Construction of the Como/Oakland Lake Park Dam improvements began in December 2021 and is scheduled to be completed in August 2022. The additional scope of work will increase in the contract time from 240 calendar days to 350 calendar days.

Funding for this project was not included in the Fiscal Years 2022-2026 Capital Improvement Program (CIP) due to new charges being incurred after the CIP was adopted. The action in this M&C will amend the FY2022-2026 CIP as approved in connection with Ordinance 25073-09-2021.

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.

The Fain Group, Inc. agrees to maintain its initial M/WBE commitment of 15% that it made on the original contract and extend and maintain that same M/WBE commitment of 15% to this first change order. Therefore The Fain Group, Inc. remains in compliance with the City's Business Equity 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.

Lake Como Park is located in COUNCIL DISTRICT 3.

Oakland Lake Park is located in COUNCIL DISTRICT 8.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified projects within the PARD Dedication Fees Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the PARD Dedication Fees Fund for the Oakland Lake Park Dam project to support the approval of the above recommendations and execution of the change order. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility of verifying the availability of funds.

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