

City of Fresno

CAPITAL PROJECTS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

747 R Street, 2nd Floor

Fresno, CA 93721

CONTRACT CHANGE ORDER NO. 2

CONTRACT AWARDED BY: CITY COUNCIL REDEVELOPMENT AGENCY INFORMAL

DATE OF AWARD Feb 1, 2024

PROJECT: Sewer Rehab Improvements in the area bound by Shields, Dakota, Fruit and Palm Avenues SHEET 1 of 1

BID FILE NO. 12302877

CONTRACT: 32400459 PROJECT I.D. RC00177 FEDERAL PROJ. ID. N/A

CONTRACTOR/ADDRESS: Emmett's Excavation, Inc.; 1477 Menlo Ave, Clovis CA 93611

EMAIL: emmetts@eei78.com

You are hereby requested to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract.

NOTE: THIS CHANGE IS NOT EFFECTIVE UNTIL FULLY EXECUTED. Change requested by: CITY OF FRESNO

Description:

I. CHANGES TO CONTRACT PLANS AND SPECIFICATIONS

- A. Pursuant to the City's review of the contractor's Time Impact Analysis dated October 10, 2025, Liquidated Damages are reduced from \$153,000 (153 calendar days) to \$30,000 (30 calendar days), resulting in the release of \$123,000 (123 calendar days) previously withheld to Emmett's Excavation Inc.
- No Change in Contract Price..... \$ -

Contractor's Time Impact Analysis dated October 10, 2025, and City's Analysis are attached hereto and incorporated by reference.

II. CONTRACT PRICE

Change to Contract Price shall include all costs for above noted work and shall be considered full compensation for all material, equipment, labor, applicable mark-up and overhead. All work noted above to be performed in accordance with the pertinent Specifications.

No Change in Contract Price..... \$ -

III. CONTRACT TIME

Change In Contract Time..... 123 Days

Cost of this Change Order			STATEMENT OF CONTRACT TIME		
Estimated	\$ -	Increase		NUMBER	DATE
Exact	\$ -	Decrease		OF DAYS	
Original Contract Price	\$ 5,077,159.00		Date of Notice to Proceed		May 6, 2024
Approved Cost Changes to Date	\$ 100,000.00		Contract X Working Calendar Days	135	
Total of all Contract Changes including this Change Order	\$ 100,000.00		Computed Date for Completion		Nov 14, 2024
Net change in Contract Price is of the original Contract Price	2.0%		Time extension days this CCO	123	
			Total time extension days all CCO's	0	
			Weather Days through 11-20-2025	1	
			Suspended Days through 11-20-2025	0	
			Extended Date for Completion		May 14, 2025
Revised Contract Price	\$ 5,177,159.00		Substantial Completion		Apr 4, 2025

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the price shown above.

Accepted Date 11/21/2025 Contractor: Emmett's Excavation, Inc.

Signed By: David Walsh Title: General Manager

If the contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work.

Submitted By: Fil Duarte Inspector Approved Recommended: Kelly Host Instruction Manager Date 11/21/2025

Authorized: Chief Administrative Officer (if change orders or total of change orders exceed 5% of contract price) Date

Authorized: City Council Minutes of Meeting Dated: (if change order or total change orders exceed 10% of contract price or if change order exceeds Fresno City Charter limit or Section 33422 Health and Safety Code for Agency contracts.)

Approved: Capital Projects Assistant Director Date 11/24/2025

Approved: Capital Projects Director Date

Cc: Project Manager, Sarah Aguila
Senior Inspector, Robert D. Cron Sr.
Chief Inspector, Darden Roche



Emmett's Excavation Inc.

1477 Menlo Ave. Clovis, 93611
Tel: (559) 347-9188 Fax: (559) 348-9272
California License # 579845

10/10/25

City of Fresno
Construction Management

Attn: Darden Roche

This letter is in regards to the liquidated damages that have been assessed to the City of Fresno Shields Ave Sewer Rehabilitation Project. Emmett Excavation has been a long-standing contractor/partner with the City of Fresno for over 30 years and has always worked diligently to complete projects on time or ahead of schedule with workmanship and quality with minimal change orders. As you are aware these lining projects seem to have delays in video acceptance, review, and additional point repairs. The computed completion date for this project was 11/14/24, however Emmett's was still receiving information for additional point repairs, relocation of existing water mains well after the computed completion date. The majority of these LD's are due to video formatting and acceptance. Emmetts excavation worked diligently to complete the work and was always responsive to the city's request. We can agree that our subcontractor did have issues with the formatting of the videos, however their quality of work was by far the best we have seen from a lining contractor thus far. Once the final punch list was issued Emmetts and South West pipe made it a priority to get it completed in a timely manner. As you are aware this is the Emmett's final project since they have retired and we would like it to end on a positive note. Please take into consideration their long-standing partnership with the City.

Thank you,
Jerry Montgomery
Project Manager





Emmett's Excavation Inc.

1477 Menlo Ave. Clovis, 93611
Tel: (559) 347-9188 Fax: (559) 348-9272
California License # 579845

Issues that caused delays

- Bypass plan, submitted multiple times 22-22.3 first submitted on 4/4/24 last submittal 10/18/24 approved on 11/08/24
- RFI No. 6 started on 6/24/24 turned into RFI No. 11, received final response on 11/19/24
- Pre videos, went back and forth multiple times and calls. First submittal 5/31/24 Final submittal 8/01/24 response 9/04/24
- Submittals 47-50 point repairs submitted on 10/18/24 response 11/21/24
- Post video submittal No. 51 submitted on 1/13/25 response 3/13/25 Resubmit
- Point repairs that were deleted on the revised set of plans were added back in after the videos were reviewed.
- Additional point repairs were added after videos were accepted, 11/21/24

As you can see there was point repairs that were added and a water line that was in conflict that caused delays to the project finishing. Also as stated the Videos caused a significant delay in completing the project.

Please call me if you would like to further discuss this issue, 559-994-4502



Emmetts Excavation

From: Emmetts Excavation
Sent: Thursday, July 17, 2025 2:32 PM
To: 'Victor Ycong'
Cc: Filiberto Duarte; Kelly Yost; David Boogaard; Sarah Aguila; Darden Roche; Robert Cron
Subject: RE: RC00177 Sewer Rehabilitation Improvements - Notification of Contract Time Reinstatement
Attachments: RC00177 Sewer Rehab Improve in the Area bound by Shields, Dakota, Fruit and Palm Aves.pdf



Victor,

Attached is the punch list that we received and this has been completed. We just received the Snapshots on July 9th that we have been requesting for months and the punch list for manholes on July 11th. We have forwarded all documentation to our subcontractor the same days that we receive them and they are working on a schedule, now that we have the information from the City. I will provide a schedule to CM once I have received it from South West Pipe.

Jerry

From: Victor Ycong <Victor.Ycong@fresno.gov>
Sent: Thursday, July 17, 2025 1:30 PM
To: Emmetts Excavation <emmetts@eei78.com>
Cc: Filiberto Duarte <Filiberto.Duarte@fresno.gov>; Kelly Yost <Kelly.Yost@fresno.gov>; David Boogaard <David.Boogaard@fresno.gov>; Sarah Aguila <Sarah.Aguila@fresno.gov>; Darden Roche <Darden.Roche@fresno.gov>; Robert Cron <Robert.Cron@fresno.gov>
Subject: RC00177 Sewer Rehabilitation Improvements - Notification of Contract Time Reinstatement

Hello,

Attached please find Notification of Contract Time Reinstatement correspondence to Emmett's Excavation, Inc. for RC00177 Sewer Rehabilitation Improvements In The Area Bound By Shields, Dakota, Fruit, and Palm Avenues.

If you have any questions, please contact your Project Inspector.

Best regards,

Victor Ycong
Staff Assistant
Capital Projects Department
747 "R" Street, 2nd Floor
Fresno, CA 93721
(559) 621-5622 Direct Line

Emmetts Excavation

From: Emmetts Excavation
Sent: Thursday, September 12, 2024 10:44 AM
To: Filiberto Duarte; Darden Roche; Robert Cron
Cc: Rob Bolger
Subject: RE: Shields Sewer Rehab Submittal No. 35

Fil,
Do we have any movement on getting the videos / point repairs back from DPU? We really need to get the lining started and our Sub is sitting in limbo.

Thank you,
Jerry Montgomery
Project manager
EMMETT'S EXCAVATION, INC.
Ph. 559-347-9188
Fx. 559-348-9272
Cell. 559-994-4502
Email. emmetts@eei78.com



Since 1978 - Lic A#579845 - DIR# 1000005267

From: Emmetts Excavation
Sent: Monday, September 9, 2024 12:00 PM
To: Filiberto Duarte <Filiberto.Duarte@fresno.gov>; 'Darden Roche' <Darden.Roche@fresno.gov>; 'Robert Cron' <Robert.Cron@fresno.gov>
Cc: 'Rob Bolger' <rbolger@swpipeline.com>
Subject: FW: Shields Sewer Rehab Submittal No. 35

Fil,
See email below and attached. Please let me know as soon as you can on the comments that we have not received.

Thank you,
Jerry Montgomery
Project manager
EMMETT'S EXCAVATION, INC.
Ph. 559-347-9188
Fx. 559-348-9272
Cell. 559-994-4502
Email. emmetts@eei78.com



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9/17/24 Response

From: Rob Bolger <rbolger@swpipeline.com>
Sent: Friday, September 6, 2024 2:33 PM
To: Emmetts Excavation <emmetts@eei78.com>
Subject: RE: Shields Sewer Rehab Submittal No. 35

Hi Jerry,

Attached is the spreadsheet and I added a column for New comments 7 other segments. Red means repair work needed. Without hearing back by now from City I'm assuming Wednesday/Thursday is a No Go for lining? I'm scheduled for Monday/Tuesday.

Thanks,
Rob Bolger



22118 S. Vermont Ave.
Torrance, CA 90502
310-329-8717 x 103
Rbolger@swpipeline.com

From: Emmetts Excavation <emmetts@eei78.com>
Sent: Thursday, September 5, 2024 9:05 AM
To: Rob Bolger <rbolger@swpipeline.com>
Subject: RE: Shields Sewer Rehab Submittal No. 35

Just cc'd you in an email to the city.

Thank you,
Jerry Montgomery
Project manager
EMMETT'S EXCAVATION, INC.
Ph. 559-347-9188
Fx. 559-348-9272
Cell. 559-994-4502
Email. emmetts@eei78.com



Since 1978 - Lic A#579845 - DIR# 1000005267

From: Rob Bolger <rbolger@swpipeline.com>
Sent: Thursday, September 5, 2024 8:55 AM
To: Emmetts Excavation <emmetts@eei78.com>
Subject: RE: Shields Sewer Rehab Submittal No. 35

Thank you Jerry.

Did they ever comment back on all of my comments from 8/1, or just the lining scheduled for this week?

Thanks,
Rob Bolger

Pre Video Issues: Yes, there was much back and forth on formatting and getting the City the correct format.

5/31/24- Initial CCTV Submittal

6/11/24- Notice from City that DPU could not import files.

7/1/24- Resubmitted videos after discussion with City. Submitted in Database per specification.

7/18/24- Emmett's asked if City had reviewed.

7/18/24- City provides response to submittal 31.2. City claiming import issues, and requesting a single database, but we submitted per spec on 7/1.

8/1/24- CCTV resubmitted to City.

8/1/24- SW provides comments, recommendations for segments.

8/7/24- City returns CCTV submittal.

8/13/24-Justin Duchaineau, SW, spoke with Art, Fresno, and City was going to review the videos.

8/23/24- 4 segment schedule approved

9/6/24 to 9/10- Southwest lines 4 segments approved

9/5/24- Emmett's asks City if City going to be responding to comments from SW sent 8/1/24.

9/7/24- SW remaining comments on 7 segments sent. At this point only 4 segments had been responded to.

Southwest waiting for response to comments/recommendations on remaining segments.

9/17/24- Received comments back from City.

9/23/24- SW began Top Hats on the 4 segments that were lined.

From 7/1, when Southwest submitted in Database until 8/23 is 53 calendar days. And this was just for 4 segments. 9/17 when total reviews from city received is an additional 25 calendar days.

Southwest's last day on the project was 3/6/25, so we are unsure of why 4/4/25 is the substantial completion.

The doubling of called out Point Repairs, and then also pre cctv review/approvals, has a trickle down affect to the CIPP Lining, the Top Hats, and the Post Video. Southwest experienced a difficulty in scheduling often times only mobilizing to the jobsite for not even a full week of work.

LD's of additional \$22,000 8/16/25 to 9/6/25 should not be charged. Besides the 2 segments that had laterals we could not Top Hat, the other segment was added after initial Punchlist of 7/17 was already completed. Southwest finished the punchlist provided 7/17 by the 8/15 deadline.

Southwest began the initial clean and cctv on day 1 of the NTP. All work was completed successfully and diligently. Southwest had 2 Top Hat crews onsite in order to try to finish as quickly as possible. Southwest had to remobilize multiple times on this project. CIPP lining requires a lot of coordination, as we have many behind the scenes moving parts with the ordering of liners (need to know we are going to actually line them and the segment doesn't get deleted) and then wet out of the liner, so we can't just "jump" back onsite and CIPP line, as things become available/approved.

RC00177 – Sewer Rehabilitation (Shields/Dakota, Palm to Fruit)
Time Impact Analysis (TIA) Review Summary - City of Fresno

Original Contract Completion Date: November 15, 2024

Substantial Completion Date Achieved: April 4, 2025

Construction Period Delay: 140 days (November 16, 2024 – April 4, 2025)

Video Submission Period Delay: 13 days (August 16, 2025 – August 28, 2025)

Original Total Liquidated Damages (LD) Assessment: \$153,000

1. Construction Period Liquidated Damages (November 16, 2024 – April 4, 2025)

The Time Impact Analysis identified several issues contributing to construction-period delays. The City has reviewed each item and provides the following determinations:

- **Bypass Plan Approval & Multiple Resubmittals:**

The City acknowledges that the bypass plan required multiple resubmittals. Record review indicates that both submittal completeness issues and coordination needs caused extended approval times.

This delay is included in the waived construction period.

- **RFI No. 11 – Water Line Conflict:**

The extended five month response period involved coordination with City utility department and verification of field conditions.

This delay is included in the waived construction period.

- **CCTV Video Format & Review Issues:**

Format compatibility problems and multiple review cycles contributed to delays. Both the contractor and City worked to resolve technical standards and quality requirements.

This delay is included in the waived construction period.

- **Additional Repairs Identified Through CCTV Inspection:**

Newly discovered point repairs resulted from actual field conditions and required additional coordination.

This delay is included in the waived construction period.

- **Subcontractor Scheduling Challenges (Southwest Pipeline):**

While subcontractor availability is ordinarily the prime contractor's responsibility, the City acknowledges that incremental approval processes may have complicated scheduling.

This delay is included in the waived construction period.

Construction Period LD Summary

- 140 days @ \$1,000/day = \$140,000
- **Total Waived by City: –\$140,000**

2. Closeout Documentation Liquidated Damages (April 4, 2025 – August 28, 2025)

Once substantial completion was achieved on April 4, 2025, a separate issue arose involving the contractor's contractual requirement to submit closeout documentation, including the final CCTV backup videos required for acceptance.

Key Dates & Expectations:

- **Substantial Completion:** April 4, 2025
- **Expected Documentation Submittal:** April 18, 2025 (within 2 weeks)
- **Expected Final Completion:** May 2, 2025
- **Actual Acceptance of Videos:** August 28, 2025
- **Total Delay Beyond Expected Completion:** 118 days (May 2 – August 28, 2025)

Subcontractor Timeline Note:

TIA indicates Southwest Pipeline completed all field work by **March 6, 2025**, nearly one month prior to substantial completion. The contractor had sufficient opportunity to collect all required videos from the subcontractor before their demobilization.

3. Liquidated Damages Assessment for Video Submission

The City will assess liquidated damages for **30 days**, covering **July 30, 2025 – August 28, 2025**.

This assessment:

- Represents approximately **25% of the total delay period** associated with late video submission.
- Allows **117 days** beyond the expected completion date before LDs begin (May 2 – July 29).
- Focuses specifically on the final month, when the contractor ultimately submitted the required documentation.
- Demonstrates the City's restraint and acknowledgment of broader project circumstances.
- Maintains the contractual requirement that the contractor must provide all required closeout documents promptly.

Final Liquidated Damages Assessment**Construction Period LDs**

- 140 days @ \$1,000/day = \$140,000
- **Waived:** -\$140,000

Video Submission LDs

- 30 days @ \$1,000/day = **\$30,000**

TOTAL FINAL LIQUIDATED DAMAGES: \$30,000

TOTAL AMOUNT WAIVED BY CITY: \$123,000