

City of Fresno
PUBLIC WORKS DEPARTMENT
CONSTRUCTION MANAGEMENT DIVISION

1721 Van Ness Avenue • Fresno, CA 93721
Phone (559) 621-5600

CONTRACT AWARDED BY:

CITY COUNCIL

REDEVELOPMENT AGENCY

INFORMAL

DATE OF AWARD Dec 3, 2015

PROJECT: **Fulton Mall Reconstruction Project**

P.O. NO: **0000070266** PROJECT I.D. **PW00661**

SHEET 1 of 1

TO: **American Paving Co. PO Box 4348 Fresno CA 93744**

BID FILE NO. **3365** CONTRACTOR

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. This Contract Change Order No. 73 resolves all Claims and Disputes associated with the Fulton Mall Reconstruction Project.

Agreed Lump Sum Increase In Contract Price..... \$ 360,000.00

This Contract Change Order fully and completely resolves all outstanding items, claims and disputes between American Paving Company and the City of Fresno.

By signing this change order, the City and the Contractor mutually agree that payment authorized by this change order is a full settlement of all claims and disputes and is a full resolution of all matters surrounding the claims and disputes between the parties.

II. **CONTRACT PRICE**

Agreed lump sum increase to contract price shall include all costs and shall be considered full compensation for all material, equipment, labor, applicable mark-ups, delays and overheads.

Agreed Lump Sum Increase In Contract Price..... \$ 360,000.00

III. **CONTRACT TIME**

No Change In Contract Time..... 0 Days

Cost of this Change Order	\$ 360,000.00	Increase	STATEMENT OF CONTRACT TIME		
Estimated		Decrease			
Exact	X				
Original Contract Price	\$ 22,422,082.50		Date of Notice to Proceed	NUMBER OF DAYS	DATE
Approved Cost Changes to Date	\$ (135,983.84)		Contract Working X Calendar Days	400	Apr 4, 2016
Total of all Contract Changes including this Change Order	\$ 224,016.16		Computed Date for Completion		May 8, 2017
			Time extension days this CCO		
Net change in Contract Price is of the original Contract Price	1.0%		Total time extension days all CCO's	85	
			Weather Days	76	
			Suspended Days		
			Extended Date for Completion		Oct 16, 2017
			Substantial Completion		Oct 16, 2017
Revised Contract Price	\$ 22,646,098.66				

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 3/2/19 Contractor: **American Paving Company**

Signed By: ASID ANT Title: President

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: **Carly Vander Wal**

Approval Recommended

City Construction Manager

Date 3-7-19

Authorized: ☒ Chief Administrative Officer

☐ City Attorney for the City of Fresno

3/11/19

Date 3/11/19

Authorized: ☒ City Council

Minutes of Meeting Dated:

(if change order or total change orders exceed 10 percent of contract price or if individual change order exceeds Fresno City Charter limit or Section 33422 Health and Safety Code for Agency contracts.)

Approved: ☒ Public Works Director

Date _____

Approved: ☒ Assistant Public Works Director

Date 3/2/19

ATTACHMENT A

FULTON MALL RECONSTRUCTION PROJECT/ PROJECT I.D. NO. PW00661 / CONTRACT CHANGE ORDER NO. 72

ITEM NO.	DESCRIPTION OF CHANGE	AMOUNT OF CHANGE			Total
		Unit	Quantity	Unit Price	
1	Removal and Replacement of concrete areas due to issues with new concrete not matching with abutting existing concrete adjacent to the Pacific SW Building and the TW Patterson Building. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 2,750.00	\$2,750.00
2	During the demolition phase of the Fulton project at the intersection of Fulton and Inyo some existing utilities were called to be removed. The removal of those utilities left existing street lights on the south side of Inyo moving east without power. The Contractor rerouted and connected the existing street light wiring into the new street light wiring installed during our project, in order to provide power to those lights. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 3,100.00	\$3,100.00
3	On the southwest corner of Fulton and Fresno the basement roof required partial removal in an area in order to install a pedestrian push button post to meet ADA requirements. The bushing down of this concrete is outside the scope of the Contract and was tracked as extra work to be paid through force account. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 100.00	\$100.00
4	Additional demolition around a fire hydrant on the northeast corner of Tuolumne and Fulton was required in order to achieve a smooth transition in the surrounding sidewalk. Approximately 15 SF of the concrete surrounding a fire hydrant is compensable through the Contract. The additional 8 SF that were poured are compensable. The entire work was tracked with 34% (8/23 SF) payable. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 250.00	\$250.00
5	Temporary fencing that was placed in the area of Mariposa and Van Ness for pedestrian safety. The Contractor was unable to remove the area of fencing abutting the BRT project on Van Ness until the sidewalk drains were dealt with by the adjacent project. The surrounding fencing was removed while this area was delayed leaving our Contractor to come back and remove the fencing at a later date. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 250.00	\$250.00
6	One of the wayfinding signs required relocation due to various utility conflicts. This led to the subcontractor having to bring out their hydrovac tier subcontractor back onsite once the City found the new location for the wayfinding sign. This delay and additional day from the tier subcontractors work was unforeseen and is subject to extra work. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 2,000.00	\$2,000.00
7	The new street light poles specified on the Fulton Mall project did not account for tamper resistant mechanisms to protect the wiring. CMD and TSSL found it necessary to move forward with having the Contractor install tamper resistant screws to lock down the hand holes protecting the wiring. The Contractor provided a price to perform this work through RFP 78, which was rejected due for cost and instead tracked as extra work. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 1,200.00	\$1,200.00
8	Upon removal of existing concrete abutting the 901 Fulton Street building, the buildings facade travertine tiles were being partially held up by the existing concrete in some locations. Those tiles needed to be attached and secured back in place after the new concrete was placed. The work was tracked as extra work. This work shall be performed under Force Account in accordance with the City of Fresno Standard Specifications section 3-3.	LS	1	\$ 2,800.00	\$2,800.00
9	When the City of Fresno Landscape Maintenance crews turned on the backflow at Inyo and Broadway water was found to be coming up from beneath one of the wheel chair ramps on the southeast corner of the intersection of Fulton and Inyo. Briner and Sons came in to investigate whether their work in the area had damaged an existing line or if it was unrelated to our Contractor's work. The leak was found to be unrelated to our Contractor's work in the area but they were able to identify where the leak was occurring and cap the line per a City of Fresno Parks Supervisors instructions.	LS	1	\$ 1,300.00	\$1,300.00
TOTAL CHANGE OF CONTRACT PRICE:					\$13,750.00

ATTACHMENT B					
FULTON MALL RECONSTRUCTION PROJECT/ PROJECT I.D. NO. PW00661 / CONTRACT CHANGE ORDER NO. 72					
ITEM NO.	DESCRIPTION OF CHANGE	Unit	AMOUNT OF CHANGE		
			Quantity	Unit Price	Total
1	Following the grand opening and substantial completion of the project, the Contractor continued payment on the 2 water meters (2001 Merced St and 2001 Kern St) associated with the water features. The water features were turned over and being maintained by the Contractor through a separate CCO but the water meters were not turned over to the City until February 2018. The Contractor is to be refunded the monies paid on those water meters during the grand opening and February 2018.	LS	1	\$342.38	\$342.38
2	During the project the Contractor adjusted additional water valve boxes, sewer clean out boxes and existing fire hydrant valves to finished grade.	EA	7	\$165.00	\$1,155.00
3	A credit was provided for the seeded aggregate bands that were placed on in front of the JC Penney's building and on Mariposa between Congo Alley and Broadway using the incorrect mix design.	SF	-486	\$25.00	(\$12,150.00)
4	A credit was provided in full for the Crushed Granite Pervious Paving Bid Item 109 for deficient installation throughout the project.	SF	-6237	\$3.00	(\$18,711.00)
5	A credit was provided for plants and shrubs that were missing and not installed on the project per the landscape plans.	LS	1	-\$10,028.23	(\$10,028.23)
6	The Merced sewer was realigned after preliminary clearing and grubbing in the path were completed. This realignment led to additional work by the Contractor for the removal but also the replacement of landscaping, trees and lights in the area. This contract change order item fully and completely resolves the Notice of Intent to Claim (NOITC) number 14 associated with the Fulton Mall Reconstruction project. By signing this change order, the City and the Contractor mutually agree that the \$8,598.24 payment authorized by this change order is a full settlement of the NOITC noted above.	LS	1	\$8,598.24	\$8,598.24
7	A SWPPP Notice of intent fee statement and annual permit fee were required for this project. The Contractor brought the invoices to our attention and requested payment to reimburse payment for these unknown fees. This contract change order item fully and completely resolves the Notice of Intent to Claim (NOITC) number 21 associated with the Fulton Mall Reconstruction project. By signing this change order, the City and the Contractor mutually agree that the \$1,604.00 payment authorized by this change order is a full settlement of the NOITC noted above.	LS	1	\$1,604.00	\$1,604.00
TOTAL CHANGE OF CONTRACT PRICE:					(\$29,189.61)

ATTACHMENT C

FULTON MALL RECONSTRUCTION PROJECT/ PROJECT I.D. NO. PW00661 / CONTRACT CHANGE ORDER NO. 72

ITEM NO.	DESCRIPTION OF CHANGE	Unit	AMOUNT OF CHANGE		Total
			Quantity	Unit Price	
1	Underrun of Bid Item 2 for Mediator	LS	-1	\$75,000.00	(\$75,000.00)
2	Underrun of Bid Item 10 for Contractors Pollution Liability Insurance	LS	-0.62848	\$10,000.00	(\$6,284.80)
3	Underrun of Bid Item 12 for Basement Roof Construction Mitigation Measures	SF	-6681.15613	\$7.50	(\$50,108.67)
4	Underrun of Bid Item 13 for Tree Protection	EA	-9	\$750.00	(\$6,750.00)
5	Overrun of Bid Item 14 for 2" HDPE water service lateral	LF	5	\$19.00	\$95.00
6	Overrun of Bid Item 16 to set new roof drain clean out boxes to finish grade	EA	7	\$400.00	\$2,800.00
7	Overrun of Bid Item 19 to adjust water valve boxes and sanitary sewer clean outs to finished grade	EA	4	\$1,600.00	\$6,400.00
8	Underrun of Bid Item 20 for 3" PVC sidewalk drain	EA	-4	\$400.00	(\$1,600.00)
9	Underrun of Bid Item 23 for 15" RGCP, Class III	LF	-71	\$105.00	(\$7,455.00)
10	Underrun of Bid Item 32 for 6" high x 12" wide curb and 24" wide gutter	LF	-267.24	\$29.00	(\$7,749.96)
11	Underrun of Bid Item 33 for concrete curb and gutter	LF	-320.59	\$25.00	(\$8,014.75)
12	Underrun of Bid Item 34 for concrete curb 12" wide	LF	-707.7	\$9.00	(\$6,369.30)
13	Overrun of Bid Item 35 for concrete curb 6" wide	LF	121.47	\$8.00	\$971.76
14	Underrun of Bid Item 36 for median island curb	LF	-20	\$35.00	(\$700.00)
15	Overrun of Bid Item 37 for concrete median island cap	SF	16	\$20.00	\$320.00
16	Underrun of Bid Item 38 for concrete parking areas	SF	-37.63	\$10.00	(\$376.30)
17	Overrun of Bid Item 39 for commercial concrete drive approach	SF	312.41	\$7.30	\$2,280.59
18	Underrun of Bid Item 40 for concrete alley approach	SF	-16	\$7.10	(\$113.60)
19	Underrun of Bid Item 41 for concrete sidewalk	SF	-297.019	\$6.00	(\$1,782.11)
20	Overrun of Bid Item 42 for colored concrete sidewalk	SF	3734.86	\$7.00	\$26,144.02
21	Underrun of Bid Item 43 for colored concrete sidewalk band	SF	-928.4	\$25.00	(\$23,210.00)
22	Underrun of Bid Item 44 for the colored concrete step at Hotel	SF	-187	\$41.00	(\$7,667.00)
23	Overrun of Bid Item 45 for the concrete curb returns and ramps	SF	320.96	\$20.00	\$6,419.20
24	Underrun of Bid Item 46 for colored concrete curb returns and ramps	SF	17.87	\$20.00	\$357.40
25	Overrun of Bid Item 47 for concrete pavement (vehicular)	SF	115.74	\$10.00	\$1,157.40
26	Underrun of Bid Item 49 for Type 'A' Asphalt Concrete	Ton	-248.46	\$100.00	(\$24,846.00)
27	Underrun of Bid Item 50 for Aggregate Base, Class II	Ton	-45.3	\$34.00	(\$1,540.20)
28	Overrun of Bid Item 101 for 6" wide flush standard planter curb	LF	21.38	\$30.00	\$641.40
29	Overrun of Bid Item 102 for 6" wide flush band planter curb	LF	419.53	\$30.00	\$12,585.90
30	Overrun of Bid Item 103 for 6" wide raised concrete planter curb	LF	208.83	\$46.00	\$9,606.18
31	Overrun of Bid Item 104 for the concrete planter wall	LF	10.4	\$106.00	\$1,102.40
32	Underrun of Bid Item 106 for concrete seatwall	LF	-0.6	\$298.00	(\$178.80)
33	Underrun of Bid Item 107 for concrete planter seatwall	LF	-54.75	\$295.00	(\$16,151.25)
34	Underrun of Bid Item 108 for planting soil import	CY	-489.17	\$50.00	(\$24,458.50)
35	Underrun of Bid Item 144 for drop connections, Type S-11	EA	-5	\$1,200.00	(\$6,000.00)
36	Underrun of Contract Change Order 1A-3 which modified bid item No. 12 for basement roof mitigation measures. The underrun of a credit results in a positive payment.	SF	-6681.15613	-\$0.43	\$2,872.90
37	Underrun of Contract Change Order 1A-4 which modified bid item No. 38 for concrete parking areas. The underrun of a credit results in a positive payment.	SF	-37.63	-\$1.15	\$43.27
38	Underrun of Contract Change Order 1A-5 which modified bid item No. 43 for colored concrete sidewalk band. The underrun of a credit results in a positive payment.	SF	-928.40	-\$2.70	\$2,506.67
39	Underrun of Contract Change Order 1A-6 which modified bid item No. 49 for Type A asphalt concrete. The underrun of a credit results in a positive payment.	Ton	-248.46	-\$4.25	\$1,055.95
40	Underrun of Contract Change Order 1A-7 which modified bid item No. 50 for Class II aggregate base. The underrun of a credit results in a positive payment.	Ton	-45.3	-\$2.45	\$110.98
41	Underrun of Contract Change Order 3B for jobsite asbestos abatement	LS	-0.34975	\$5,000.00	(\$1,748.75)
42	Underrun of Contract Change Order 12 for the Inyo service conduit	LS	-0.247114	\$5,000.00	(\$1,235.57)
43	Underrun of Contract Change Order 13A that provided temporary power to existing street lights	LS	-0.029571	\$700.00	(\$20.70)

44	Underrun of Contract Change Order 13B that rerouted street light conduit at Fulton and Inyo	LS	-0.156635	\$2,000.00	(\$313.27)
45	Underrun of Contract Change Order 17B for the removal and replacement of colored concrete offsite	LS	-0.478214	\$5,000.00	(\$2,391.07)
46	Underrun of Contract Change Order 17C for the brick off haul at Mammoth Mall	LS	-0.2402	\$700.00	(\$168.14)
47	Overrun of Contract Change Order 22A for the waterproof membrane atop the underground garage on Mariposa	LS	0.067380897	\$64,383.53	\$4,338.22
48	Underrun of Contract Change Order 23C for jobsite cleanup and removal of trash and debris in preparation for events	LS	-0.45014	\$1,000.00	(\$450.14)
49	Underrun of Contract Change Order 24D for the Yokuts Indian Relocation and Elevation	LS	-0.073347	\$3,000.00	(\$220.04)
50	Underrun of Contract Change Order 26A for the additional potholing for a new manhole, potholing new sewer alignment, removal of concrete in conflict with alignment and to repair the clay duct stack	LS	-0.01909048	\$21,000.00	(\$400.90)
51	Overrun of Contract Change Order 27A for the fiber added to concrete mix over basements per Request for Proposal No. 25	LS	1.4478404	\$1,725.57	\$2,498.35
52	Underrun of Contract Change Order 35A for the above ground planter soil and waterproof removal and new waterproofing installation	LS	-0.21339861	\$36,000.00	(\$7,682.35)
53	Overrun of Contract Change Order 37A for water feature design changes	LS	1.6135067	\$1,500.00	\$2,420.26
54	Overrun of Contract Change Order 37B for the work associated with the future power kiosk pull box and stub out on Mariposa	LS	0.17524	\$1,000.00	\$175.24
55	Underrun of Contract Change Order 38A for the fire hydrant on the southwest corner of Fulton and Tuolumne	LS	-0.07043824	\$3,400.00	(\$239.49)
56	Underrun of Contract Change Order 38B for the fire hydrant on the southeast corner of Fulton and Tulare	LS	-0.37788111	\$18,000.00	(\$6,801.86)
57	Underrun of Contract Change Order 38C for the fire hydrant on the northeast corner of Merced and Fulton	LS	-0.549876	\$2,500.00	(\$1,374.69)
58	Underrun of Contract Change Order 38D for the unforeseen concrete structure in the bore path of the sewer main installation on Merced Street	LS	-0.00902968	\$15,500.00	(\$139.96)
59	Underrun of Contract Change Order 39C for the addition of the Master Photoelectric cell for lighting control	LS	-0.185084	\$10,100.00	(\$1,869.35)
60	Underrun of Contract Change Order 40B for the extra removal at the Pacific Southwest Building per RFI 222R2	LS	-0.02314091	\$2,200.00	(\$50.91)
61	Underrun of Contract Change Order 43A for the installation of the IRS Sewer manhole installation	LS	-0.38808447	\$38,000.00	(\$14,747.21)
62	Underrun of Contract Change Order 51B for the ductile iron pipe on Fresno Street used to move around utilities	LS	-0.461594	\$2,187.57	(\$1,009.77)
63	Underrun of Contract Change Order 52A for the installation of a 48" storm drain manhole at Merced and Fulton	LS	-0.24195254	\$5,900.00	(\$1,427.52)
64	Underrun of Contract Change Order 52C for a pedestrian access transition needed during construction	LS	-0.13812	\$500.00	(\$69.06)
65	Underrun of Contract Change Order 56C for the asphalt thickness at the Fresno and Fulton intersection	LS	-0.013055	\$20,000.00	(\$261.10)
66	Underrun of Contract Change Order 56D for the galvanized irrigation sleeve under a drive approach on Broadway near Mariposa	LS	-0.027846	\$1,300.00	(\$36.20)
67	Underrun of Contract Change Order 57B for the installation of parking meter posts over basements	LS	-0.6	\$1,015.00	(\$609.00)
68	Overrun of Contract Change Order 57C for the work related to Bulletin 8 and the placement of a cold joint at the basement edge.	LS	0.2115425	\$4,000.00	\$846.17
69	Underrun of Contract Change Order 58A related to the bushing down of sidewalk over basements to provide room for new improvements.	LS	-0.006049	\$5,900.00	(\$35.69)
70	Overrun of Contract Change Order 58B for the extra work related to the Mosaic Walls A19 and A20's foundations.	LS	0.1429486	\$3,500.00	\$500.32
71	Overrun of Contract Change Order 62E as increased for CCO 52B for the extended demolition limits according to Bulletin 5	LS	0.4641352	\$1,743.63	\$809.28
72	Underrun of Contract Change Order 64B for the 8" waterline conflicts encountered for the new alignment on Merced Street	LS	-0.064538	\$5,000.00	(\$322.69)
73	Underrun of Contract Change Order 65-11A for the overrun of Bid Item 156 associated with Merced trench resurfacing outside of bid package FMR 01	LS	-27	\$205.00	(\$5,535.00)
74	Overrun of Contract Change Order 65-12A for the overrun of Bid Item 157 associated with Merced trench resurfacing AC Pavement	LS	0.02	\$4.00	\$0.08
75	Underrun of Contract Change Order 65-5B for traffic control set ups at Merced and H Street for the sewer bypass	LS	-0.0616777	\$21,750.00	(\$1,341.49)
76	Underrun of Contract Change Order 65-6B for the 24 hour - 7 day a week sewer pump watch for the sewer bypass on Merced and H Street	LS	-0.04133067	\$120,000.00	(\$4,959.68)

77	Underrun of Contract Change Order 65-7B for the sewer bypass work and connecting a sewer stub out at H Street	LS	-0.11741265	\$49,000.00	(\$5,753.22)
78	Underrun of Contract Change Order 65-8B associated with unforeseen conflicts with the 8" waterline installation on the Merced alignment just east of H Street.	LS	-0.39649625	\$8,000.00	(\$3,171.97)
79	Underrun of Contract Change Order 65-9B associated with finishing work on Merced Street associated with the sewer installation	LS	-0.151508	\$60,000.00	(\$9,090.48)
80	Overrun of Contract Change Order 71A.1 as increased for CCO 42B relating to RFI 254 for the redesign of the northwest and southwest corners of Tulare and Fulton	LS	0.0238463	\$13,801.28	\$329.11
81	Overrun of Contract Change Order 71A.2 as increased for CCO 59C for unforeseen items	LS	-0.22169467	\$15,000.00	(\$3,325.42)
82	Overrun of Contract Change Order 71A.4 as increased for CCO 67A for the extension of the water feature maintenance in Superblock 1.	LS	0.3484135	\$7,865.00	\$2,740.27
83	Overrun of Contract Change Order 71A.5 as increased for CCO 67B for the extension of the water feature maintenance in Superblock 2.	LS	-0.684452	\$429.00	(\$293.63)
84	Overrun of Contract Change Order 71A.6 as increased for CCO 67C for the extension of the water feature maintenance in Superblock 3 excluding Dancing Waters	LS	0.118277	\$3,146.00	\$372.10
85	Overrun of Contract Change Order 71A.7 as increased for CCO 67D for the extension of the water feature maintenance of Dancing Waters	LS	0.118277	\$2,860.00	\$338.27
86	Overrun of Contract Change Order 69A for basement abandonment activity and underground voids	LS	0.059600557	\$26,783.81	\$1,596.33
87	Underrun of Contract Change Order 71B.5 for the installation of 2 loop detectors at Merced and Van Ness.	LS	-0.50889636	\$5,500.00	(\$2,798.93)
88	Underrun of Contract Change Order 71B.6 for the irrigation and coring associated with the Wisteria plant for the wood arbor trellis	LS	-0.71045714	\$7,000.00	(\$4,973.20)
89	Overrun of Contract Change Order 71B.8 for furnishing and installing 4 additional parking meter posts, 3 on Fulton and 1 on Kern.	LS	0.042852	\$2,500.00	\$107.13
90	Underrun of Contract Change Order 71B.9 to reinstate underground piping for Irrigation Controller at Mariposa and Broadway.	LS	-0.233831	\$5,500.00	(\$1,286.07)
TOTAL CHANGE OF CONTRACT PRICE:				(\$267,968.60)	