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Title: Approve Contract Change Order Number 6 to the Blackstone Avenue and Shields Avenue Intersection Improvements project construction contract with American Paving Company of Fresno California, to increase the total construction contract amount by \$140,000 and add sixty working days of contract time (Bid File 3488) (Council District 7)

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 19-1749 Contract Change Order No 6.pdf

Date	Ver.	Action By	Action	Result
6/13/2019	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

June 13, 2019

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

BY: BILL HERR, Construction Manager
Public Works Department, Construction Management Division

SUBJECT

Approve Contract Change Order Number 6 to the Blackstone Avenue and Shields Avenue Intersection Improvements project construction contract with American Paving Company of Fresno California, to increase the total construction contract amount by \$140,000 and add sixty working days of contract time (Bid File 3488) (Council District 7)

RECOMMENDATION

Staff recommends that City Council approve Contract Change Order Number 6 for a total increase in contract amount of \$140,000 and a contract time extension of sixty working days for the Blackstone Avenue and Shields Avenue Intersection Improvements construction contract with American Paving Company of Fresno California (APC).

EXECUTIVE SUMMARY

The now completed Blackstone Avenue and Shields Avenue Intersection Improvements project provides more efficient vehicle movement through the intersection and improved safety for vehicular and pedestrian traffic. The project was primarily funded through a grant from the Congestion Mitigation and Air Quality (CMAQ) program. City Staff has been working closely with APC in negotiating a claim involving changed traffic control requirements. The subject contract change order is within the established construction budget, which included contingencies for unforeseen items. Additional days of contract time are also included in the subject contract change order.

BACKGROUND

The Blackstone Avenue and Shields Avenue Intersection Improvements project was built to reconfigure the intersection to enhance the performance of the intersection and make it safer for pedestrians, as well as vehicular traffic, using the intersection. The scope of the project included new concrete improvements, asphalt paving, new traffic signal and ADA compliant access ramps. The sweeping free right turn movements have been eliminated and replaced by dedicated right turn pockets and standard crosswalks, which bring all pedestrian movements within the limits of the signalized intersection. The eastbound and westbound left turn pockets were also expanded to provide dual left turn movements to accommodate existing and future traffic volumes.

On December 8, 2016, Council awarded a \$1,801,314 contract with 90 working days of contract time to APC. Contract Change Order Number 6, for an increased amount of \$140,000 is 7.7% of the original award amount and in accordance with City of Fresno Resolution 2017-158, a contract change order which exceeds 1% of the total contract price or \$100,000, whichever is greater, shall be subject to the prior consent from the Council. This Contract Change Order also provides sixty days of contract time and in accordance with City of Fresno Resolution 2017-158, a contract time extension of more than twenty days or 10% of the total time allowed under the contract, shall be subject to the prior consent from the Council.

There have been five previously executed contract change orders totaling \$15,949.21 and the final total contract amount including all six of the contract change orders will be \$1,957,263.21.

Contract Change Order Number 6 is a negotiated settlement amount with APC that resolves a claim due to a change in the traffic control requirements after the award of the contract. The traffic control was modified to require more lanes remain open on Blackstone Avenue due to a concern that traffic congestion in this busy intersection would be unmanageable and unsafe and thus the contractor had to change his intended means and methods of constructing the intersection improvements. These changes required re-phasing the work for a longer duration and entailed almost double the traffic control devices. Due to the extended time needed for construction, the project management, field supervision and office overheads costs were increased.

City staff has analyzed the costs and schedule impacts submitted by the contractor and has determined some of them have merit and staff has reached an agreeable amount of \$140,000 with the contractor to settle and resolve this claim.

Staff recommends that City Council approve Contract Change Order Number 6 with APC, for a total increase in contract amount of \$140,000 and a contract time extension of 60 working days for the Blackstone Avenue and Shields Avenue Intersection Improvements project.

ENVIRONMENTAL FINDINGS

By the definition set forth within California Environmental Quality Act (CEQA) Guidelines, section 15378, the approval of this contract change order does not qualify as a project as defined by CEQA.

LOCAL PREFERENCE

Local Preference was not considered because this action does not include a bid or an award of a City construction contract.

FISCAL IMPACT

This contract change order has no impact to the General Fund and will be completely funded with contingency funds already included in the approved project budget.

Attachment:

Contract Change Order Number 6