



## Legislation Details (With Text)

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**File created:** 11/29/2017    **In control:** City Council  
**On agenda:** 12/7/2017    **Final action:** 12/7/2017  
**Title:** Actions pertaining to the Fulton Street Reconstruction Project construction contract with American Paving Company of Fresno, California (Council District 3)  
1. Approve Contract Change Order No. 64, which increases the contract amount by \$52,540.06  
2. Approve Contract Change Order No. 66, which decreases the contract amount by \$33,830.41  
3. Approve Contract Change Order No. 67, which increases the contract amount by \$28,600.00  
4. Approve Contract Change Order No. 68, which increases the contract amount by \$26,955.60  
5. Approve Contract Change Order No. 69, which increases the contract amount by \$75,000.00  
6. Approve Contract Change Order No. 70, which decreases the contract amount by \$7,695.32

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 17-1632 Fulton Street - Contract Change Order No. 64.pdf, 2. 17-1632 Fulton Street - Contract Change Order No. 66.pdf, 3. 17-1632 Fulton Street - Contract Change Order No. 67.pdf, 4. 17-1632 Fulton Street - Contract Change Order No. 68.pdf, 5. 17-1632 Fulton Street - Contract Change Order No. 69.pdf, 6. 17-1632 Fulton Street - Contract Change Order No. 70.pdf

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**December 7, 2017**

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

**BY:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department, Engineering Division

## SUBJECT

Actions pertaining to the Fulton Street Reconstruction Project construction contract with American Paving Company of Fresno, California (Council District 3)

1. Approve Contract Change Order No. 64, which increases the contract amount by \$52,540.06
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6. Approve Contract Change Order No. 70, which decreases the contract amount by \$7,695.32

## RECOMMENDATION

Staff recommends that City Council approve Contract Change Orders No. 64, 66, 67, 68, 69 and 70 with American Paving Company of Fresno, California for a total increase in contract amount of \$141,569.93 for the Fulton Street Reconstruction Project.

## EXECUTIVE SUMMARY

The new Fulton Street is now open to the public for all modes of transportation following the successful ribbon cutting ceremony on October 21, 2017. Even though our “Main Street” is back, City staff continues to work closely with American Paving Company on punch list and contract clean-up items in an effort to wrap up the construction phase. Part of that contract clean-up is the negotiation and execution of necessary contract change orders.

On August 31, 2017, Council approved Contract Change Order No. 65, which brought the apparent total contract change order amount over the delegated approval authority limit of 10% for the City Manager, per Change Order Resolution No. 2017-158. Per the resolution, all subsequent change orders which increase the contract amount require Council approval and are included in this recommendation. Contract Change Order 64 is also included in this action because it was actually the first change order to exceed the total contract change amount of 10% and thus should have been approved by Council concurrently or prior to Contract Change Order No. 65. The subject Contract Change Orders are all within the established construction budget, which included contingencies for unforeseen items. No change in contract time is included in the subject contract change orders.

## BACKGROUND

The Fulton Street Reconstruction Project improved the half mile stretch of Fulton Street between Tuolumne Street and Inyo Street. The pedestrian mall was completely removed and reconstructed with a complete streets design that included reintroducing two-way vehicular traffic on Fulton and the side streets of Merced, Mariposa, and Kern, with the exceptions that Kern between Fulton and Chuckchansi Park and Mariposa between Federal Alley and Van Ness remain pedestrian plazas.

Under City of Fresno Resolution 2017-158, multiple change orders, which aggregate more than 10% of the total contract price, shall be subject to prior authorization from City Council. On August 31, 2017, Council approved Contract Change Order No. 65, which brought the aggregate change order amount to 12.08% of the original contract amount. It was later recognized that Change Order No. 64 brought the aggregate change order amount to 10.07%, slightly above the 10% threshold, and needs to be approved by the Council to become effective. As with Contract Change Order No. 64, Contract Change Orders 66, 67 & 68 have been reviewed and approved by the Public Works Director and City Manager, but still require Council approval to become effective. Approval of these six contract change orders will bring the aggregate change order amount to \$2,488,579.38, equaling 12.53% of the original contract amount.

The Fulton Street Reconstruction Project bid package FMR 02 included improvements to portions of the water and sewer infrastructure within the project limits. These improvements are funded by the Department of Public Utilities Enterprise Funds and by including them in this package the City benefited from the economies of scale versus making these improvements as a stand-alone project.

Contract Change Order No. 64, for an increased contract amount of \$52,540.06, includes the replacement of a portion of water line within the Merced Street alignment between H Street and Broadway Plaza. The existing water line was old and would be impacted by future improvements near the Hotel Fresno site. While the Merced Street alignment improvements were torn up for the sewer main construction, it made financial sense to increase the limits of the water main replacement in Merced Street before the surface improvements were replaced.

Contract Change Order No. 66, for a decreased contract amount of \$33,830.41, includes various scope changes for the FMR 01 package which represents the main portion of the project funded with transportation dollars such as TIGER grant funds and Measure "C" Transit-Oriented Development funds. These changes include a reduction in paving tiles to be installed around the Dancing Waters Fountain, a credit for switching from galvanized tree stakes to wood tree stakes throughout the project, an increase for utilizing tamper resistant screws on water feature j-boxes and lighting fixtures, and an increase for addressing design grade issues on Merced Street.

Contract Change Order No. 67, for an increased contract amount of \$28,600.00, provides a change in scope for the Contractor to continue monthly maintenance of the water features for two months following substantial completion. This change provides for proper maintenance services of the fountains while the Contractor is still onsite addressing punch list items.

Contract Change Order No. 68, for an increased contract amount of \$26,955.60, includes various scope changes for the FMR 01 package. These changes include an increase for repairs to the basement encroachment at the Bank of Italy Building, an increase for the additional cleaning and adjustments to the Obos sculpture, and an increase for the replacement of damaged and removed paving tiles in Mariposa Plaza.

Contract Change Order No. 69, for an increased contract amount of \$75,000.00, includes FMR 01 scope changes associated with unforeseen underground structures, abandoned basements and abandoned utilities. These increases were performed as Extra Work under the contract in order to keep construction moving forward and not to increase the cost and schedule impacts on the project.

Contract Change Order No. 70, for a decreased contract amount of \$7,695.32, includes various scope changes for the FMR 01 package. These changes include an elimination of 6 pedestrian push button posts, an increase for the installation of two loop detectors and DLC cables at the Merced and Van Ness intersection, and a decrease for the standard backfill and abandonment at the Family Fashion Basement.

These change orders will be presented to the Construction Oversight Board on December 4, 2017. Staff will provide a verbal update to the Council on the outcome of the Construction Oversight Board discussion.

Staff recommends that City Council approve Contract Change Orders No. 64, 66, 67, 68, 69 and 70 with American Paving Company of Fresno, California for a total increase in contract amount of \$141,569.93 for the Fulton Street Reconstruction Project. No change in contract time is included in the subject contract change orders.

## **ENVIRONMENTAL FINDINGS**

By the definition set forth within California Environmental Quality Act (CEQA) Guidelines, section

15378, the approval of these Contract Change Orders does not qualify as a project for the purpose of CEQA.

## **LOCAL PREFERENCE**

Local preference was not implemented because this change order is to an existing 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. Contract Change Order No. 64 falls under the FMR 02 (Public Utilities) scope and will be paid for by Water Enterprise Funds. Contract Change Orders No. 66 through 70 are with FMR 01 (Public Works Transportation) scope and will be funded by the various Fulton Street Reconstruction funding sources, including the Federal Transportation Investment Generating Economic Recovery (TIGER), local Measure C Transit Oriented Development Funds, State Gas Tax funding, and contribution from the Downtown Fresno Partnership.

Attachment:

- Contract Change Order No. 64
- Contract Change Order No. 66
- Contract Change Order No. 67
- Contract Change Order No. 68
- Contract Change Order No. 69
- Contract Change Order No. 70