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Title: Approve Contract Change Order No. 71 with American Paving Company of Fresno, California for the Fulton Street Reconstruction Project, which increases the contract amount by \$212,712.84 (Council District 3)
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Attachments: 1. 18-0762 Fulton Street - Contract Change Order No. 71.pdf, 2. 18-0762 Attachment A.pdf, 3. 18-0762 Attachment B.pdf

Date	Ver.	Action By	Action	Result
7/26/2018	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

July 26, 2018

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

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Public Works Department, Engineering Division

SUBJECT

Approve Contract Change Order No. 71 with American Paving Company of Fresno, California for the Fulton Street Reconstruction Project, which increases the contract amount by \$212,712.84 (Council District 3)

RECOMMENDATION

Staff recommends that City Council approve Contract Change Order No. 71 with American Paving Company of Fresno, California for a total increase in contract amount of \$212,712.84 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. Change Order No. 71 includes various over run and under run amounts on previously approved change orders to balance the contract for the actual work performed and various minor scope increases necessary to finalize the project. The change order was presented to the Capital Projects Oversight Board on June 4, 2018, and was unanimously recommended by the Board for City Council approval.

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. Approval of this contract change order will bring the aggregate change order amount to \$2,701,292.22, equaling 13.60% of the contract amount following the large deductive Contract Change Order No. 1.

Contract Change Order No. 71, for an increased contract amount of \$212,712.84, provides a change to the contract to balance previously approved change orders based on the actual work performed and several minor scope items necessary to finalize the project. The bulk of the change order includes a combination of over runs and under runs. The significant items on this change order include the extension of contractor water fountain maintenance while they finalize punch list items and increases in addressing underground structures and utilities throughout construction.

Staff presented Contract Change Order No. 71 in the amount of \$235,712.84 to the Capital Projects Oversight Board on June 4, 2018. The board unanimously voted to approve the recommendation to City Council for the approval of Contract Change Order No. 71. Through further coordination with the Contractor, Contract Change Order No. 71 has since been reduced to \$212,712.84 for Council approval.

Staff recommends that City Council approve Contract Change Order No. 71 with American Paving Company of Fresno, California for a total increase in contract amount of \$212,712.84 for the Fulton Street Reconstruction Project. No change in contract time is included in the subject contract change order.

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 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. 71 is included in FMR 01 (Public Works Transportation) scope of the project 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:

Fulton Street - Contract Change Order No. 71

Attachment A

Attachment B