

**CHANGE ORDER(s)**

**AND /OR**

**LETTER(s) OF EXTENSION**

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**CONTRACT CHANGE ORDER NO. 001  
DATED FEBRUARY 13, 2018**

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**FILED WITH CONTRACT #35039**

**(SULLY-MILLER CONTRACTING COMPANY)**



City of Long Beach

Working Together to Serve

Memorandum

Date: February 13, 2018
To: Alvin Papa, City Engineer
From: Marc Wright, Construction Services Officer
Subject: CONTRACT CHANGE ORDER TRANSMITTAL MEMO

PROJECT: Contract-35039, R-7056 Street Improvement of Broadway and 3rd Street Between Magnolia Avenue and Alamitos Avenue
CONTRACTOR: Sully-Miller Contracting Co.
CCO#: 001
ORIGINATED FROM: Project Development
SOURCE OF FUNDING: CIP Projects
REASON: See Attached
COST (CCO #001): \$ 237,826.24
ORIGINAL CONTRACT: \$ 3,926,400.00
ORIGINAL APPROVED CONTINGENCY (10%): \$ 392,640.00
ORIGINAL CONTRACT + CONTINGENCY (NOT TO EXCEED): \$ 4,319,040.00
TOTAL OF ALL CCO'S TO DATE (INCLUDING THIS CCO): \$ 237,826.24
TOTAL PERCENT (%) OF CONTINGENCY USED TO DATE: 60.57%
CONTINGENCY REMAINING TO DATE: 3.94% (\$154,813.76)

DEPARTMENT OF PUBLIC WORKS
CAPITAL IMPROVEMENT PROJECTS

Vendor ID# V027174
POPW 1800045
Proj/Proj Detail PW 6063-1450
Index/Subobject PW/CC/21000
Grant/Grant Detail
User Code
By: [Signature] 3/11/19
DATE

DEPARTMENT OF ENVIRONMENT  
GENERAL INFORMATION

1. Name of the project  
2. Location of the project  
3. Nature of the project  
4. Date of the project  
5. Name of the project manager  
6. Name of the project sponsor

OFFICE OF THE CITY MANAGER  
CITY OF LONG BEACH  
LONG BEACH, CA 90802

SULLY-MILLER CONTRACTING CO.  
135 S STATE COLLEGE BLVD, STE 400  
BREA, CA 92821

DATE: 2/13/2019  
R-7056  
CONTRACT NO: 35039  
PROGRAM NO: PW5063-14

PROJECT: STREET IMPROVEMENT OF BROADWAY AND 3<sup>RD</sup> STREET BETWEEN  
MAGNOLIA AVENUE AND ALAMITOS AVENUE

CONTRACT: CHANGE ORDER AUTHORIZATION NO. 001

PART 1 REASON FOR CHANGE

- 1.1 Change order work to make miscellaneous field adjustments due to unforeseen obstructions or conditions. This work is yet to be completed and the scope of the work is not able to be determined at this time. The work will be tracked on Force Account and verified by the inspector.
- 1.2 Change order work to maintain traffic and provide for a safe passage of vehicular, pedestrian and bicyclist within the construction zone. This work is yet to be completed and the scope of the work is not able to be determined at this time. The work will be tracked on Force Account and verified by the inspector.
- 1.3 Change order work to investigate and safely remove unknown manmade buried obstructions from the limits of construction to keep the progress of the job moving forward. This work is yet to be completed and the scope of the work is not able to be determined at this time. The work will be tracked on Force Account and verified by the inspector.
- 1.4 Change order work to reinstall an automatic gate loop for the parking garage of 200 Pine Street which was located in the sidewalk to be reconstructed but not identified in the plans. This work is yet to be completed and the scope of the work is not able to be determined at this time. The work is also expected to be specialty work and will need to be done by a specialist. The work will be tracked on Force Account and verified by the inspector. Payment will require submission of an invoice from the specialty vendor.
- 1.5 Change order work to remove roots under the sidewalk along the north side of Broadway between Chestnut Avenue and Cedar Avenue. This work is yet to be completed and the scope of work is not able to be determined at this time. The work will be tracked on Force Account and verified by the inspector.
- 1.6 Change order work to properly cover and maintain stockpile of impacted materials stored at City yard, sample stockpile of impacted materials and have a testing lab analyze and report on samples, load stockpile of impacted materials into transport trucks and clean up any dropped or tracked materials. Because the amount of impacted materials is unknown at this time and the length of time for maintenance is indeterminable, the scope of work cannot be fully defined at this time and therefore the work will be tracked on Force Account and verified by the inspector.
- 1.7 Change order work to truck and dispose impacted materials to appropriate Class landfill or disposal site. The exact number of loads that will be required to transport all materials is undeterminable, therefore this Change Order will establish a per TON unit rate which will cover the manifesting, hauling and disposal fees. Payment will require submission of weight tickets and manifests from the disposal site.
- 1.8 Change order work to remove and replace the deck of a catch basin at the northeast corner of 3<sup>rd</sup> Street and Maine which was not shown on the plans. This work will be done at an Agreed Lump Sum.
- 1.9 Change order work to make vertical and/or horizontal alignment changes to the new 4' reclaimed waterline due to unforeseen utility crossings. This work is yet to be completed and the scope of the work is not able to be determined at this time. The work will be paid as a unit price per occurrence and verified by the inspector.

- 1.10 Change order to pay for a thicker (6") bus island platform. This Change Order establishes a new unit rate for 6" PCC over 4" CMB. This work will be tracked and field measured by the inspector and paid at the unit rate per SF of concrete placed.
- 1.11 Change order work to remove two (2) trees and stumps on 3<sup>rd</sup> Street between Daisy Avenue and N Nylic Court which conflict with the work and are not shown on the plans. This work will be done at an Agreed Lump Sum.
- 1.12 Change order to work to install an irrigation system for the new trees to be planted on the northside of Broadway between Chestnut Avenue and Cedar Avenue. This work will be done at an Agreed Lump Sum.
- 1.13 Change order to work to pay for additional Survey layout for relocated bus islands on Broadway at Chestnut and 3<sup>rd</sup> Street at Pine. This work will be done at an Agreed Lump Sum.
- 1.14 Change order work to paint interim striping for Public Event on Broadway and 3<sup>rd</sup> Street from Pacific to the 710 Freeway Ramps. This work will be done at an Agreed Lump Sum.

#### PART 2 DESCRIPTION OF CHANGE

- 2.1 There will be unforeseen miscellaneous field adjustments to be dealt with in the field that the Construction plans will not cover. Issues for example, like tiles that need to be replaced on a wall, a traffic signal foundation that needs to be chipped down for a sidewalk to be reconstructed to ADA standards, a planter that needs a new retaining curb, a roof drain or sidewalk culvert that needs more work than what is depicted in the plans. In the event of such an issue we are creating this Change Order Item to allow the Contractor to react to a situation under the direction of the Project Manager in an expedient manner.
- 2.2 During the course of construction, a situation is likely to arise with the traffic control that cannot be planned for in advance that will cause a risk to the traveling public, whether it be pedestrians, bicyclists or vehicular traffic that are not necessarily the Contractor's responsibility to handle. Typical items of work that may be covered under this Change Order, but not limited to, installing barricades around construction activities that suddenly pose a risk to vehicles; installing additional message boards, cones and signs to clarify a detour or closure; building temporary ramps and access bridges to businesses and residential properties if it helps expedite work. In the event of such an issue we are creating this Change Order Item to allow the Contractor to react to a situation under the direction of the Project Manager in an expedient manner.
- 2.3 During the course of construction, it is typical to encounter manmade objects that are not marked on the plans while digging. Most of the time these are pieces of concrete that used to be part of a buried foundation, an encasement around an old waterline or duct bank or perhaps an abandoned pipe that is decades old and forgotten about. It usually only takes a few hours to remove these items and carry on with contract work, but we don't want the Contractor to stop work every time they come across something and submit a Change Request. That would become burdensome and potentially impact the schedule significantly. Typical items of work that may be covered under this Change Order Item, but not limited to, would be removal of concrete footings, encasements, thrust blocks, or miscellaneous chunks of concrete; removing abandoned Railroad features such as timber ties or culverts and removing abandoned utilities that are not shown on plans or utilities that were supposed to have been removed but are still in place. In the event of such an issue we are creating this Change Order Item to allow the Contractor to react to a situation under the direction of the Project Manager in an expedient manner.
- 2.4 During sidewalk removals on 3<sup>rd</sup> Street in front of the parking garage entrance for 200 Pine Street, an undocumented security gate arm safety loop was discovered cut into the sidewalk. This loop had to be reinstalled after the new sidewalk for the security system and parking gates to work properly. The Contractor submitted Request for Information #034 on October 26, 2018. The Project Manager responded on November 04, 2018 directing the Contractor to coordinate replacement of the loop with the building manager, however the building manager told the Contractor and the City that the replacement had to be done by a specialty contractor who could tie the gate loop into the multiple automation systems. Since the scope of the work was not able to be determined before the work started, the Contractor was ordered to proceed under Force Account.

- 2.5 While removing additional sidewalk panels along the north side of Broadway between Chestnut Avenue and Cedar Avenue that were lifted by tree roots from previously removed trees, a significant number of sizable tree roots were discovered under the sidewalk. These roots will need to be removed by the Contractor before the sidewalk can be replaced. Unfortunately, the roots need to be removed immediately so the sidewalk can be replaced, and ADA access restored to the businesses along this corridor. There is no time to negotiate a Lump Sum price to perform this work, therefore the Contractor was ordered to proceed under Force Account.
- 2.6 The contractor performed in-situ sampling of materials at various intersections as required prior to excavating materials. The results of those tests indicated the material had high levels of Petroleum Hydrocarbons (Diesel). The City was notified, and the material was directed to be stockpiled at the City's airport facility yard until a proper disposal site could be identified. The material was covered in plastic and surrounded with straw waddies and sand bags per the approved project SWPPP. The covering of the stockpile also will require periodic maintenance to ensure there are no holes or gaps in the cover or BMP surrounding it. Once a proper disposal site is identified, the stockpiled material will need to undergo additional sampling and lab analysis to characterize the stockpile before the disposal site will accept it. After the material has been deemed acceptable for transport it will need to be loaded into dump trucks and hauled for disposal; the Contractor will need to bring in labor and equipment to load the material, control dust and clean up materials spilled or tracked out of the city yard. This work is yet to be completed and the scope of the work is not able to be determined at this time.
- 2.7 Excavation and disposal of unimpacted materials is handled in the contract through the Unclassified Excavation Bid Item. Impacted materials are considered a change in field conditions and dealt with through Change Order. The estimated 1800 tons of impacted materials on this job will be excavated and hauled to the Contractor's yard where they will be stockpiled. That work will be paid for under the Unclassified Excavation Bid Item. The transportation and disposal of the impacted materials from the Contractor's stockpile to the designated Class 1 landfill will be compensated through this new Bid Item.
- 2.8 At the northeast curb return of 3<sup>rd</sup> Street and Maine, on 3<sup>rd</sup> Street at the Begin Curb Return, there is an existing catch basin side opening inlet in the section of curb and gutter to be removed and replaced. The concrete surrounding the armored face plate is in poor repair and needs to be replaced. The plans indicated to remove the catch basin in its entirety but did not specify to replace it. The Contractor submitted Request for Information #023 on October 15, 2018. The Project Manager responded on October 16, 2018 directing the Contractor to submit a cost to replace the deck of the catch basin only. Change Request # 002 was submitted on October 22, 2018 requesting a lump sum to perform the work. The Project Manager reviewed the cost and approved the work to proceed.
- 2.9 The 4" reclaimed waterline was planned to be a straight alignment with a consistent depth vertical alignment. The Contractor potholed the planned alignment and discovered several unknown buried manmade obstructions that would require alignment changes in both the horizontal and vertical directions. The Contractor submitted Change Request #009 on December 7, 2018 in advance of the work asking for a unit price of \$6,050.45 per alignment change, either vertical or horizontal. The CM team reviewed the unit price proposed, performed an Independent Cost Estimate and found the Contractor's price to be twice as much as necessary. A counter proposal was presented to the Contractor for \$3,572.55 per shift and from potholing we anticipate up to four alignment shifts. The Contractor will perform the work and bill the actual number of alignment shifts as verified by the City Inspector.
- 2.10 After construction started, Long Beach Transit (LBT) notified the City that they had approved plans to change the type of bus shelters they would be installing on the project once complete. The new shelters would be surface mounted and bolt down, however the final design and size or number of columns is not known. To provide maximum mounting options and variations, LBT requested that the concrete thickness for the bus island platform be increased from 3" to 6". This City and Project Manager have reviewed this request and directed the Contractor in Request for Information #019 on November 9, 2018 to increase the thickness of PCC in the entire bus loading platform excluding the access ramp. Change Request #014 was submitted on December 10, 2018 requesting a new unit rate of \$9 per Square Foot to perform the work. The Project Manager met with the Contractor on December 17, 2018 and negotiated a unit rate of \$8 per Square Foot which the Contractor accepted. The work will proceed immediately at the agreed unit rate.

- 2.11 There are two (2) trees located adjacent to the sidewalk along the north side of 3<sup>rd</sup> Street near the corner of Daisy Avenue, one (1) Ficus and one (1) Pine tree. These are large and mature trees with wandering roots that have uplifted the sidewalk and need to be trimmed significantly to reconstruct the sidewalk to ADA standards. The Contractor submitted Request for Information #011 on October 11, 2018. The City Arborist responded on October 18, 2018 directing the Contractor to remove the trees and stumps and the Project Manager requested the Contractor to submit a cost to remove the two trees, stumps and tendrils. Change Request # 003 was submitted on October 26, 2018 requesting a lump sum to perform the work. The Project Manager reviewed the cost and approved the work to proceed.
- 2.12 Bid Item #053 calls for installing fifteen (15) trees and tree wells on the northside of Broadway between Chestnut Avenue and Cedar Avenue but does not include an irrigation system. The existing irrigation system was found to be obliterated by old roots and stumps when the sidewalk was removed, a new irrigation system must be installed for the trees to take root and grow. Change Directive #002 was sent on November 19, 2018 requesting a Lump Sum price from the Contractor to install the tree irrigation system and replace necessary sidewalk removed for previous tree uplift or pipe installation.
- 2.13 After construction started and the bus islands laid out by the Contractor's Surveyor, two issues arose that required new survey of all the bus islands. The first issue was a request from Long Beach Transit to the City to relocate two bus stops, one (1) on Broadway from Chestnut farside to Cedar farside and another on 3<sup>rd</sup> Street from Pine nearside to the Promenade. The City agreed to move both stops and the Designer of Record included these bus stop relocations in a revised drawing package which the Project Manager issued to the Contractor in Change Directive #001 on September 24, 2018. The second issue was the lack of clarity in the plans regarding the required top of curb heights on the bus loading side of the platforms. The Contractor submitted Request for Information (RFI) #021 on October 14, 2018. The Designer of Record responded to the RFI on October 31, 2018 with the top of curb elevations. The Contractor submitted Change Request #007 on November 26, 2018 requesting a lump sum to perform the new survey work. The Project Manager reviewed the cost and approved the work to proceed.
- 2.14 The City Engineer, during initial Contract Negotiations with the Contractor, requested an additional milestone be added to the baseline schedule for a significant public event that will occur on December 22, 2018. This event is anticipated to draw over 1,000 people to the church at the southwest corner of Cedar and 3<sup>rd</sup> Street and parking or walking all around the surrounding area. The Contractor will be authorized to work overtime to make this milestone and that direction will be under a separate Change Order, however, there will be a need to paint interim striping on both Broadway and 3<sup>rd</sup> Street from Pacific to the 710 Freeway Ramps for the safety of those driving into town for the event. The Contractor submitted Change Request #016 on December 14, 2018 requesting a lump sum to perform the temporary striping work based on a plan prepared by the City Traffic Engineer to paint one coat of temporary striping. The Project Manager reviewed the Contractor's proposed cost and approved the work to proceed immediately.

### PART 3 CHANGE IN CONTRACT AMOUNT

#### A. EXTRA WORK AT FORCE ACCOUNT

In accordance with Section 3-3, Extra Work, of the Standard Specifications for Public Works Construction, under the direction of the Project Manager you are authorized to provide all labor, materials, equipment, and installation of the following:

- 3.1 Establish new bid item necessary to reimburse the contractor for all labor, material, and equipment necessary to **make miscellaneous field adjustments** as directed by the project manager for the estimated cost of ..... \$25,000.00
- 3.2 Establish new bid item necessary to reimburse the contractor for all labor, material, and equipment necessary to **maintain traffic** as directed by the project manager for the estimated cost of ..... \$ 10,000.00
- 3.3 Establish new bid item necessary to reimburse the contractor to **remove unforeseen obstructions** as directed by the project manager for the estimated cost of ..... \$10,000.00

- 3.4 Establish new bid item to reimburse the contractor to **reinstall an automatic gate loop sensor** as directed by the project manager for the estimated cost of ..... \$2,000.00
- 3.5 Establish new bid item to **remove roots** under sidewalk as the directed by the Project Manager for the estimated cost of ..... \$3,200.00
- 3.6 Establish new bid item to **test, stockpile and maintain impacted materials** as directed by the project manager for the estimated cost of ..... \$15,000.00
- 3.7 Establish new bid item to **transport and dispose of impacted materials** as directed by the project manager for the Unit Price of \$54.54 per TON for the estimated total cost of ..... \$98,172.00
- 3.8 Establish new bid item necessary to reimburse the contractor for all labor, materials and equipment, to **replace catch basin deck** as directed by the Project Manager, for estimated cost of ..... \$6,200.00

Payment for the above items shall only be through Extra Work Bills submitted with monthly progress payment applications and shall only be accepted if accompanied by Time and Material tickets signed by the City Inspector on the day the work was performed and noting the appropriate contract change order item.

**B. EXTRA WORK AT AGREED LUMP SUM OR UNIT PRICE**

In accordance with procedures for changes in the work established in the specifications, you are authorized to do the following:

- 3.9 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment to make (4) ea. **waterline alignment adjustments**, as directed by the Project Manager, at \$3,572.55 Ea. for an estimated total of .....\$14,290.20
- 3.10 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to construct an estimated 14,400 SF of **Portland Cement Concrete bus island at 6" thick**, as directed by the project manager, at \$8.00 per Square Foot for an estimated total of ..... \$11,536.00
- 3.11 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **remove two (2) ea. trees** as directed by the Project Manager, for the Lump Sum cost of ..... \$5,600.00
- 3.12 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **furnish and install Irrigation System** as directed by the project manager, for the Lump Sum cost of .....\$16,986.66
- 3.13 Establish new bid item necessary to reimburse the contractor for additional labor, materials, and equipment necessary to provide **additional survey layout** as directed by the project manager, for the Lump Sum cost of ..... \$8,471.38
- 3.14 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **install temporary traffic striping** as directed by the project manager, for the Lump Sum cost of ..... \$11,370.00

The total of all Extra Work and Agreed Prices described above totals \$237,826.24 and includes all contractor markups.

- Net Extra Work at Force Account	= \$ 169,572.00 ✓
- Net Extra Work at New Unit Price	= \$ 25,826.20
- Net Extra Work at Agreed Lump Sum	= \$ 42,428.04
- Net to Contract Cost	= \$ 237,826.24 ✓




PART 4 CHANGE IN CONTRACT TIME

NO TIME ADJUSTMENTS SHALL BE GRANTED FOR THIS CHANGE ORDER.

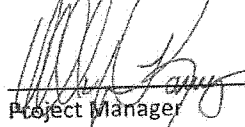
By signing this change order, the Contractor acknowledges that it is familiar with California Civil Code Section 1542, which reads: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor;" and Contractor hereby releases the City of Long beach from any unknown claims and waives its rights under Section 1542.

The Prices set forth herein above shall be considered full compensation for all obligations of the Contractor associated with this change order, and the City will not be liable for any claim of the Contractor for delays or extra compensation resulting from performance of the requirements of this change order.

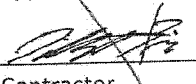
Recommended By:

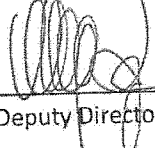
  
3/7/2019  
Chief Construction Inspector (Date)


  
3/7/19  
Construction Services Officer (Date)

  
3/7/19  
Project Manager (Date)

Approved By:

  
02/19/19  
Contractor (Date)

  
3/12/19  
Deputy Director/City Engineer (Date)

  
3/25/19  
Financial Management (Date)