

**CHANGE ORDER(s)**

**AND /OR**

**LETTER(s) OF EXTENSION**

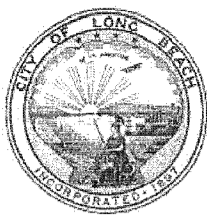
--

**CONTRACT CHANGE ORDER NO. 003  
DATED JUNE 26, 2019**

---

**FILED WITH CONTRACT #35039**

**(SULLY-MILLER CONTRACTING COMPANY)**



# City of Long Beach

Working Together to Serve

## Memorandum

**Date:** June 26, 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#:** 003

**ORIGINATED FROM:** Project Development

**SOURCE OF FUNDING:** CIP Projects

**REASON:** See Attached

**COST (CCO #003):** \$ 54,670.20

**ORIGINAL CONTRACT:** \$ 4,152,000.00 ✓

**ORIGINAL APPROVED CONTINGENCY (10%):** \$ 415,200.00 ✓

**ORIGINAL CONTRACT + CONTINGENCY (NOT TO EXCEED):** \$ 4,567,200.00 ✓

**TOTAL OF ALL CCO'S TO DATE (INCLUDING THIS CCO):** \$ 319,153.79 ✓

**TOTAL PERCENT (%) OF CONTINGENCY USED TO DATE:** 76.9% ✓

**CONTINGENCY REMAINING TO DATE:** \$ 96,046.21 ✓

DEPARTMENT OF PUBLIC WORKS  
Certification of Materials or Services  
#0#/Object 28309045 / 930600  
Project # 3003040018  
Level 2-3  
By CPW Date 08/28/19

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: 06/26/2019  
PROJECT #: 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. 003

PART 1 REASON FOR CHANGE

- 1.1 Change order work to install City furnished pedestrian/bicycle counting equipment (Eco-Totem), including all electrical tie-in work and new sidewalk panels to be replaced in kind.
- 1.2 Change order work to remove and replace PCC crosswalk across Pine on Broadway.
- 1.3 Change order work to compensate contractor for halted sidewalk construction work due to unforeseen field conditions.
- 1.4 Change order work to construct a 4' wide taper AC grind and a 16' wide, 1.5" thick AC overlay on 3<sup>rd</sup> Street between Magnolia Ave and Daisy Ave.
- 1.5 Change order work to remove sidewalk and expose basement of unforeseen existing basement at F&M Bank at the Pine and 3<sup>rd</sup> Street intersection.
- 1.6 Change order work to install temporary waterproofing measures at sidewalk in front of Octopus Restaurant.
- 1.7 Change order to complete a power washing of the Promenade crosswalk at both 3<sup>rd</sup> Street and Broadway, including any necessary traffic control.
- 1.8 Change order work to furnish, install and compact Decomposed Granite (DG) in 15 ea new tree wells on Broadway and Chestnut.

PART 2 DESCRIPTION OF CHANGE

- 2.1 In order for the City to make an accurate assessment of the success of the project and the public usage of the bike lanes, a pedestrian/bicycle counter and display (Eco-Totem) was purchased. The unit was purchased from Canada and there was no local vendor available to install it. The Contractor was requested to install the counter, including all electrical tie-in work and new sidewalk panels to be replaced in kind. Because the full scope of the work could not be determined accurately, the work was tracked on Force Account and verified by the inspector.
- 2.2 The contract included the installation of an underground Fiber Optic cable on Broadway from Pacific to the Promenade to connect the traffic signals. However, due to an unusual amount of unforeseen underground utility obstructions, the line was not able to be directionally bored per plan. This resulted in the need to remove and replace the PCC crosswalk across Pine on Broadway. An agreed Lump Sum price was negotiated, and the work was authorized to proceed once the price was settled.
- 2.3 On 3<sup>rd</sup> Street between Main and Daisy on the north side of the street, the flowline was staked based on the profile shown on the plans. However, when forming started in the field, the top of curb did not match the sidewalk so the Contractor halted work to get clarification. The CM reviewed the issue in the field and provided direction on how to proceed. The direction given required forms to be redone. Upon completion of the day, the Contractor submitted T&M tickets to account for the lost time for men and equipment. The costs were reviewed, and an agreed Lump Sum price was negotiated and settled.
- 2.4 On 3<sup>rd</sup> Street between Daisy and Magnolia, the flowline of the curb was reprofiled in the plans to improve drainage. Unfortunately, the new lip of gutter could not be adjusted to match the

existing edge of AC roadway. RFI #055 was issued by the Contractor and the response provided directed the Contractor to construct a 4' wide AC taper grind at the travel side of the parking lane, followed by a 16' wide, 1.5" thick AC overlay to match the new lip of gutter which was generally lower than the new lip of gutter. Work was ordered to be completed at Bid Item prices but the Contractor disagreed and submitted a Change Request. Upon review of the Change Request, the CM agreed that this was outside the scope of the Bid Items. The costs were reviewed, and an agreed Lump Sum price was negotiated and settled.

- 2.5 During removal of sidewalk at F&M Bank (302 S Pine Ave) at the northeast corner of Pine and 3<sup>rd</sup> Street, the City directed the Contractor to remove all integral colored stamped concrete surrounding the building and replace it with standard PCC sidewalk. During excavation, an unknown existing basement was discovered surrounding the bank. The Contractor had to carefully break out and remove the concrete and then was directed to dig a trench around limits of basement so the owner could replace the waterproofing at their own cost. The work to dig the trench and support the waterproofers was ordered to be performed at Force Account. Now that the work is complete, the Contractor has submitted all costs. The costs were reviewed, and an agreed Lump Sum price was negotiated and settled.
- 2.6 During removal of sidewalk in front of the Octopus (200 S Pine Ave), an unforeseen basement was discovered below the sidewalk. After replacement of the sidewalk, a leak was discovered in the eating area of the restaurant below the sidewalk in the basement. The Contractor was directed to install temporary waterproofing measures under Force Account at the sidewalk in front of Octopus Restaurant. Now that the work is complete, the Contractor has submitted all costs. The costs were reviewed, and an agreed Lump Sum price was negotiated and settled.
- 2.7 The Promenade, located between Pine and Long Beach Boulevard is a decorative concrete walkway. The City requested the Contractor to power wash the Promenade crosswalks on Broadway and 3<sup>rd</sup> Street. An agreed Lump Sum price was negotiated, and the work was authorized to proceed once the price was settled.
- 2.8 The plans called for the installation of 15 trees on Broadway from Chestnut to Cedar including some trees going up Chestnut. The plans did not however call for any tree grates or finish on the tree wells. The City requested the tree wells be brought up level with the surrounding sidewalk by installing and compacting Decomposed Granite (DG). An agreed Lump Sum price was negotiated, and the work was authorized to proceed once the price was settled.

**PART 3 CHANGE IN CONTRACT AMOUNT**

A. BID ITEM QUANTITY ADJUSTMENTS	ADD	DEDUCT
• Delete 4,339 SF of Bid Item CCO1.10, Construct PCC sidewalk, 6" thick over 4" CMB		-\$ 34,712.00
• Delete 1 LS of Bid Item CCO1.13, Survey Relocated Bus Islands		-\$ 8,471.38
• Delete 1 LS of Bid Item CCO1.14, Interim Striping for Major Public Event		-\$ 11,370.00
		<hr/>
Subtotal		-\$ 54,553.38
<b>TOTAL (Deduct)</b>		<b>-\$ 54,553.38</b>

**B. 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 **install City furnished pedestrian/bicycle counting equipment (Eco-Totem)**, including all electrical tie-in work and new sidewalk panels to be replaced in kind as directed by the project manager for the approved cost of ..... \$20,659.40

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.

C. 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:

- 3.2 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **remove and replace PCC crosswalk across Pine on Broadway** as directed by the project manager, for the Lump Sum cost of ..... \$47,012.98
- 3.3 Establish new bid item necessary to reimburse the contractor for **halted sidewalk construction work due to unforeseen field conditions** as agreed by the project manager, for the Lump Sum cost of ..... \$4,029.17
- 3.4 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **construct a 4' wide taper AC grind and a 16' wide, 1.5" thick AC overlay on 3<sup>rd</sup> Street between Magnolia Ave and Daisy Ave** as directed by the project manager, for the Lump Sum cost of ..... \$11,492.14
- 3.5 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **remove sidewalk and expose basement of unforeseen existing basement at F&M Bank** at the Pine and 3<sup>rd</sup> Street intersection as directed by the project manager, for the Lump Sum cost of ..... \$16,090.05
- 3.6 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **install temporary waterproofing measures at sidewalk in front of Octopus Restaurant** as directed by the project manager, for the Lump Sum cost of ..... \$1,964.07
- 3.7 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **power wash crosswalk at the Promenade** as directed by the project manager, for the Lump Sum cost of ..... \$5,875.80
- 3.8 Establish new bid item necessary to reimburse the contractor for all labor, materials, and equipment necessary to **furnish, install and compact Decomposed Granite (DG) in 15 ea new tree wells on Broadway and Chestnut** as directed by the project manager, for the Lump Sum cost of ..... \$2,099.97

The total of all Extra Work and Agreed Prices described above totals \$54,670.20 and includes all contractor markups.

A.	- Net Bid Item Quantity Adjustment	=	- \$	54,553.38
B.	- Net Extra Work at Force Account	=	\$	20,659.40
C.	- Net Extra Work at Agreed Lump Sum or Unit Price	=	\$	88,564.18
	- Net to Contract Cost	=	\$	54,670.20

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:

Mark Wang 8/27/19  
Chief Construction Inspector (Date)

Mark Wang 8/27/19  
Construction Services Officer (Date)

[Signature] 8/28/19  
Project Manager (Date)

Approved By:

[Signature] 8/28/19  
Contractor (Date)

[Signature] 8/28/19  
Deputy Director/City Engineer (Date)

[Signature] 8/29/19  
Financial Management (Date)