

**CHANGE ORDER(s)**

**AND /OR**

**LETTER(s) OF EXTENSION**

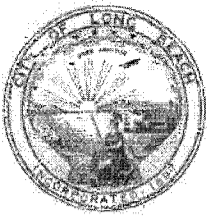
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**CONTRACT CHANGE ORDER NO. 002  
DATED AUGUST 10, 2018**

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**FILED WITH CONTRACT #34811**

**(SULLY MILLER CONTRACTING CO)**



**City of Long Beach**

*Working Together to Serve*

**Memorandum**

**Date:** August 10, 2018

**To:** Alvin Papa, Acting City Engineer

**From:** Marc Wright, Construction Services Officer

**Subject:** **CONTRACT CHANGE ORDER TRANSMITTAL MEMO**

PROJECT: Contract-34811, R-7080 Daisy-Myrtle Bicycle Boulevards

CONTRACTOR: Sully-Miller Contracting Co.

CCO#: 002

ORIGINATED FROM: Project Development

SOURCE OF FUNDING: CIP Projects

REASON: See Attached

COST (CCO #002): \$ 116,471.78

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): \$ 133,544.41

TOTAL PERCENT (%) OF CONTINGENCY USED TO DATE: 34.01%

CONTINGENCY REMAINING TO DATE: 6.60% (\$ 259,095.59)

DEPARTMENT OF PUBLIC WORKS  
 CAPITAL IMPROVEMENT PROJECTS  
 Certification of Materials or Services

Vendor ID# V027174  
 POPW 1800019  
 Proj/Proj detail PW 1010-180  
 Index/Subobject PWCIPAB/210009  
 Grant/Grant detail see below  
 User Code \_\_\_\_\_  
 By [Signature] 9/6/18  
 DATE

21-370- PWMTAM/1801 - \$ 24,808.49  
 78-790- PWMTAM/1802 - \$ 91,663.29

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: 08/10/2018  
R-7080  
CONTRACT NO.: 34811  
PROGRAM NO.: PWT010-16

PROJECT: DAISY-MYRTLE BICYCLE BOULEVARDS

CONTRACT: CHANGE ORDER AUTHORIZATION NO. 002

PART 1 REASON FOR CHANGE

- 1.1 Change order to properly cover and maintain stockpile of impacted materials stored at City yard until a proper disposal site could be identified. Because 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 time and materials for labor, materials and equipment.
- 1.2 Change order work to load stockpile of impacted materials into transport trucks and clean up any dropped or tracked materials. This scope of work cannot be fully defined at this time and will therefore be tracked on time and materials for labor, materials and equipment.
- 1.3 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.
- 1.4 Change order work to sample stockpile of impacted materials and have a testing lab analyze and report on samples. This work will be done at an Agreed Lump Sum.

PART 2 DESCRIPTION OF CHANGE

- 2.1 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 waddles 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.
- 2.2 The stockpiled material at the City's airport facility yard will need to be loaded into transport trucks to dispose of. 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.
- 2.3 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 impacted materials on this job were excavated and hauled to the City's airport facility yard where they were stockpiled. That work was paid for under the Unclassified Excavation Bid Item. The transportation and disposal of the impacted materials from the City's airport facility yard to the Class 1 landfill in Simi Valley will be compensated through this new Bid Item.
- 2.4 While the sampling of in-situ materials is required per the Contract and included in the cost, the City requested additional testing of the stockpile to characterize the material before disposal. This was not required of the disposal site, however, sometimes the moving and dilution of the stockpile will change the overall character of the material in either a positive or negative way. In either case, it is best to know exactly what is being hauled to mitigate liability and exposure to the City.

## PART 3 CHANGE IN CONTRACT AMOUNT

### A. EXTRA WORK AT AGREED LUMP SUM OR FORCE ACCOUNT

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

- 3.1 This payment includes costs to properly cover and maintain stockpile of impacted materials stored at City yard until a proper disposal site can be identified. Contractor shall provide all labor, materials, and equipment at Force Account pursuant to Standard Specifications 3-3, as directed by the Project Manager, for the estimated total of \$10,000.
- 3.2 This payment includes costs to load stockpile of impacted materials into transport trucks and clean up any dropped or tracked materials to the satisfaction of the City Inspector. Contractor shall provide all labor, materials, and equipment at Force Account pursuant to Standard Specifications 3-3, as directed by the Project Manager, for the estimated total of \$25,000.
- 3.3 This payment includes costs to truck and dispose impacted materials to an appropriate Class landfill or disposal site. Contractor shall provide all labor, trucking, weight tickets, manifests, disposal site acceptance documentation, and pay for all disposal fees at an agreed Unit Price of \$54.54 per TON for the estimated total of \$80,000.
- 3.4 This payment includes costs to sample stockpile of impacted materials and have a testing lab analyze and report on samples. Provide all labor, materials, equipment, to properly sample, document, analyze and report on samples, as directed by the Project Manager, for the Lump Sum of \$1,471.78

The total of all Extra Work and Agreed Prices described above totals \$116,471.78 and includes all contractor markups.

- Net Extra Work at Force Account	=	\$ 115,000.00
- Net Extra Work at Agreed Lump Sum	=	\$ 1,471.78
- Net to Contract Cost	=	\$ 116,471.78


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:

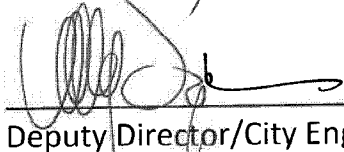
  
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Chief Construction Inspector (Date) 8-16-18

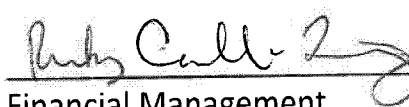
  
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Construction Services Officer (Date) 8/27/18

  
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Project Manager (Date) 8-13-18

Approved By:

  
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Contractor (Date) 08/27/18

  
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Deputy Director/City Engineer (Date) 9/27/18

  
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Financial Management (Date) 9/19/18