

**CHANGE ORDER(s)**

**AND /OR**

**LETTER(s) OF EXTENSION**

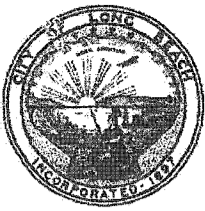
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**CONTRACT CHANGE ORDER NO. 003  
DATED NOVEMBER 12, 2018**

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**FILED WITH CONTRACT #34811**

**(SULLY MILLER CONTRACTING CO)**



**City of Long Beach**

Working Together to Serve

**Memorandum**

**Date:** November 12, 2018  
**To:** Alvin Papa, 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#:** 003

**ORIGINATED FROM:** Project Development

**SOURCE OF FUNDING:** CIP Projects

**REASON:** See Attached

**COST (CCO #003):** \$ 88,566.45

**ORIGINAL CONTRACT:** \$ 3,926,400.00 *4,866,683*

**ORIGINAL APPROVED CONTINGENCY (10%):** \$ 392,640.00 *486,668*

**ORIGINAL CONTRACT + CONTINGENCY (NOT TO EXCEED):** \$ 4,319,040.00 *5,353,351*

**TOTAL OF ALL CCO'S TO DATE (INCLUDING THIS CCO):** \$ 222,110.86

**TOTAL PERCENT (%) OF CONTINGENCY USED TO DATE:** 56.57% *+5.6%*

**CONTINGENCY REMAINING TO DATE:** 4.34% (\$ 170,529.14) *265,557.14*  
*54.6%*

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: 11/12/2018  
R-7080  
CONTRACT NO: 34811  
PROGRAM NO: PWT010-16

PROJECT: DAISY-MYRTLE BICYCLE BOULEVARDS

CONTRACT: CHANGE ORDER AUTHORIZATION NO. 003

PART 1 REASON FOR CHANGE

- 1.1 Change order to pay for additional work efforts to protect in place newly constructed curb and gutter medians and bulb outs at the intersection of Harding Street and Myrtle Avenue while removing existing asphalt roadway and grading for new lowered road section. This work was completed and tracked by the Contractor and claimed later. The inspector confirmed the time and material and the Construction Manager verifies the merit of the change, the work will be compensated at an Agreed Lump Sum
- 1.2 Change order work to have the Contractor's Surveyor return to the intersection of Bixby Road and Linden Avenue to re-stake curb and gutter once the Asphalt removal was completed. This work was completed and tracked by the Contractor and claimed later. The inspector confirmed the time and material and the Construction Manager verifies the merit of the change, the work will be compensated at an Agreed Lump Sum
- 1.3 Change order to pay for lost wages and removal of forms when concrete crews were stopped at the intersections of Harding Street and Linden Avenue and Harding Street and Myrtle Avenue. This work was completed and tracked by the Contractor and claimed later. The inspector confirmed the time and material and the Construction Manager verifies the merit of the change, the work will be compensated at an Agreed Lump Sum
- 1.4 Change order work to furnish and install a GRIDSMART Video Detection System at the intersection of Anaheim Street and Magnolia Avenue. This work will be done at an Agreed Lump Sum.
- 1.5 Change order work to modify the corner of a steel swing gate at the intersection of Linden Avenue and Market Street. This work will be done at an Agreed Lump Sum.
- 1.6 Change order to pay for additional work efforts to have a laborer standby while the City of Long Beach Water Department dealt with issues while hot tapping a water line to install a water meter required for the project. This work was completed and tracked by the Contractor and claimed later. The inspector confirmed the time and material and the Construction Manager verifies the merit of the change, the work will be compensated at an Agreed Lump Sum.
- 1.7 Change order work to install mow curbs in medians as shown in the plans but not included in the Bid Schedule. This work will be done at an Agreed Lump Sum.
- 1.8 Change order work to truck and dispose asphalt grindings mixed with Petromat 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.

PART 2 DESCRIPTION OF CHANGE

- 2.1 While grading for new curb and gutter at the intersection of Harding Street and Myrtle Avenue (as well as Harding Street and Linden Avenue), the Contractor noticed that the new curb and gutter was going to be much lower than the existing roadway. A field meeting was called with the Contractor and Designer of Record (DOR) to review the issues. It was discovered that during design, the curb and gutter was re-profiled to move water to new catch basins and the roadway was to be completely removed and replaced. The catch basins were later deleted,

and the roadway was changed to a cold mill and cap. The DOR mistakenly forgot to raise the new curb and gutter to sit on top of the existing asphalt. The profiles would now have to be redone for all five roundabouts during construction. Since the curb and gutter was already graded and ready to be built, the City wanted to limit the time frame for the full closure at this busy intersection by the high school and the existing asphalt was in poor condition, it was decided to rebuild the roadway at this location and adjust the profiles elsewhere where work had not commenced yet. The Contractor was directed to proceed with the work at this intersection. The Contractor completed pouring all new curb and gutter and medians and then stopped work and submitted Request For Information (RFI) # 043 to inquire what was to be done with the existing asphalt roadway. The DOR directed the Contractor in Response to RFI # 043 to remove the existing asphalt roadway and rebuild it per City standard to the new curb and gutter heights. The Contractor was now forced to carefully remove the roadway between the channelizer islands and roundabouts without damaging any of the new curbs. He then had to place crushed miscellaneous base and compact within those tight working limits. The Contractor completed the work, but then later submitted a Change Request #005, revision 01 on July 12, 2018 asking to be compensated for the unanticipated work effort in the amount of \$9,443.11. The City Construction Services Officer, the Construction Manager and the Contractor met on August 27, 2018 to negotiate a settlement. An agreement was reached to pay a lump sum of \$4,500.00.

- 2.2 The Construction plans called for a cold mill and overlay of the asphalt in the intersection of Bixby Road and Linden Avenue. The Contractor's surveyor placed most of the offsets for new curb and gutter on the roadway since it was assumed to be protect in place until after curb and gutter construction was complete. After the discovery of the incorrect profiles described in the item 2.1 above, Change Directive # 010 was issued on June 22, 2018 to the Contractor which raised curb and gutter profiles to existing roadway grades but incorrectly asked them to remove the roadway. Once the roadway was removed along with the curb and gutter construction staking, the Contractor's Surveyor was required to mobilize a second time to replace all destroyed survey points.
- 2.3 While grading for new curb and gutter at the intersection of Harding Street and Linden Avenue (as well as Harding Street and Myrtle Avenue), the Contractor noticed that the new curb and gutter was going to be much lower than the existing roadway. A field meeting was called with the Contractor and Designer of Record (DOR) to review the issues on May 11, 2018. Upon inspection of the forms and prior to concrete pour at Harding and Linden, the Engineer and Construction Manager discovered that there was an error in the plans and the curb and gutter profiles needed to be revised. Direction was provided immediately to the Contractor to stand down and await further instruction on how to proceed. Concrete crews had already set up forms and were setup to pour concrete, they had to remove all forms and secure the site until further direction was provided. Change Request # 08 was submitted on July 24, 2018 by Sully-Miller requesting to be compensated for the removal of forms. The City Construction Services Officer, the Construction Manager and the Contractor met on August 27, 2018 to negotiate and settle this Change Request. An agreement was reached to pay a lump sum of \$3,519.34.
- 2.4 The Construction plans called for the installation of bicycle loops at the intersection of Anaheim Street and Magnolia Avenue, but it was discovered during installation that there were no video detection components present at the intersection for the loops to tie into. The Contractor submitted RFI # 049 on July 16, 2018 requesting direction on how to proceed. The City Traffic Engineer and Designer of Record were consulted, and it was determined that the solution was to install a GRIDSMART Video Detection System (Response to RFI # 049 sent on July 25, 2018). The Contractor responded with Change Request # 09 on July 27, 2018. The price was reviewed by the Construction Manager and further field investigation was requested to ensure that there would be no additional costs. Once the field work was completed, the Change Request was approved and the equipment was ordered. Work will be completed at a Lump Sum price.
- 2.5 A new center median was constructed at the intersection of Linden Avenue and Market Street along Linden Avenue south of Market. An existing set of permitted swing gates exists at this intersection that the church / school can use to close and block the road during the day. What was not considered during design was the elevation of the bottom of the westerly swing gate and the height of the median curb. The gate was too low and hit the median curb before it could be closed. The Engineer discussed modifying the gate with the principal of the school and upon authorization, directed the Contractor through Change Directive # 012 on August 23, 2018 to modify the bottom of the westerly swing gate so that the gate could clear the

median and fully close. The Contractor submitted Change Request # 012 on September 12, 2018 requesting a lump sum to perform the work. The Engineer reviewed the cost and approved the work to proceed.

- 2.6 The Contract required the Contractor to coordinate the installation of water meters at each traffic circle, ellipse and median. The standard procedure developed was for the Contractor to excavate and shore the hot tap location for the water meter and then call in the water department to install the hot tap and water meter. Once the City water department completed their work, the Contractor would then cover the area with a steel plate until the shoring could be removed and the hole backfilled. At the intersection of 5<sup>th</sup> Street and Daisy Avenue, the Water Department had much difficulty hot tapping the old and corroded existing water line. This resulted in the Contractor's Foreman and laborer having to stay a few hours past their shift while the City of Long Beach Water Department resolved the hot tap issue. Once the work was completed, the Contractor was able to cover up the excavation and secure the area. This work will be compensated at an Agreed Lump Sum.
- 2.7 The Contract plans depict and call out the construction of single reinforced 4" mow curb in each traffic circle, ellipse and roundabout median, however, there is no bid item for this work and it was not included in any other pay item in the project specifications. The Contractor submitted Change Request # 015 on October 8, 2018 requesting a lump sum compensation based on a linear foot unit price. The unit price was reviewed and analyzed by the City and Engineer and deemed reasonable. The extended lump sum price based on the quoted unit price was discussed at the weekly progress meeting on October 8, 2018 and agreed to.
- 2.8 While saw cutting and potholing at the intersection of Myrtle Avenue and 70<sup>th</sup> Street, two layers of Petro Mat were discovered in the layers of existing asphalt. The Contractor submitted Change Request # 010 on August 27, 2018 claiming this was a change in conditions and requesting to be compensated for not being able to recycle the asphalt grindings and instead having to dispose of at a landfill. The construction plans called for the cold mill and overlay of this intersection, but because of the issues discussed in items 2.1 and 2.3 above, the entire roadway now had to be removed which forced the Contractor to have to deal with the Petro Mat. The Engineer agreed to pay the grinding of the asphalt under the Unclassified Excavation Bid Item. However, the transportation and disposal of the impacted materials to a proper disposal facility will be compensated through a new Bid Item at an agreed unit price and measure based on weight tickets gathered at the disposal facility.

### 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 protect in place newly constructed curb and gutter while removing roadway section previously not slated for removal. Provide all labor, materials, equipment, as directed by the Project Manager, for the Lump Sum of \$4,500.00.
- 3.2 This payment includes costs to redo survey at the intersection of Harding Street and Myrtle Avenue after the roadway elevations were revised. Provide all labor, materials, equipment, to resurvey, as directed by the Project Manager, for the Lump Sum of \$3,055.25.
- 3.3 This payment includes costs for stopping work at Harding Street and Linden Avenue and Harding Street and Myrtle Avenue intersections because of issues with roadway elevations. Provide for lost billable wages and materials for the Lump Sum of \$3,519.34.
- 3.4 This payment includes costs to furnish and install a GRIDSMA<sup>R</sup>T single camera video detection system at the intersection of Anaheim Street and Magnolia Avenue. Provide all labor, materials, equipment, to furnish, install, program and warranty the video detection system, as directed by the Project Manager, for the Lump Sum of \$28,578.46
- 3.5 This payment includes costs to modify the bottom corner of an existing steel swing gate at the intersection of Linden Avenue and Market Street to clear the newly constructed median. Provide all labor, materials, equipment, to modify the gate, as directed by the Project Manager, for the Lump Sum of \$1,499.85.

3.6 This payment includes costs to have a laborer on standby to place a steel plate over an excavation the City of Long Beach Water Department needed to complete a hot tap for a project required water meter. Provide all labor, materials, equipment, to standby and make safe an excavation for a hot tap, as directed by the Project Manager, for the Lump Sum of \$488.55.

3.7 This payment includes costs to construct mow curbs as required in the plans at all new traffic circles, ellipses and roundabouts. Provide all labor, materials, equipment, to form, pour, strip and finish mow curbs, as directed by the Project Manager, for the Lump Sum of \$27,625.00.

In accordance with Section 3-3, Extra Work, of the Standard Specifications for Public Works Construction, you are authorized to do the following:

3.8 This payment includes costs to transport and dispose impacted materials to an appropriate Class landfill or disposal site. Contractor shall provide all labor, transportation, 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 \$19,300.00.

The total of all Extra Work and Agreed Prices described above totals \$88,566.45 and includes all contractor markups.

- Net Extra Work at Force Account	=	\$ 19,300.00
- Net Extra Work at Agreed Lump Sum	=	\$ 69,266.45
- Net to Contract Cost	=	\$ 88,566.45


PART 4 CHANGE IN CONTRACT TIME

Time for completion of all work under the contract will be extended 16 Working Days beyond the Deputy Director/ City Engineer's Signature.

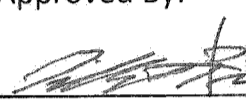
By signing this change order, the Contractor acknowledges that it is familiar with California Civil Code Section 1542, which reads: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him 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.

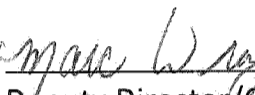
Recommended By:

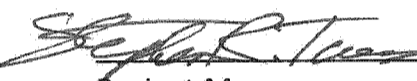
  
12-21-18  
Chief Construction Inspector (Date)

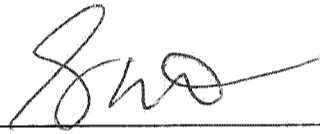
Approved By:

  
12/03/18  
Contractor (Date)

  
12/27/18  
Construction Services Officer (Date)

  
2/22/19 For A.P.  
Deputy Director/City Engineer (Date)

  
12/3/18  
Project Manager (Date)

  
6-13-19  
Financial Management (Date)