

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
 For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ Waiver of First Requested
 _____ Recommendations of Boards, Commissions & Committees (Green)
 _____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 1, 2007 (COW) (B of T) **Date:** February 19, 2007

TITLE: 2004 Yorktown Water Main
 Smith Engineering – Contract Amendment #1

SUBMITTED BY: David A. Dratnol, P.E., Village Engineer *for [Signature]*

BACKGROUND/POLICY IMPLICATIONS:

Please see memo.

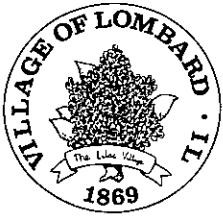
FISCAL IMPACT/FUNDING SOURCE:

Total Amended Contract Amount: \$86,821.19/Water & Sewer Fund
 Amendment Amount: \$32,295.16
 HTE Project Number: 0409
 Public Works Project Number: WA-04-01
 P.O. #: 050536

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X <i>[Signature]</i>	Date <i>2/20/07</i>
Village Manager X <i>[Signature]</i>	Date <i>2/20/07</i>

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



Legistar: 070100

To: William T. Lichter, Village Manager
Through: Wes Anderson, Director of Public Works
From: David A. Dratnol, P.E., Village Engineer
Date: February 19, 2007
Subject: 2004 Yorktown Water Main
Smith Engineering - Contract Amendment #1

Wes Anderson
for Dratnol

Attached is a request from Smith Engineering for additional compensation in the amount of \$32,295.16 related to construction observation for the 2004 Yorktown Water Main Project (phase 1 of the Yorktown Water Main Project). The 2004 Yorktown project involved construction of new water main in the vicinity of Buca di Beppo, the Claim Jumper Restaurant and behind the Yorktown Convenience Center (Carson Pirie Scott Furniture Store). Work on the water main by Buca di Beppo and the Claim Jumper Restaurant was completed in October of 2004. The work behind the Convenience Center was suspended until the conference center bonds were sold. Work behind the Convenience Center began on October 10, 2005 and was not accepted until June of 2006.

The request for additional compensation is based on contaminated soil in the ring road by the former Montgomery Ward Auto Service Station and expected construction time versus actual construction time.

The first issue is related to the contaminated soil found in the ring road by the former Montgomery Wards Service Station site (now the Claim Jumper Restaurant). The request is for additional time spent by Smith Engineering, both in the field and in the office documenting and mitigating the contaminated soils found on site. An additional ninety (90) man-hours are being requested for this work. The value of this work is \$5,713.30. Public Works asked Smith Engineering to delay their request for additional compensation, anticipating the possibility of additional requirements as issues were discovered during the construction of the Convenience Center watermain.

The second issue is based on anticipated duration of the work behind the Convenience Center. The resident engineering budgeted for construction inspection services were based on the anticipated construction schedule; however, the actual duration was longer. The contractor was allowed additional time to construct the job due to unforeseen conditions and multiple utility conflicts that were encountered. Therefore, additional resident engineering time was spent dealing with these issues. Specifically;

- Resolving existing underground utility conflicts, (actual location vs. atlas location) thus impeding the progress of installing the water main.
- Constructing additional sanitary sewer (to meet IEPA regulations) because a section of water main had to be relocated in the field due to a buried electrical line not properly identified nor correctly located by ComEd.
- Additional time spent with the paving sub-contractor laying out and inspecting the pavement patching operation.

Additional administration time is also being requested for drafting and documentation associated with the above activities. A total of four hundred forty five and one half (445.5) additional hours are being requested for the work behind the Yorktown Convenience Center. The value of this work is \$26,581.86.

The proposed revised not-to-exceed contract amount is \$86,821.19 (\$54,526.03 + \$5,713.30 + \$26,581.86).

For additional information please refer to the attached letter from Smith Engineering dated February 19, 2007.

The job box and record drawings have been submitted by Smith Engineering. Acceptance of the record drawings is pending.

Please present this amendment to the President and Board of Trustees for their review and approval at their regular meeting on March 1, 2007. If approved, please have the two signed originals returned to Public Works - Engineering for further processing.

DD/rgs

File: WA-04-01
H:PW/PW-ENG/PROJECTS/FY2004/WA-01-03-04/Resident Engineering

RESOLUTION
R _____ 07

A RESOLUTION AUTHORIZING
AMENDMENT OF A PROFESSIONAL
SERVICES CONTRACT

WHEREAS, the Board of Trustees of the Village of Lombard on July 22, 2004 adopted a resolution authorizing signature of President and Clerk on an agreement between the Village of Lombard and Smith Engineering Consultants, Inc. ; and

WHEREAS, an amendment to said contract is required to legally bind the parties; and

WHEREAS, Illinois law exempts professional engineering contracts from the requirements of Illinois Compiled Statutes, Chapter 720, Section 5/33B-9 regarding preparation of change orders.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the President and Village Clerk are hereby directed and authorized to execute an amendment to the contract with Smith Engineering Consultants, Inc. substantially in the form and manner of Exhibit "A" attached hereto and made a part hereof.

Adopted this 1st day of March 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this 1st day of March 2007.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

AGREEMENT TO AMEND A CONTRACT

THIS AGREEMENT made and entered into this 1st day of March 2007, by and between the **VILLAGE OF LOMBARD** (the "VILLAGE") and **SMITH ENGINEERING CONSULTANTS, INC.** (the "CONSULTANT").

WHEREAS, on July 22, 2004 the VILLAGE and CONSULTANT executed a contract regarding certain engineering services relative to the 2004 Yorktown Water Main; and

WHEREAS, the VILLAGE and CONSULTANT have agreed to increase the amount of work to be performed by the CONSULTANT together with a resultant increase in the limit which the contract sum may not exceed;

NOW, THEREFORE, for and in consideration of the foregoing and various covenants in said agreement and the mutual covenants herein contained, it is agreed by and between the parties as follows:

SECTION 1: The aforementioned contract shall be amended to expand the scope of work as provided for in the CONSULTANT'S February 19, 2007 letter.

SECTION 2: The aforementioned contract shall be amended to show a contract sum not to exceed \$86,821.19

SECTION 3: All other terms, covenants and conditions of said contract heretofore executed which are not amended or deleted herein shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and CONSULTANT have caused this document to be signed by duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: _____
Village President

ATTEST:

By: _____
Village Clerk

and **SMITH ENGINEERING CONSULTANTS, INC.**

By: _____

ATTEST:

By: _____



Smith Engineering Consultants

Civil/Structural Engineers and Surveyors

February 19, 2007

Mr. Ray Schwab
Civil Engineer
Village of Lombard
255 E. Wilson Avenue
Lombard, Illinois 60148

RE: 2004 Yorktown Water Main Project (No. WA-04-01)
Additional Work Effort
SEC Job No.: LOMB-040614-6

Dear Mr. Schwab:

As you are aware, the Yorktown Water Main Project has exceeded the original time estimate for completion of all construction activities. Smith Engineering Consultants (SEC) submitted a proposal for construction observation services that was based on 80 calendar days for completion. The project began on August 13, 2004 and was completed on May 30, 2006, utilizing 173 calendar days and 139 working days and surpassing the original project duration by 93 days. This represents a 116% increase in time. In addition to this extended duration of construction, an area of unknown soil contamination was discovered during construction of the water main improvements on the proposed Claim Jumpers site. The contamination was also found to have migrated to an area immediately east of Ring Road.

Due to the extended duration of the project and the discovery of the unknown soil conditions, SEC is requesting an amendment to our existing resident engineering services contract. Based purely on a working day basis the value of the SEC contract with the Village for construction engineering, construction survey and administration tasks would increase from \$54,526.03 to \$113,114.56. Because our contract is an hourly rate based contract and because of SEC's efforts to control its time on the project, the SEC requested amendment is for a significantly lower amount as will be detailed in the remainder of this letter.

A detailed break down of the 90.00 hours of SEC services which were required to administer and resolve construction related issues related to the discovery of soil contamination is tabulated below. The monetary value of these services is \$5,713.30.

Employee Classification	Date	Task	Hours
Associate	08/16/2004	Site meeting at the proposed Claim Jumpers site (contaminated soil)	2.50
Construction Engineer II	08/16/2004	Site coordination of contamination area (contaminated soil)	6.00
Construction Engineer II	08/17/2004	Site coordination of contamination area (contaminated soil)	6.00
Associate	08/19/2004	Site meeting at the proposed Claim Jumpers site (contaminated soil)	2.25
Clerical	08/19/2004	Soil Contamination Documents	2.50
Associate	08/20/2004	Review and assemble clean up costs (contaminated soil)	2.00

Illinois • Texas

A division of SEC Group, Inc.

759 John Street, Yorkville, IL 60560 t. 630.553.7560 f. 630.553.7646 www.secgroupinc.com



Employee Classification	Date	Task	Hours
Associate	08/23/2004	Review clean up costs with Trine Construction (contaminated soil)	1.75
Construction Engineer II	08/30/2004	Site documentation, site meeting with Trine and clean up opinion of cost. (contaminated soil)	10.50
Construction Engineer II	08/31/2004	Site documentation and installation of clay hydrant liner on the proposed Claim Jumpers site. (contaminated soil)	11.00
Surveyor II	08/31/2004	Pick up soil borings and transfer into AutoCAD. (contaminated soil)	3.00
Construction Engineer II	09/01/2004	Soil boring coordination with Testing Service Corporation and meeting with Village of Lombard to assemble opinion of clean up costs. (contaminated soil)	8.00
Construction Engineer II	09/02/2004	Site meeting with Village of Lombard and Yorktown, and project coordination. (contaminated soil)	6.00
Surveyor II	09/02/2004	Create soil boring plan sheet. (contaminated soil)	3.50
Construction Engineer II	09/03/2004	Site meeting with Trine Construction and Power Construction, project coordination. (contaminated soil)	6.00
Construction Engineer II	09/07/2004	Site meeting with Village of Lombard and Yorktown. (contaminated soil)	5.00
Construction Engineer II	09/08/2004	Meeting with Village of Lombard (contaminated soil)	5.00
Surveyor II	10/11/2004	Miscellaneous Data Collection	4.00
Construction Engineer II	01/03/2005	Assemble extra work effort documentation. (contaminated soil)	5.00
		<i>Total Soil Contamination Related Services</i>	90.00

The monetary value of these services are as follows:

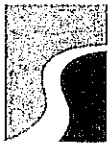
Associate	8.50 hours @ \$39.99/hour = \$	339.92
Construction Engineer II	68.50 hours @ \$24.40/hour = \$	1,671.40
Surveyor II	10.50 hours @ \$24.02/hour = \$	252.21
Clerical	2.50 hours @ \$15.42/hour = \$	38.55
<i>Soil Contamination Direct Labor</i>		= \$2,302.08
<i>Labor Multiplier</i>		= 2.4818
<i>Soil Contamination Total</i>		= \$5,713.30

In addition to the services provided by SEC directly related to the removal of contaminated soil, the completion of the overall project and its administration was extended well into the next construction season. Due to the delay in completing this project and the additional coordination effort of restarting the project this year, SEC provided 445.50 hours of additional services to complete this project as directed by the Village staff. The value of these hours is \$26,581.86, which will in turn increase the overall value of the resident engineering services contract to \$86,821.19.



A detailed break down of the 445.50 hours of SEC construction related services due to the extended duration of construction on this project is listed below. The monetary value of these services is \$26,581.86.

Employee Classification	Date	Task	Hours
Surveyor II	10/10/2005	Re-stake Water main	10.75
Clerical	10/12/2005	Document Preparation and Management	1.00
Clerical	10/25/2005	Document Preparation and Management	0.75
Construction Engineer II	10/31/2005	Observe Curb	11.00
Construction Engineer II	11/01/2005	Observe Curb	10.00
Construction Engineer II	11/02/2005	Observe Curb	10.00
Construction Engineer II	11/03/2005	Observe Curb	5.00
Construction Engineer II	11/11/2005	Observe Water Main	5.50
Construction Engineer II	11/14/2005	Observe Water Main	10.00
Construction Engineer II	11/15/2005	Observe Water Main	10.00
Construction Engineer II	11/16/2005	Observe Water Main	12.00
Construction Engineer II	11/17/2005	Observe Water Main	16.00
Construction Engineer II	11/18/2005	Observe Water Main	9.00
Construction Engineer II	11/21/2005	Observe Water Main	18.00
Construction Engineer II	11/22/2005	Observe Water Main	14.00
Construction Engineer II	11/23/2005	Observe Water Main	10.00
Construction Engineer II	11/28/2005	Observe Road Construction	8.00
Construction Engineer II	11/29/2005	Observe Road Construction	10.00
Construction Engineer II	11/30/2005	Observe Road Construction	10.00



Employee Classification	Date	Task	Hours
Construction Engineer II	12/01/2005	Observe Road Construction	10.00
Construction Engineer II	12/02/2005	Observe Road Construction	8.00
Construction Engineer II	12/03/2005	Observe Road Construction	5.00
Construction Engineer II	12/05/2005	Observe Road Construction	10.00
Construction Engineer II	12/06/2005	Observe Road Construction	10.00
Construction Engineer II	12/07/2005	Documentation	6.00
Construction Engineer II	12/08/2005	Documentation	4.50
Construction Engineer II	12/12/2005	Documentation	8.00
Construction Engineer II	12/13/2005	Documentation	6.00
Construction Engineer II	12/14/2005	Documentation	8.00
Construction Engineer II	12/15/2005	Documentation	9.00
Construction Engineer II	12/16/2005	Documentation	3.50
Construction Engineer II	12/20/2005	Documentation	3.00
Construction Engineer II	12/21/2005	Documentation	1.50
Surveyor II	12/28/2005	As-built Utilities	4.00
Engineering Technician	01/09/2006	Record Drawing CAD	5.50
Construction Engineer II	01/09/2006	As-built-Utilities	8.00
Engineering Technician	01/10/2006	Record Drawing CAD	7.00
Construction Engineer II	01/11/2006	As-built-Utilities	3.00



Employee Classification	Date	Task	Hours
Construction Engineer II	01/12/2006	As-built-Utilities	8.00
Construction Engineer II	01/16/2006	As-built-Utilities	2.50
Construction Engineer II	01/17/2006	As-built-Utilities	2.50
Construction Engineer II	02/17/2006	As-built-Utilities	2.00
Construction Engineer II	03/21/2006	Observe Curb	8.50
Clerical	03/29/2006	General	0.50
Clerical	04/10/2006	General	1.50
Clerical	04/25/2006	General	0.50
Construction Engineer II	04/27/2006	Observation General	10.00
Construction Engineer II	05/01/2006	Observe Road Construction	10.00
Construction Engineer II	05/02/2006	Observe Road Construction	6.00
Construction Engineer II	05/12/2006	Observe Road Construction	8.00
Construction Engineer II	05/15/2006	Observe Restoration	6.50
Construction Engineer II	05/17/2006	Observe Road Construction	8.00
Construction Engineer II	05/18/2006	Observe Restoration	9.00
Construction Engineer II	05/24/2006	Documentation	2.00
Construction Engineer II	05/25/2006	Observe Road Construction	8.00
Construction Engineer II	05/26/2006	As-built-Utilities	8.00
Engineering Technician	05/26/2006	Record Drawing CAD	3.00
Engineering Technician	06/14/2006	Record Drawing CAD	6.50



Employee Classification	Date	Task	Hours
Construction Engineer II	05/30/2006	Documentation	7.0
Construction Engineer II	05/31/2006	Documentation	5.0
Construction Engineer II	06/01/2006	Documentation	2.0
Construction Engineer II	06/02/2006	Documentation	3.0
Construction Engineer II	06/05/2006	Documentation	1.0
Construction Engineer II	06/08/2006	Documentation	2.0
Construction Engineer II	06/09/2006	Documentation	3.0
Construction Engineer II	06/12/2006	As-built-Utilities	1.50
Construction Engineer II	06/14/2006	As-built-Utilities	3.0
Construction Engineer II	06/19/2006	Observe Road Construction	6.0
		<i>Total Extended Construction Related Services</i>	<i>445.50</i>

The monetary value of these services is as follows:

Construction Engineer II	404.50 hours @ \$24.40/hour = \$	9,869.80
Surveyor II	14.75 hours @ \$24.02/hour = \$	354.30
Engineering Technician	22.00 hours @ \$19.14/hour = \$	421.08
Clerical	4.25 hours @ \$15.42/hour = \$	65.54
	<i>Extended Time Duration Direct Labor</i>	= \$ 10,710.72
	<i>Labor Multiplier</i>	= <u>2.4818</u>
	<i>Extended Time Duration Total</i>	= \$26,581.86

The combined total of the requested additional compensation, \$32,295.16, represents a 62 % overall increase to the current Resident Engineering service contract. Attached please find an updated work effort sheet and additional scope of services for your review.



Mr. Ray Schwab
Village of Lombard
2004 Yorktown Water Main Project
SEC Job No.: LOMB-040614-6
February 19, 2007
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Please review SEC's request at your earliest possible convenience. If you have any questions or comments, please call.

Sincerely,

SMITH ENGINEERING CONSULTANTS

Michael E. Hughes, P.E.
Associate

MEH/jmk

Attachment

cc: James F. Hoving, P.E. Smith Engineering Consultants
Andrew Mrowicki, P.E., Smith Engineering Consultants
Donald J. Ryba, P.E., Smith Engineering Consultants
Mark Landers, Smith Engineering Consultants

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