

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: David A. Hulseberg – Village Manager

DATE: January 13, 2010 **(B of T) Date:** February 4, 2010

TITLE: South Booster Station - Change Order No. 3 - Final Balancing of Quantities, Additional Building/Restoration Improvements and Liquidated Damages.

SUBMITTED BY: David A. Dratnol, P.E., Village Engineer *Dratnol*

BACKGROUND/POLICY IMPLICATIONS:

Requesting an extension of seventy-four (74) days to the contract completion date and a decrease of \$5,799.43 to the contract amount. This change order represents construction time lost for the manufacturing of safety doors, upgrading property restoration materials, adjusting contract quantities for completed items, and liquidated damages for reimbursement of Resident Engineering costs.

FISCAL IMPACT/FUNDING SOURCE:

THIS CHANGE ORDER: \$5,799.43 DECREASE
TOTAL REVISED CONTRACT: \$1,233,265.32
P.O. No.: 060378
HTE Project No.: 0707
Public Works Project Number: WA-07-01B

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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.



Interoffice Memo

To: David A. Hulseberg, AICP, ICMA-CM
Through: Carl Goldsmith, Director of Public Works *CG*
From: David A. Dratnol, P.E., Village Engineer *DA*
Date: January 13, 2010
Subject: South Booster Station Project; Change Order No. 3 – Final Balancing of Quantities, Additional Building/Restoration Improvements, and Liquidated Damages.

Attached please find Change Order No. 3 for this project representing an increase of seventy-four (74) days to the contract completion date and a decrease of \$5,799.43 to the contract amount. This change order represents construction time lost for the manufacturing of safety doors, upgrading property restoration materials, adjusting contract quantities for completed items, and liquidated damages for reimbursement of Resident Engineering costs.

Contract Time Adjustment and Liquidated Damages

On September 8, 2009, an inspection of the building revealed the need for panic hardware to be placed on two internal doors. After extensive research, it was determined the existing doors were unable to be modified and new doors were required. The ordering, manufacturing, transporting, and installation of the appropriate equipment required a total of seventy-four (74) calendar days, which is being requested as a contract time extension. If approved, the contract final completion date would be extended to November 15, 2009.

However, the project was not completed until December 31, 2009. The time taken to complete the project after the proposed November 15, 2009 contract deadline was caused by a failure of a pump motor during testing procedures. A new motor was provided and has since passed all testing requirements, but caused additional and unnecessary Resident Engineering costs that would not have been realized had the motor been properly manufactured or installed. Specific additional costs include investigating motor failure causes, observing motor re-installation and re-testing, and coordinating programming. It also includes all construction observations and reports for the project conducted after the contract final completion date that were not affiliated with the development of Record Drawings. These costs have been assessed at \$3,855.66 and are being requested as liquidated damages.

Contract Cost Adjustment

The following table provides a detailed description of the project modifications and their associated costs. These changes represent the addition of two new interior doors as previously described, upgrading the driveway from asphalt to concrete and the yard from seed to sod, and removal of remaining unused quantities. The contract adjustment also includes reimbursement of the aforementioned liquidated damages for Resident Engineering services.

Adjustment Item	Amount
Two Interior Doors with Panic Hardware	\$6,950.00
Seeding, Special	(\$14,235.00)
Supplemental Watering	(\$1,500.00)
Sod, Topsoil, and Watering	\$9,269.00
Bit. Driveway Pavement	(\$8,665.50)
Portland Cement Concrete Driveway, 8-in, Special (Non-Residential)	\$9,060.48
Portland Cement Concrete Sidewalk, 5-in, Special (Remove and Replace)	(\$2,492.75)
Perimeter Erosion Barrier	(\$330.00)
Liquidated Damages	(\$3,855.66)
TOTAL CHANGE ORDER AMOUNT	(\$5,799.43)

These items will be reviewed for recommendation to the Village Board by the Public Works Committee at their January 28, 2010 meeting. If recommended for approval by the Public Works Committee, please present this change order to the President and Board of Trustees for approval at the February 4, 2010 meeting. Upon approval, please return two (2) signed copies to Public Works Engineering for further processing and send one (1) copy to Records.

cc: Public Works Committee
 File: WA-07-01B

R E S O L U T I O N
R _____ 10

A RESOLUTION AUTHORIZING A CHANGE ORDER
INVOLVING AN EXTENSION IN THE TIME OF THE CONTRACT
BY THIRTY (30) DAYS OR MORE AND AN INCREASE IN THE DOLLAR AMOUNT
OF THE CONTRACT OF \$10,000 OR MORE

WHEREAS, pursuant to Illinois Compiled Statutes, Chapter 720, Section 5/33E-9, units of local government are required to make specific findings prior to authorizing any change order relative to a contract which would increase or decrease the dollar amount of the contract by \$10,000 or more, or would extend or shorten the time in which the contract is to be completed by thirty days or more; and

WHEREAS, staff has presented and recommended the proposed Change Order No. 3 to the contract between the Village of Lombard and Genco Industries, Inc. regarding the South Booster Station Project, as attached hereto as Exhibit "A" and made part hereof, to the Corporate Authorities of the Village of Lombard; and

WHEREAS, said change order attached hereto as Exhibit "A" would extend the time amount of the contract by seventy-four (74) days; and

WHEREAS, said change order attached hereto as Exhibit "A" would decrease the dollar amount of the contract by \$5,799.43; and

WHEREAS, said Change Order No. 3 combined with previously approved Change Order No. 1 and 2, would result in a total contract time extension of five hundred four days (504) days; and

WHEREAS, said Change Order No. 3 combined with previously approved Change Order No. 1 and 2, would result in a total contract increase in the dollar amount of the original contract by \$18,360.32.

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 after reviewing the explanation of staff as to the necessity of and reasons for the change order attached hereto as Exhibit "A", the President and Board of Trustees find as follows:

- A That the circumstances which necessitated said change order were not reasonably foreseeable at the time the contract was entered into.
- B. That the basis of the change order was not within the contemplation of the contract when the contract was signed.

- C. That it is in the best interests of the Village of Lombard to approve the change order in its proposed form.
- D. That to the extent that it may have been necessary to go to bid relative to the work contemplated by said change order, bidding is hereby specifically waived as to the change order work.

SECTION 2: That having made the findings set forth in Section 1 above, the President and Board of Trustees hereby approve the change order attached hereto as Exhibit "A", and direct and authorize the Village President and Village Clerk to execute said change order on behalf of the Village.

Adopted this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

VILLAGE OF LOMBARD CHANGE ORDER

PROJECT NAME: South Booster Station PROJECT NO.: WA-07-01B
 LOCATION: 14th Street CHANGE ORDER: 3
 CONTRACTOR: Genco Industries, Inc. DATE: 1/13/2010

DESCRIPTION OF CHANGE ORDER: Extension of contract time for completion, and final balancing of construction costs associate with project modifications and liquidated damages.

ORIGINAL CONTRACT AMOUNT:	[1]	<u>\$1,214,905.00</u>
TOTAL OF PREVIOUS AUTHORIZED CHANGE ORDERS:	[2]	<u>\$24,159.75</u>
CURRENT CONTRACT AMOUNT: ([1]+[2])	[3]	<u>\$1,239,064.75</u>
PROPOSED CHANGE ORDER: (PENDING APPROVAL)	[4]	<u>(\$5,799.43)</u>
PROPOSED REVISED CONTRACT AMOUNT: (PENDING APPROVAL) ([3]+[4])	[5]	<u>\$1,233,265.32</u>

NET OF ALL CHANGE ORDERS: (PENDING APPROVAL) ([2]+[4])	<u>\$18,360.32</u>
TIME EXTENSION OR REDUCTION:	<u>74 days</u>
TOTAL CONTRACT TIME: (PENDING APPROVAL)	<u>504 days</u>
BUDGET ESTIMATE:	<u>\$1,476,100.00</u>
ENGINEER'S ESTIMATE:	<u>\$1,559,085.00</u>

RECOMMENDED FOR ACCEPTANCE :

<u>Jay Dahlberg</u>	<u>01/14/10</u>	Approved By: _____
Resident Engineer	Date	Director of Finance Date

<u>Mark Soby</u>	<u>1/15/10</u>	Approved By: _____
Contractor	Date	(<\$20K or 25%) Village Manager Date

<u>David A. Burke</u>	<u>1/15/2010</u>	Approved By: _____
Village Engineer	Date	(>\$20K or 25%) Village President Date

<u>[Signature]</u>	<u>1/18/2010</u>	Attest: _____
Director of Public Works	Date	Deputy Village Clerk Date

Asst. Director of Finance Date

It is understood that as part of this change order that the Contractor agrees that all bonds, permits, insurance and guarantees are hereby extended to incorporate this Change Order.

South Booster Station

C.O. # 3

1/13/2010

No.	Item	Current Quantity	Unit	Unit Price	Revised Quantity	DIFFERENCES		Description
						Quantity	Price	
25200700	1 Seeding, Special	1950.0	SY	\$7.30	0.00	1,950.00	(\$14,235.00)	Unused quantity.
2520020	2 Supplemental Watering	15.0	Unit	\$100.00	0.00	15.00	(\$1,500.00)	Unused quantity.
28000400	3 Perimeter Erosion Barrier	230.0	LF	\$6.00	175.00	55.00	(\$330.00)	Unused quantity.
42400430	5 Portland Cement Concrete Sidewalk, 5-in, Special (Remove and Replace)	620.0	SF	\$14.75	451.00	169.00	(\$2,492.75)	Unused quantity.
Z0004600	6 Bit. Driveway Pavt.	380.0	SY	\$26.50	53.00	327.00	(\$8,665.50)	Unused quantity.
08100/01	11 Doors	1.0	LS	\$25,000.00	1.28	0.28	\$6,950.00	Addition of Two Interior doors with Panic Hardware
N/A	26 Sod, Topsoil, and Watering	0.0	SY	\$15.50	598.00	598.00	\$9,269.00	Addition of sod, topsoil and watering
N/A	27 Portland Cement Concrete Driveway, 8-in, Special (Non-Residential)	0.0	SF	\$12.48	726.00	726.00	\$9,060.48	Addition of 8-in Portland Cement Concrete Driveway
N/A	28 Liquidated Damages	0.0	LS	(\$3,855.66)	1.00	1.00	(\$3,855.66)	Resident Engineering Costs incurred due to Motor #2/Contract Time

TOTAL AMOUNT= (\$5,799.43)