ITEM FOR COUNCIL CONSIDERATION

Approve Contract Change Order Nos. 1 and 2 to the Contract with Shaw Contracting, Inc. for Construction of City Project No. 15085 – Carpinteria Avenue Pedestrian Safety Improvements Project.

STAFF RECOMMENDATION

Action Item \textbf{X}; Non-Action Item ___

1. Authorize the City Manager to execute Contract Change Order Nos. 1 and 2 to the contract with Shaw Contracting, Inc. for construction of Carpinteria Avenue Pedestrian Safety Improvements Project.
2. Authorize an amended construction budget of $3,394,490 for the Carpinteria City Hall Remediation & Renovation Project.
3. Authorize a budget increase of $48,219 to Revolving Fund Expense Account No. 20.79.60.9 and a corresponding budget appropriation of $48,219 to Revolving Fund Revenue Account No. 20.20.16.9.
4. Authorize a budget increase of $38,418 to General Fund Expense Account No. 10.72.21.8 and a corresponding budget appropriation of $38,418 to General Fund Revenue Account No. 10.10.16.8.

Sample Motion: I move to:

1. Authorize the City Manager to execute Contract Change Order Nos. 1 and 2 to the contract with Shaw Contracting, Inc. for construction of the Carpinteria Avenue Pedestrian Improvements Project.
2. Authorize an amended construction budget of $3,394,490 for the Carpinteria City Hall Remediation & Renovation Project.
3. Authorize a budget increase of $48,219 to Revolving Fund Expense Account No. 20.79.60.9 and a corresponding budget appropriation of $48,219 to Revolving Fund Revenue Account No. 20.20.16.9.
4. Authorize a budget increase of $38,418 to General Fund Expense Account No. 10.72.21.8 and a corresponding budget appropriation of $38,418 to General Fund Revenue Account No. 10.10.16.8.

\textit{This motion requires a roll call vote.}
BACKGROUND

The general scope of work of the Carpinteria Avenue Pedestrian Safety Improvements Project included placing approximately 1,000 linear feet of concrete sidewalk, curbs, gutters, curb ramp, driveway approaches, and Class II Bike Ways (Bike Lanes) along the southside of Carpinteria Avenue between Dump Road and 5885 Carpinteria Avenue (Tee Time Driving Range).

On January 3, 2019, bids were received from three contractors, and the apparent lowest responsive bid was Shaw Contracting, Inc. On January 28, 2019, the City Council awarded the contract to Shaw Contracting, Inc. in the amount of $322,042. On February 11, 2019, the City Council authorized a budget amendment for an additional $32,204 to the project budget to include a 10% contingency.

The purpose of this agenda matter is for the City Council to authorize the execution of Contract Change Order Nos. 1 and 2 for the Carpinteria Avenue Pedestrian Safety Improvements Project as detailed herein this staff report.

DISCUSSION

Change Order No. 1

Shaw Contracting, Inc. performed work on the Carpinteria Avenue Pedestrian Improvements Project concurrently and adjacent to the construction of the Carpinteria City Hall Remediation & Renovation Project, which is with a separate contractor. The City Hall project required a new fire service lateral, but was not a part of that project. It was determined advantageous for Shaw Contracting, Inc. to perform installation of the fire service lateral since the new driveway approach, where the new fire service lateral was going to be installed next to it in Carpinteria Avenue, was planned to be constructed. Shaw Contracting, Inc. was qualified and located in the immediate vicinity to best perform installation of a fire service lateral for City Hall in a timely matter. Contract Change Order No. 1 is for $48,219.

Change Order No. 2

It was also determined advantageous for Shaw Contracting, Inc. to perform the emergency repair work on the Carpinteria Creek Bike Path because it was also qualified and located in the immediate vicinity to best perform the emergency repair in a timely matter. The bike path was damaged in the subsequent Thomas Fire debris flow in January 2018. It was necessary for the bike path to be repaired prior to July 2019 in order for the City to be reimbursed by FEMA. Contract Change Order No. 2 is for $38,418.

POLICY CONSISTENCY

The City met the requirements of the California Uniform Public Construction Cost Accounting Act by performing the formal bid process for the Carpinteria Avenue...
Pedestrian Safety Improvements Project. The project specifications also allow for the City initiate changes to the contract via a contract change order.

**FINANCIAL CONSIDERATIONS**

The City Council previously approved a 10% project contingency of $32,204 for the Carpinteria Avenue Pedestrian Improvements Project. Contract Change Order Nos. 1 and 2 add up to $86,637 which is above the approved contingency amount. However, neither contract change order is directly related to the Carpinteria Avenue Pedestrian Safety Improvements Project nor will be paid out of this project budget via the Measure A Fund. Contact Change Order No. 1 relates to the Carpinteria City Hall Remediation & Renovation Project and will be reimbursed by insurance. Contract Change Order No. 2 relates to the emergency repair of Carpinteria Creek Bike Path and will be reimbursed by FEMA. Even though the cost of these contract change orders will be reimbursed, the expenses must be appropriated as follows:

**Change Order No. 1**

Budget increase of $48,219 to Revolving Fund Expense Account No. 20.79.60.9 and a corresponding budget appropriation of $48,219 to Revolving Fund Revenue Account No. 20.20.16.9.

**Change Order No. 2**

Budget increase of $38,418 to General Fund Expense Account No. 10.72.21.8 and a corresponding budget appropriation of $38,418 to General Fund Revenue Account No. 10.10.16.8.

**LEGAL AND RISK MANAGEMENT CONSIDERATIONS**

There are no legal or risk management considerations presented with this item.

**OPTIONS**

The City Council could choose not to authorize the City Manager to execute the above mentioned change orders and provide further direction to staff.

**PRINCIPAL PARTIES EXPECTED AT MEETING**

There are no principle parties expected at the meeting.

**ATTACHMENTS**

Attachment A: Carpinteria Ave. Pedestrian Safety Improvements Project Contract Change Order Nos. 1 and 2
Carpinteria Avenue Pedestrian Safety Improvements Contract Change Orders
June 24, 2019
pg. 4

Staff contact:
Brian C. Barrett
Assistant to the Public Works Director
(805) 755-4446; brianb@ci.carpinteria.ca.us

Reviewed by:
John L. Ilasin, Public Works Director
(805) 880-3402; johni@ci.carpinteria.ca.us

Reviewed by: Dave Durflinger, City Manager
(805) 755-4400, daved@ci.carpinteria.ca.us
ATTACHMENT A

Carpinteria Ave. Pedestrian Safety Improvements Project
Change Order Nos. 1 and 2
You are hereby directed to make the following changes to the plans and specifications for this contract.

**CONTRACT CHANGE ORDER NO. 1**

This contract change order provides for extra work to install fire service lateral and double check detector assembly and perform flushing, pressure testing, and disinfection in conformance with Carpinteria Valley Water District standards and as directed by the Engineer per the Contractor's proposal dated May 3, 2019. The reason for the change is for the fire service line to City Hall. Further, the Contractor is determined to be qualified and located in the immediate vicinity of City Hall to best perform the work without delay.

This contract change order also provides for extra work to install fire hydrant assembly and perform flushing, pressure testing, and disinfection in conformance with Carpinteria Valley Water District standards and as directed by the Engineer per the Contractor's proposal dated May 3, 2019. The reason for the change is for updating the City Hall to Carpinteria-Summerland Fire Protection District's fire hydrant location requirements. Further, the Contractor is determined to be qualified and located in the immediate vicinity of City Hall to best perform the work without delay.

In accordance with Section 3-2, “Changes Initiated by the Agency,” of the Standard Specifications, this contract change order provides for payment for the change above initiated by the City.

This modified design will result in the following quantity adjustments:

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Unit</th>
<th>Bid Quantity</th>
<th>Bid Unit Price</th>
<th>Bid Total</th>
<th>Modified Quantity</th>
<th>Modified Total</th>
<th>Increase (Decrease) in Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>Extra Work- Install fire service lateral, double check detector, and fire hydrant assembly</td>
<td>LS</td>
<td>1</td>
<td>$48,218.52</td>
<td>$48,218.52</td>
<td>-</td>
<td>-</td>
<td>$48,218.52</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: $48,218.52

**ORIGINAL CONTRACT PRICE** $322,042.00

**PREVIOUS CHANGE ORDERS** $0.00

**CURRENT CONTRACT PRICE** $322,042.00

**CONTRACT CHANGE ORDER NO.** $48,218.52

**NEW CONTRACT PRICE** $370,260.52

**ADJUSTMENT OF WORKING DAYS** 0
The undersigned contractor has given careful consideration to the change proposed, including its effect on the other Work already contracted for, and hereby agrees, if this order is approved, that it shall provide all equipment, furnish all materials, and perform all services necessary for the Work above specified, and shall accept as full payment for all costs related in any way thereto the prices shown above including without limitation, costs for changes in sequence of Work, direct or indirect delays, disruption, inefficiency, rescheduling, and extended overhead and/or impacts, cumulative or otherwise.

REVIEWED BY:

Debbie Talarico
Public Works Engineer

ACCEPTED BY:

Contractor

John L. Ilasin,
Public Works Director/
City Engineer

Jeff Shaw,
Owner

APPROVED BY:

Dave Durflinger,
City Manager

Date

Date

Date
CONTRACT CHANGE ORDER

PROJECT NAME: Carpinteria Avenue Pedestrian Safety Improvements Project
CITY PROJECT MANAGER: Debbie Talarico, Public Works Engineer
Acct. No. ____________________

To: Shaw Contracting, Inc. (Contractor)

You are hereby directed to make the following changes to the plans and specifications for this contract.

CONTRACT CHANGE ORDER NO. 2

This contract change order provides for quantity increase for the work under Bid Item No. 8, "Remove AC Pavement." The reason for change is for emergency repair work to the asphalt concrete bike path at Carpinteria Creek. Further, the Contractor is determined to be qualified and located in the immediate vicinity of said site to best perform the work without delay. This contract change order will add 3,575 square feet to the original bid item quantity of 12,917 square feet for a modified total quantity of 16,492 square feet. In accordance with Section 3-2.2, Contract Unit Prices," of the Standard Specifications, this contract change order also provides for payment at the Contract Unit Price.

This contract change order provides for quantity increase for the work under Bid Item No. 11, "Excavation and Grading." The reason for change is for emergency repair work to the asphalt concrete bike path at Carpinteria Creek. Further, the Contractor is determined to be qualified and located in the immediate vicinity of said site to best perform the work without delay. This contract change order will add 41 cubic yards to the original bid item quantity of 150 cubic yards for a modified total quantity of 191 cubic yards. In accordance with Section 3-2.2, Contract Unit Prices," of the Standard Specifications, this contract change order also provides for payment at the Contract Unit Price.

This contract change order provides for quantity increase for the work under Bid Item No. 20, "Install Crushed Aggregate Base." The reason for change is for emergency repair work to the asphalt concrete bike path at Carpinteria Creek. Further, the Contractor is determined to be qualified and located in the immediate vicinity of said site to best perform the work without delay. This contract change order will add 72 tons to the original bid item quantity of 222 tons for a modified total quantity of 294 tons. In accordance with Section 3-2.2, Contract Unit Prices," of the Standard Specifications, this contract change order also provides for payment at the Contract Unit Price.

This contract change order provides for quantity increase for the work under Bid Item No. 21, "Install AC Pavement (Type A)." The reason for change is for emergency repair work to the asphalt concrete bike path at Carpinteria Creek. Further, the Contractor is determined to be qualified and located in the immediate vicinity of said site to best perform the work without delay. This contract change order will add 48 tons to the original bid item quantity of 180 tons for a modified total quantity of 228 tons. In accordance with Section 3-2.2, Contract Unit Prices," of the Standard Specifications, this contract change order also provides for payment at the Contract Unit Price.

This contract change order provides for quantity increase for the work under Bid Item No. 25, "Install Painted Traffic Striping and Pavement Markings." The reason for change is for emergency repair work to the asphalt concrete bike path at Carpinteria Creek. Further, the Contractor is determined to be qualified and located in the immediate vicinity of said site to best perform the work without delay. This contract...
change order will add 43 square feet to the original bid item quantity of 215 square feet for a modified total quantity of 258 square feet. In accordance with Section 3-2.2, Contract Unit Prices, of the Standard Specifications, this contract change order also provides for payment at the Contract Unit Price.

This contract change order provides for extra work to cleanup site. The reason for change is because it is associated with the emergency repair work for the asphalt concrete bike path at Carpinteria Creek. The final pay item shall be a lump sum amount of $1,100.00.

In accordance with Section 3-2, "Changes Initiated by the Agency," of the Standard Specifications, this contract change order provides for payment for the change above initiated by the City.

This modified design will result in the following quantity adjustment:

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Unit</th>
<th>Bid Quantity</th>
<th>Bid Unit Price</th>
<th>Bid Total</th>
<th>Modified Quantity</th>
<th>Modified Total</th>
<th>Increase (Decrease) in Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Remove AC Pavement</td>
<td>SF</td>
<td>12,917</td>
<td>$3.00</td>
<td>$38,751.00</td>
<td>16,492</td>
<td>$49,476.00</td>
<td>$10,725.00</td>
</tr>
<tr>
<td>11</td>
<td>Excavation and Grading</td>
<td>CY</td>
<td>150</td>
<td>$276.00</td>
<td>$41,400.00</td>
<td>191</td>
<td>$52,716.00</td>
<td>$11,316.00</td>
</tr>
<tr>
<td>20</td>
<td>Install Crushed Aggregate Base</td>
<td>TON</td>
<td>222</td>
<td>$64.00</td>
<td>$14,208.00</td>
<td>294</td>
<td>$18,816.00</td>
<td>$4,608.00</td>
</tr>
<tr>
<td>21</td>
<td>Install AC Pavement (Type A)</td>
<td>TON</td>
<td>180</td>
<td>$216.00</td>
<td>$38,880.00</td>
<td>228</td>
<td>$49,248.00</td>
<td>$10,368.00</td>
</tr>
<tr>
<td>25</td>
<td>Install Painted Traffic Striping and Pavement Markings</td>
<td>SF</td>
<td>215</td>
<td>$7.00</td>
<td>$1,505.00</td>
<td>258</td>
<td>$1,806.00</td>
<td>$301.00</td>
</tr>
<tr>
<td></td>
<td>Extra Work - Cleanup</td>
<td>LS</td>
<td>1</td>
<td>$1,100.00</td>
<td>$1,100.00</td>
<td>1</td>
<td>$1,100.00</td>
<td>$1,100.00</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$38,418.00</strong></td>
</tr>
</tbody>
</table>

ORIGINAL CONTRACT PRICE $322,042.00
PREVIOUS CHANGE ORDERS $48,218.52
CURRENT CONTRACT PRICE $370,260.52
CONTRACT CHANGE ORDER NO. 2 $38,418.00
NEW CONTRACT PRICE $408,678.52
ADJUSTMENT OF WORKING DAYS 0

The undersigned contractor has given careful consideration to the change proposed, including its effect on the other Work already contracted for, and hereby agrees, if this order is approved, that it shall provide all equipment, furnish all materials, and perform all services necessary for the Work above specified, and shall accept as full payment for all costs related in any way thereto the prices shown above including without limitation, costs for changes in sequence of Work, direct or indirect delays, disruption, inefficiency, rescheduling, and extended overhead and/or impacts, cumulative or otherwise.

REVIEWED BY:

Debbie Talarico, Date
Public Works Engineer
<table>
<thead>
<tr>
<th>REVIEWED BY:</th>
<th>ACCEPTED BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Contractor</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>John L. Ilasin,</td>
<td>Jeff Shaw,</td>
</tr>
<tr>
<td>Public Works Director/</td>
<td></td>
</tr>
<tr>
<td>City Engineer</td>
<td>Owner</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROVED BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Dave Durflinger,</td>
</tr>
<tr>
<td>City Manager</td>
</tr>
</tbody>
</table>