

**Meeting Date:** 2/3/2015

**Report Type:** Consent

**Report ID:** 2015-00053

**Title:** Change Order: 3rd Avenue and Broadway Urban Plaza Project (T15036102)

**Location:** District 5

**Recommendation:** Pass a Motion: 1) authorizing the City Manager to execute Change Order No. 3 with Abide Builders in an amount not to exceed \$18,952; 2) ratifying Change Orders No. 1 and No. 2 to City Agreement No. 2014-0386; and 3) resetting the City Manager's authority to issue change orders for City Agreement No. 2014-0386.

**Contact:** Nader Kamal, Special Projects Engineer, (916) 808-7035; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

**Presenter:** None

**Department:** Public Works Department

**Division:** Engineering Services Admin

**Dept ID:** 15001111

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Exhibit A (Location Map)
- 4-CO3 Abide Builders

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**City Attorney Review**

Approved as to Form  
Gerald Hicks  
1/21/2015 12:33:49 PM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 1/13/2015 4:42:08 PM

## Description/Analysis

**Issue:** The 3rd Avenue and Broadway Urban Plaza Project will construct an improved open public plaza area to enliven the Broadway and 3rd Avenue intersection.

Change Order No. 3 in the amount of \$18,952 with Abide Builders will compensate the contractor for a new SMUD connection needed to provide a power source to the project and final balancing change order costs.

**Policy Considerations:** The proposed City Council action is consistent with the City's policy which requires change orders that exceed 10% of the original contract amount to be approved by the City Council.

### Environmental Considerations:

**California Environmental Quality Act (CEQA/NEPA):** The 3rd Avenue and Broadway Urban Plaza Project was determined to be exempt from environmental review under Section 15304 of the California Environmental Quality Act (CEQA) Guidelines as a minor land alteration.

**Sustainability Considerations:** This project is consistent with the Sustainability Master Plan goals to help enhance the aesthetic appeal of the neighborhood and pedestrian walkways.

**Other:** None.

**Commission/Committee Action:** None

**Rationale for Recommendation:** Approval of Change Order No. 3 is necessary to complete the project.

**Financial Considerations:** This project is a sub-CIP of the Broadway MLK Intersection Improvements Project because it's along the same redevelopment corridor. The total estimated project cost for the Broadway MLK Intersection Improvements (T15036100) is \$2,559,921. To date, \$2,214,036 has already been expended and staff anticipates an additional \$345,885 will be needed to complete the project. As of January 6, 2015, the Broadway MLK Intersection Improvements (T15036100) has an unobligated balance of \$345,885, which is sufficient to execute the Change Order No.3 in the not-to-exceed amount of \$18,952 with Abide Builders, and cover remaining construction management costs for the 3<sup>rd</sup> Avenue and Broadway Urban Plaza Project.

There are no General Funds planned or allocated for this project.

**Local Business Enterprise (LBE):** This project has a Local Business Enterprise (LBE) project participation requirement of 5%. Abide Builders pledged 5.6% LBE project participation and satisfactorily met the LBE project requirement.

**Background Information:**

The 3rd Avenue and Broadway Urban Plaza Project will enhance Redevelopment efforts by providing an open public plaza area. The improvement plans for the plaza include installation of permeable pavement drainage, hardscape paving and landscaping. An insignia for Oak Park was embedded into the hardscape, symbolizing the area's importance to the Oak Park community. The adjacent business plans on utilizing the plaza area for outside dining which will enliven the Broadway and 3<sup>rd</sup> Avenue intersection.

This project is a sub CIP of the Broadway MLK Intersection Improvements Project because it's along the same redevelopment corridor and is part of the master plan to revitalize this neighborhood.

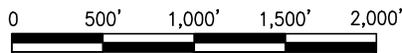
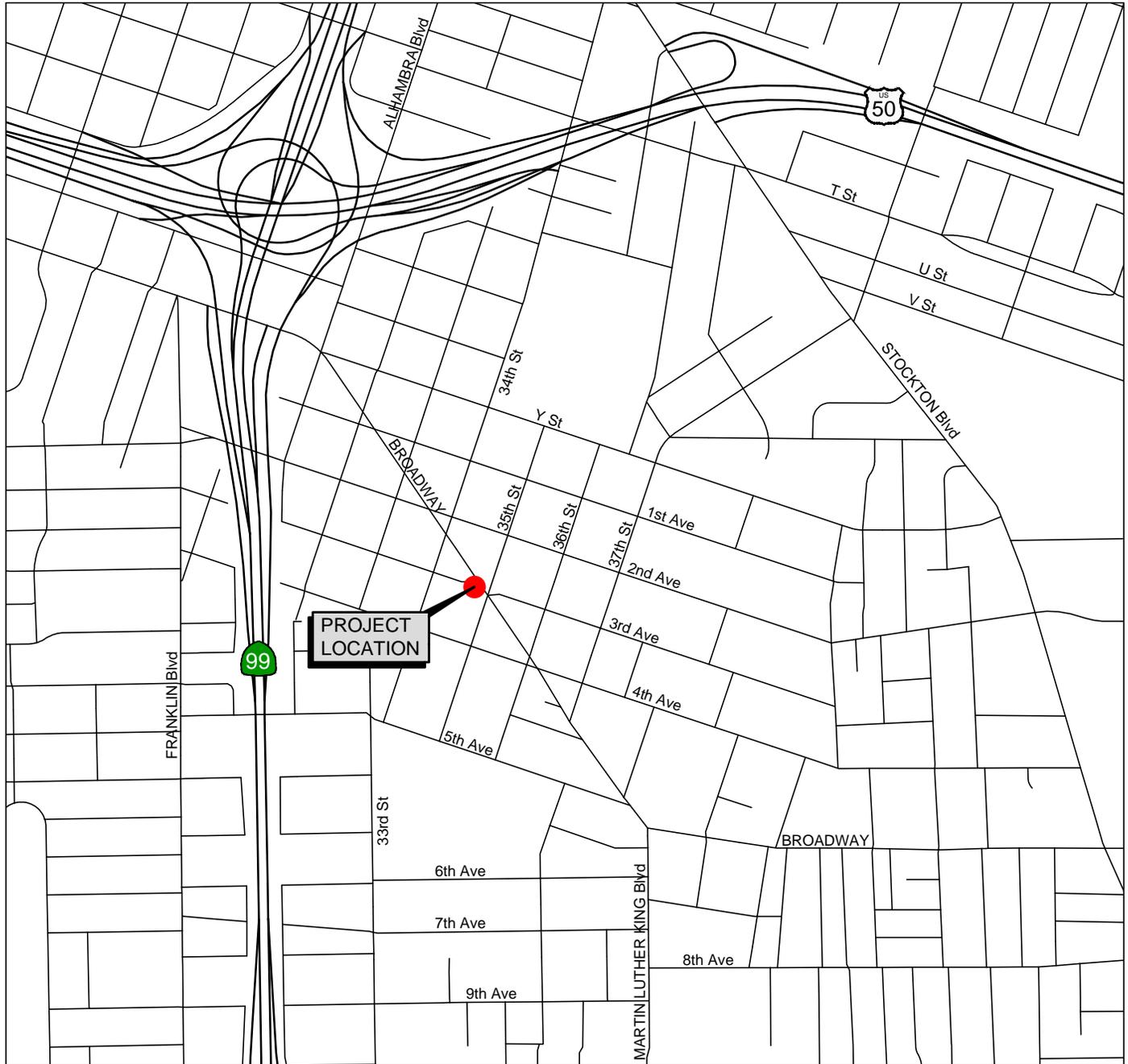
The project was advertised and bids were received on March 5, 2014. Abide Builders was the lowest responsive and responsible bidder with an original contract amount of \$247,694.

Change Order No. 1 with Abide Builders in the amount of \$0 was processed to suspend the project start until July 7, 2014 due to special ordered materials that were not available until the new start date.

Change Order No. 2 with Abide Builders in the amount of \$20,000 was processed as an estimated change order for the labor, equipment and materials required to change the pavers and convert permeable to non-permeable concrete in the area adjacent to the building to accommodate protruding foundations that were not anticipated.

Change Order No. 3 with Abide Builders in the amount of \$18,952 is a balancing final change order that balances Change Order No. 2 pays approximately \$15,000 for a new SMUD connection point.

Location Map For:  
**3rd AVENUE AND BROADWAY URBAN PLAZA**  
(PN: T15036102)



City of Sacramento  
**CHANGE ORDER**

Project #: T15036102  
Contract #: 2014-0386  
Purchase Order #:

ExtDays:

0

Change Order #: 3 - Final

Sacramento, California

TO: Abide Builders Inc, Contractor

**CONTRACT FOR: 3rd Avenue & Broadway Urban Plaza Project**

Upon Mutual acceptance of this document by the City of Sacramento, hereinafter referred to as "City", and your firm, hereinafter referred to as "Contractor", in accordance with the terms and conditions of the original contract documents, you are hereby directed to make the following changes for the consideration set forth below:

**Description:**

**See Exhibit A**

|   |              |
|---|--------------|
| The original contract sum was                           | \$247,694.00 |
| The net change by previous Change Orders was            | \$20,000.00  |
| The contract sum prior to this Change Order was         | \$267,694.00 |
| The contract sum will be increased by this Change Order | \$18,952.91  |
| The new contract sum including all Change Orders        | \$286,646.91 |

Contractor agrees that the amount of increase or decrease in the contract sum specified in this Change Order shall constitute full compensation for the work required by this Change Order, including but not limited to all compensation for the additional and/or revised work specified herein, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised work, including any changes disruptions or delays in work schedules or in the performance of other work by Contractor. The time for the performance of the contract is increased by 0 Working Days by reason of the performance of the work required by this Change Order. Except as herein above expressly provided, Contractor further agrees that the performance of the work specified in this Change Order or the rescheduling of other project work made necessary by this Change Order, shall not constitute a delay which will extend the timelimit for completion of the work as said term is used in the contract between the City and the Contractor for the project.

Approval Recommended by:

*John Avola* FOR N.K.  
Project Manager

Approved by:

\_\_\_\_\_  
City of Sacramento February 3, 2015  
Executed Date

Approved by:

*[Signature]*  
Contractor

Attested to by:

\_\_\_\_\_  
City Clerk

Approved as to form:

*[Signature]*  
City Attorney

**Exhibit A**  
**3rd Avenue & Broadway Urban Plaza Project**  
**2014-0386**

| <i>Description</i>   | <i>Amount</i> |
|--|---------------|
| <b>Change Order #3</b>   |               |
| <b>PCO # 3.0 Changes to Bid Documents</b>  | \$10,120.63   |
| 01/07/15 Placement & compaction of AB @ building face & slurry deep wells on a Saturday  |               |
| <b>PCO # 4.0 Client Initiated Changes</b>  | \$14,962.50   |
| 01/07/15 Site Electrical Work-<br>The SMUD connection designed by the consultant and shown on the Plans is no longer acceptable to SMUD. SMUD changed the point of connection so the scope of work of this bid item changed. A new design by the City was submitted and this lump sum amount is for this changed scope of work. This change will result in two extra working days. |               |
| <b>PCO # 5.0 Changed/Unforeseen Conditions</b>   | \$6,047.63    |
| 01/07/15 Excavation, removal of unknown, abandoned utilities & excavation of building foundation area.   |               |
| <b>PCO # 6.0 Changes to Bid Documents</b>  | \$1,207.53    |
| 01/07/15 Carefull compaction of 7' section at building face on the east side.  |               |
| <b>PCO # 7.0 Client Initiated Changes</b>  | \$5,877.53    |
| 01/07/15 Removal contaminated AB, build a 1% slope of AB & form temporary walk to accommodate egress and ingress of new tenants into building.   |               |
| <b>PCO # 8.0 Client Initiated Changes</b>  | \$662.92      |
| 01/07/15 Slurried temporary walk & irrigation repairs.   |               |
| <b>PCO # 9.0 Changed/Unforeseen Conditions</b>   | \$926.61      |
| 01/07/15 Excavate and install storm drain & excavate to find existing irrigation leak.   |               |
| <b>PCO # 10.0 Changes to Bid Documents</b>   | \$1,196.90    |
| 01/07/15 Backfilling and compacting stormdrain revision & irrigation leak  |               |
| <b>PCO # 11.0 Changes to Bid Documents</b>   | \$668.59      |
| 01/07/15 Temporary fence moved, cleaned & prepped for paved access & irrigation repairs.   |               |
| <b>PCO # 12.0 Client Initiated Changes</b>   | \$790.82      |
| 01/07/15 Irrigation repairs by tree ES and WS ( damage by PG&E).   |               |
| <b>PCO # 13.0 Changed/Unforeseen Conditions</b>  | (\$20,000.00) |
| 01/07/15 Credit for Change Order No.1 which was an Estimate of the anticipated work of this change order.  |               |
| <b>PCO # 14.0 Client Initiated Changes</b>   | \$1,680.00    |
| 01/07/15 Irrigation equipment changes and location change in irrigation pipe sleeves due to last minute changes from Streetscape.  |               |
| <b>PCO # 15.0 Client Initiated Changes</b>   | \$1,559.25    |
| 01/07/15 Installation of a 24" Box Magnolia Tree because the existing tree has severe root damage by the PG&E crews that repaired an unmarked PG&E line.   |               |
| <b>PCO # 16.0 Changed/Unforeseen Conditions</b>  | \$825.00      |
| 01/07/15 The extra Drain boxes not used near the foundation of the building were delivered to NACY for future use.   |               |
| <b>PCO # 17.0 Changed/Unforeseen Conditions</b>  | \$588.00      |
| 01/07/15 Increase Item No. 16 by 80 SF at \$11 per SF. Colored concrete at two squares was used in lieu of pavers because of the shallow protruding building foundation.   |               |
| <b>PCO # 19.0 Changes to Bid Documents</b>   | (\$1,700.00)  |
| 01/07/15 Credit for imperfect work on the shrub guard per 5-15 of standard specs. Shrub  |               |

