



## ITEM REPORT CITY COUNCIL

Agenda Date: 11/21/2023  
Agenda Section: Consent Agenda

**Department Origination:** Public Works

**Agenda Item:** Approve JR Ferche Inc. Change Order No. 3 in the Increased Amount of \$75,004.38 for the Whiskey Creek Stormwater Improvements Project

**Approval Required:** Simple Majority Vote

### **BACKGROUND**

The project was put out to bid on 6/27 and an addendum to push back the bid date and for minor plan changes to answer contractor questions was issued on 7/17. Five bids were received on the morning of 8/2/23. J.R. Ferche, Inc. was the low bidder with a bid of \$959,085.95. At the 9/5 City Council meeting, the council awarded the contract to J.R. Ferche Inc. in the amount of \$959,085.95 and then approved Change Order No. 1, reducing the scope of the project and reducing the contract amount by \$49,894.30 to \$909,191.65. Council also amended the 2023 Stormwater Enterprise Fund budget by increasing the original budget of \$225,000 by \$118,993.87 to cover the total City project costs of \$343,993.87.

At the 10/17 City Council meeting, the council approved Partial Pay Estimate No. 1 in the amount of \$180,567.92 as well as a change order increasing the contract amount by \$49,190.21 to a total of \$958,381.86.

Once the excavation reached the base of the proposed pre-treatment forebay, Braun Intertec reviewed the soils and recommended that the concrete base be replaced with 1.5" washed rock. Riprap and geotextile were added to the forebay side slopes to prevent sloughing. The concrete path down to the pre-treatment forebay was re-routed for a more direct route to the forebay, increasing the quantity of concrete. Additional riprap was added at the 72" wetland outlet structure to prevent scour. Cover seeding was added to the mulching to prevent erosion in the spring. These changes are compiled in Change order No. 3, J.R. Ferche has provided a cost of \$75,004.38 for the additional work. This will bring the Whiskey Creek project total contract amount to \$1,033,386.24.

### **FINANCIAL IMPLICATIONS**

The net change in contract value is +\$75,004.38 between the additional concrete base, riprap, and seeding, and the reinforcement of side slopes. Below is a summary of the project budget:

Table 1: Original City Budget

<b>ORIGINAL BUDGET</b>	
Engineering & Construction Admin	\$ 225,000.00
Stormwater Wetland Construction Costs	\$ 900,000.00
<b>TOTAL ORIGINAL BUDGET</b>	<b>\$ 1,125,000.00</b>

Table 2: Updated Project Budgets

<b>CONSTRUCTION COSTS WITH CHANGE ORDER</b>	<b>ENGINEER'S ESTIMATED BUDGET</b>	<b>BUDGET WITH CHANGE ORDER 2</b>	<b>BUDGET WITH CHANGE ORDER 3</b>
Engineering & Construction Admin	\$ 343,399.00	\$ 343,399.00	\$ 431,969.00
Permanent Easements	\$ 1,683.64	\$ 1,683.64	\$ 1,683.64
Bike and Pedestrian Easement	-	\$ 5,779.40	\$ 5,779.40

Concrete Testing plus contingency for extras	-	\$ 3,066.00	-
Stormwater Wetland Construction Estimate	\$ 871,260.00	-	-
Stormwater Wetland Construction Bid	-	\$ 879,581.86	\$ 954,586.24
Pre-Construction Contingency	\$ 130,220	-	-
Construction Contingency 5%	-	-	-
Estimated Landscaping costs	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>SUBTOTAL COSTS</b>	<b>\$ 1,396,562.64</b>	<b>\$ 1,283,509.90</b>	<b>\$ 1,444,018.28</b>
<b>GRANTS</b>			
Clean Water Fund Grant Dollars	\$ 830,000.00	\$ 830,000.00	\$ 830,000.00
Left Over Clean Water Fund Dollars from SWCD	-	\$ 43,000.00	\$ 43,000.00
Landscaping Grant from SWCD	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>SUBTOTAL GRANTS</b>	<b>\$ 880,000.00</b>	<b>\$ 923,000.00</b>	<b>\$ 923,000.00</b>
<b>TOTAL PROJECT COSTS FOR CITY</b>	<b>\$ 516,562.64</b>	<b>\$ 360,509.90</b>	<b>\$ 516,084.26</b>
		<b>BUDGET WITH CHANGE ORDER 2</b>	<b>BUDGET WITH CHANGE ORDER 3</b>
<b>DESIGN ROAD PIPE CONSTRUCTION</b>	<b>ORIGINAL BUDGET</b>		
Design Road pipe construction cost	\$ 40,950.00	\$ 78,800.00	\$ 78,800.00
Pre-Construction Contingency 10%	\$ 4,100.00	-	-
Construction Contingency 5%	-	\$ 3,940.00	\$ 3,940.00
<b>PERMANENT EASEMENT</b>			
<b>D&amp;U Easement for Design Road Pipe</b>	<b>-</b>	<b>\$ 3,421.44</b>	<b>\$ 3,421.44</b>
<b>DESIGN ROAD SUBTOTAL</b>	<b>\$ 45,050.00</b>	<b>\$ 86,161.44</b>	<b>\$ 86,161.44</b>
<b>GRAND TOTAL COST</b>	<b>-</b>	<b>\$ 1,369,671.34</b>	<b>\$ 1,530,179.72</b>

The project budget is currently tracking over the budgeted funds. With the addition of a separate landscaping plan, construction extending to the spring, additional change orders and coordination, and materials testing costs, HR Green is requesting a contract amendment in the amount of \$88,570. Staff is requesting an amendment to the 2023 Stormwater Enterprise Fund in the amount of \$212,764.59 to cover the engineering amendment and change orders for construction.

#### **STAFF RECOMMENDATIONS**

The work included in Change Order No. 3 was requested by City staff, or City staff was made aware of the additional work before it was performed. Staff recommends approving Change Order No. 3 in the increased amount of \$75,004.38.

#### **COUNCIL ACTION REQUESTED**

**MOTION** to approve the J.R. Ferche Inc. Change Order No. 3 in the increased amount of \$75,004.38 for the Whiskey Creek Stormwater Improvements Project, Municipal Project Number 200292.