



## STAFF REPORT

DATE: March 17, 2022  
TO: Ty Lasher, City Manager  
FROM: Anne Stephens, Public Works Director  
RE: Woodlawn Project – Proposed Change Order 5

### **Proposal Focus:**

#### Our Mission

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- Attractive growth and safe living – Encourage attractive neighborhoods and new developments.

#### Our Values

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- Working Together – Departments working together as one team. Staff working with residents, HOA's and neighborhoods. Citizens working with each other.

### **Current Situation:**

As construction continues, it was noticed that the plan quantities for reinforcing steel, pavement markings were listed incorrectly in the original plans. This change order reflects an adjustment in quantities to the actual quantities used in the project. No additional days are being requested through this change order.

### **Goals:**

- To grow the City in an attractive, safe manner that is consistent with City standards.

### **Discussion:**

In my experience, change orders can generally be lumped into three categories.

1. **Unforeseen Circumstances** – A good example of this is from our Bristol Hollows subdivision project that is located on 53<sup>rd</sup> Street about half-way between Woodlawn and Oliver. During the earthwork phase, we encountered a sand seam and a lot of ground water. This is not something that could have been foreseen – as it is totally out of character with the soil in surrounding developments. Even if a geotechnical investigation had been performed during the design phase, this likely would not have been caught as only a few bore holes would have been drilled to get an idea of the subsurface conditions.
2. **Items omitted during the design but would have been included in the original bid if caught ahead of time.** These change orders are for items that would have been included in the original bid, so add no additional/duplicate cost to the project. In my opinion, this change order falls into this category. The design engineer had miscalculated the quantity of reinforcing steel and temporary pavement marking. The field engineer caught the miscalculations when they were measuring items for payment in the field. These items will be paid for at the bid price, so while there is an additional cost, the additional cost is no different than if the quantities had been correct in the original bid.
3. **Items that were omitted during the design, which caused changes to the design/project rendering changes to the design which makes other elements unnecessary, adding costs to the project** – this type of change order has the potential of

reimbursement from the design engineer under errors and omissions or negligence. A clear example of this type of change order occurred on the original Rock Spring project. When the project was initially designed, the existing ground surface and proposed ground surface did not match at the property line. There was a 2-3' difference at several locations throughout the property. This was brought up to the Engineer several times during the design phase and again into the construction, but the Engineer kept assuring us that it would work out. When the grading was nearing completion, the Engineer finally "discovered" their error. This resulted in a change order to re-grade a portion of the site, which ended up being charged back to the Engineer.

While it is very frustrating to keep having change orders, it is not uncommon on a project of this magnitude and complexity that is being conducted in a well-established corridor with numerous underground utilities.

### **Financials:**

The additional cost associated with this Change Order will be included in the bonds and paid for out of the general fund.

A summary of costs for the Woodlawn project is provided below:

Original Contract (Bid) Price	\$8,571,662.01
Change Order 1 (disincentive for temporary asphalt that did not meet specs)	(\$2,340.00)*
Change Order 2 (sanitary sewer line reconstruction)	\$27,038.00
Change Order 3 (working day adjustment for CO 2)	No change in cost
Change Order 4 (exploratory excavation for waterlines under UPRR (\$5,685.75) and water line lowering	\$59,655.75
Proposed Change Order 5 (quantity adjustment for steel and temporary traffic marking tape)	\$39,281.90
Total Contract Cost with Proposed Change Order 5	\$8,695,297.66

\* This is not the final quantity for this change order. It is a placeholder item to track deductions for asphalt throughout the project.

Change Orders of this sort are very typical on a project that occurs in a developed corridor. Plans are prepared utilizing the best available as-built information. The plans, in relation to the existing underground utility information, are only as accurate as the as-builts. Unfortunately, many of the utilities (water and sewer in particular) were installed decades ago and the specific as-built location is not accurate. As we move forward with the underground storm sewer installation, there will likely be additional change orders forth-coming as we run into unforeseen circumstances that need to be addressed. The storm sewer is designed on a very tight grade with very little room for adjustment. Unfortunately, this generally means that existing utilities need to be relocated out of the way of the proposed storm sewer. Once the underground work is completed, the likelihood of change orders decreases dramatically because the above ground features have been surveyed and designed around

or designated for removal and/or relocation. The location of underground features is more like looking into a black box and we have relied on inaccurate records for our designs.

One way to mitigate some of the issues on future projects is to “pothole” utilities during the design process. While this does not eliminate the potential for conflicts, since we are only taking a snapshot of utility locations and not uncovering entire lines, it should drastically reduce the number and remediation cost of them.

**Recommendation:**

In discussing our options with KDOT, they mentioned that the steel quantity included in this change order is for the RCB widening and was revised on Revision #2 to the Plans and is now considered authorized and acceptable work. KDOT’s contract documents require them to pay for authorized and acceptable work. The Type I and II tape has been placed for Phase 1 and Phase 2 traffic control.

Unfortunately, at this point, Council’s only option, should they choose to exercise it, is to vote against work that is yet to be performed. Voting ‘no’ to this change order would bring considerable complications to the project.

Since this work has already been completed and represents an accurate reconciliation of costs, Staff recommends Council approve Pearson Constructions Change Order Request in the net amount of \$39,281.90.

STATE OF KANSAS - DEPARTMENT OF TRANSPORTATION  
CHANGE IN PLANS AND CONSTRUCTION

DTC0050  
RUNDATE: 03 04 22 RUNTIME: 03:53 PM

CONTRACT: 521092575 E  
PROJECT ID: -087 N 0678-01

DISTRICT: 05  
AREA: 05

COUNTY: SEDGWICK

CONTRACTOR: PEARSON CONSTRUCTION LLC

CHANGE ORDER: 5 CO TYPE: REGULAR/SUPPLEMENTAL

CONTRACT LINE ITEM SECTION	ITEM CODE	DESCRIPTION	UNIT	ADJUSTED QTY	CONTRACT UNIT PRICE	REVISED/OR NEW UNIT PRICE	ADJUSTED AMOUNT
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FPN: STP-N067(801)

61	025100	REINFORCING STEEL (GRADE 60)					
02	6,360.000	7,568.40 LBS.		11,470.000	1.1900	0.0000	13,649.30

The items on this change order do not affect working days.

Revised Quantity = 11470  
Contract Quantity = 6360  
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Net Increase = 5110

This increase is due to a plan error in calculating the quantity of reinforcing steel. This error was corrected in plan revisions dated 2-18-2022.

140	070916	PAVEMENT MARKING (TEMP) 4" SOLID (TYPE I)					
14	21.400	2,675.00 STAL		214.000	125.0000	0.0000	26,750.00
Tentative Quantity = 214.0							
Contract Quantity = 21.4							
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Net Increase = 192.6							

This increase is due to a plan error in calculating the quantity of temporary pavement marking.

141	070917	PAVEMENT MARKING (TEMP) 4" SOLID (TYPE II)					
14	15.600	1,014.00 STAL		156.000	65.0000	0.0000	10,140.00
Tentative Quantity = 156.0							
Contract Quantity = 15.6							
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Net Increase = 140.4

This increase is due to a plan error in calculating the quantity of temporary pavement marking.

PREVIOUS TOTAL: 11,257.40

ADJUSTED TOTAL: 50,539.30  
NET CHANGE: 39,281.90

LPA (Optional) :  
CONTRACTOR :  
AREA/PROJECT ENGR :  
DISTRICT ENGINEER :  
BUREAU CHIEF :  
DIRECTOR :  
FHWA :

The undersigned hereby certifies, under the penalty of law for perjury or falsification, that I am authorized to submit this contract adjustment request on behalf of the Contractor and to bind the Contractor, the contract adjustment request is made in good faith and, to the best of the Contractor's knowledge and belief, is a true and complete statement of the actual costs and time incurred for the Contract Change and is authorized by the contract. I further certify that no additional claims will be submitted related to this contract adjustment request, and the Contractor has documentation that supports the contract adjustment request.

CONTRACTOR : \_\_\_\_\_ DATE: \_\_\_\_\_

city: \_\_\_\_\_ Date \_\_\_\_\_