

Change Order

No. 1

Date of Issuance: 7/18/22

Effective Date: 7/18/22

Project: Neilsen-Halvorsen Addition Sewer Rehabilitation Project	Owner: City of Sidney, MT	Owner's Contract No.:
Contract: 2021 Sidney Sewer Rehabilitation		Date of Contract:
Contractor: Western Municipal Construction, Inc.		Engineer's Project No.: 0717028

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

See attached scope change summary.

Attachments (list documents supporting change):

Listed on Scope Change Summary

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ 859,068.00

~~[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 1:~~

~~\$ _____~~

Contract Price prior to this Change Order:

\$ 859,068.00

Decrease of this Change Order:

\$25,620.81

Contract Price incorporating this Change Order:

\$833,447.19

Original Contract Times: Working days Calendar days

Substantial completion (days or date): 60

Ready for final payment (days or date): 7 additional

~~[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 1:~~

~~Substantial completion (days): _____~~

~~Ready for final payment (days): _____~~

Contract Times prior to this Change Order:

Substantial completion (days or date): 60

Ready for final payment (days or date): 7 additional

Increase of this Change Order:

Substantial completion (days or date): 6

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): 66

Ready for final payment (days or date): 7 additional

RECOMMENDED:

By: 
Engineer (Authorized Signature)

Date: 7/14/22

Approved by Funding Agency (if applicable):

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Date: _____

Date: _____

Change Order

Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

July 14, 2022

Jock Clause
Western Municipal Construction
5855 Elysian Road
Billings, MT 59101

RE: Sidney Neilsen-Halvorsen Sewer
Change Order No. 1
Scope Change Summary

Dear Jock:

This letter is to accompany Change Order No. 1 and is meant to summarize the change in project scope that have been determined to justify changes to both the overall contract price and contract time. These changes are described below.

Water Main Relocation Changes

As described in the attached letter dated May 27, 2022 from Morrison-Maierle, during the course of construction, the water main on 7th Ave SE was found to be in a different location than shown on the plans. This was unbeknownst to the City at that time.

Per the letter, this resulted in a recommendation of an additional 3 days of contract time for the slowdown in production related to exploratory excavation and installation of the sewer line near several water service lines.

As a result of this discovery, the City elected to relocate the water line as shown on Drawing SS-1. They elected to use another contractor to complete this work, which would include asphalt restoration. Western Municipal installed the sewer main per plan and completed restoration up to the base gravel. 307 LF of asphalt restoration was deleted from the contract as was the installation of a valley gutter.

Western Municipal sent letters dated June 17, 2022 and July 7, 2022 to describe proposed changes to the contract price as a result of the reduced scope of restoration on 7th Ave and the change to the unit price for asphalt restoration for the remainder of the work. Morrison-Maierle has reviewed these proposals and find them to be reasonable and recommend these changes to be included in Change Order 1.

Weather Days

Weather days were requested by the Contractor from June 5 through June 7, 2022. In conjunction with the City, and in light of the accumulation of rainy days during contract time to this point and the wet and unsuitable condition of the backfill material, three days were recommended to be added to the contract for this delay. This was discussed at subsequent construction progress meetings and agreed to verbally by the City and Western Municipal.

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Change Order Attachments

The following are included with this recommended change order proposal:

- Change Order 1 Summary Spreadsheet
- May 27 Letter from MMI to Jock Clause related to Water Main and Services Location Discrepancies
- June 17, 2022 Letter from Jock Clause related to the partial surface restoration for the deletion of the asphalt paving on 7th Ave – As marked-up by MMI
- July 7, 2022 Letter from Jock Clause as related to the increase in paving unit price related to deletion of the asphalt on 7th Ave – As annotated by MMI

Summary

Due to the changes made to the contract in 7th Avenue related to the location of the water main and the related reduction in scope of the work of the contract, we recommend a deductive change order in the amount of \$25,620.81.

Due to the unknown location of the water main utility in 7th Avenue and the rainy weather from June 5th through June 7th, we recommend that 6 additional calendar days be added to the Contract.

Sincerely,



Laura Gundlach, PE
Morrison Maierle

Change Order 1 Summary

ADDITIONS

Partial Restoration Proposed Costs

	<i>Quantity</i>	<i>Unit</i>	<i>Bid Price</i>	<i>Total</i>
Asphalt Milling	307	LF	\$7.00	\$2,149.00
Base Gravel	323	TN	\$12.00	\$3,876.00
Labor and Equipment for Placement and Load Out				\$6,385.00
Excess Trucking	11.5	HRS	\$150.00	\$1,725.00
Markup - 15%				\$2,120.25

Asphalt Restoration Unit Price Increase

Bid Item Description

<i>Bid Item</i>	<i>Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Bid Price</i>	<i>Total</i>
119	Type 2 Surface Restoration (Asphalt Roads) for Sewer Main	847	LF	\$11.02	\$9,333.94

TOTAL ADDITION \$25,589.19

DEDUCTIONS

Bid Item Description

<i>Bid Item</i>	<i>Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Bid Price</i>	<i>Total</i>
119	Type 2 Surface Restoration (Asphalt Roads) for Sewer Main	-307	LF	\$130.00	-\$39,910.00
123	Valley Gutter Restoration	-1	EA	\$11,300.00	-\$11,300.00

TOTAL DEDUCTION -\$51,210.00

CHANGE ORDER TOTAL -\$25,620.81

May 27, 2022

Dillon Clause
Western Municipal Construction, Inc.
5855 Elysian Road
Billings, MT 59101

RE: Neilsen – Halvorsen Sewer Rehabilitation Project
Water Main and Services Location Discrepancies

Dear Dillon:

We have received your email notification dated May 27, 2022 that the 7th Avenue SE water main shown on Drawing No. SS-1 is incorrectly shown located on the east side of the new sewer main. This water main has been found to be located approximately six feet west of the new sewer main. Thus, the new sewer main installation will require additional water service line crossings. Per 4.04B of the Standard General Conditions, it is determined that a change in the Contract Documents is required to reflect an equitable adjustment in the Contract Time and may increase the total Contract Price.

Exploratory Excavation

On May 26, Western Municipal used a mini-excavator to excavate near the location of Manhole 3A at the direction of the Engineer. The hours for this work are quantifiable and shall be paid for under Bid Item 127 – Exploratory Excavation – Small Crew as was agreed in the field between the Resident Project Representative and Western Municipal's Superintendent.

Additionally, the slowdown in production due to the location of the water main and the water service line encountered on May 26 and 27 is quantifiable. These hours shall be measured and paid under Bid Item 128 – Exploratory Excavation – Large Crew as describe in Section 01275. The actual total of these hours will be agreed upon in the field by the Resident Project Representative and Western Municipal.

Utility Crossings

Based on the location of the existing water main, the installation of the new sewer main in 7th Avenue will cross five existing water service lines. The existing water main on the south side of new Manhole 3A will not have to be crossed by the sewer main. Thus, there will be net four additional utility crossing encountered during installation of the new sewer main. These four crossings will be paid for under Item 124 – Underground Utility Crossings.

Contract Time

The additional work summarized above did and/or will result in additional time thus requiring an increase in the Contract Time. It will be recommended to the Owner that an additional three contract days be added the Contract Time.

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Summary

The Morrison-Maierle letter dated May 13, 2022 described preparation of a change order for consideration by the Owner at their first June council meeting which would add seven days to Contract Time due to the delay in receiving the MDT permit. This change order recommendation will be modified to total ten contract days, which includes the additional three days for the above work.

As the additional work summarized above shall be paid through bid unit prices, a Contract Price increase is not recommended at this time. Instead, the Contract Price will be adjusted as required through a reconciling change order at the end of the project.

Sincerely,



Laura Gundlach, P.E.
Project Manager

E-cc: Jeff Hintz, City of Sidney
 Kyle Muck, Morrison-Maierle



WESTERN MUNICIPAL CONSTRUCTION, INC.

5855 Elysian Road Billings, MT 59101

Phone (406) 254-2106 Fax (406) 245-9736

Laura Gundlach
Morrison-Maierle
315 N 25th Street
Ste 102
Billings, MT 59101

June 17, 2022

RE: City of Sidney – Neilsen-Halversen Addition Sewer Rehab – Deletion of Asphalt Paving on 7th

Laura,

This is a request for payment of costs for the 307 LF of asphalt being being deducted from the contract. This request is being made per changes to the work.

Western Municipal is requesting compensation for milling of the asphalt, cost of base gravel, the installation of base gravel and haul-off of excess material.

Milling of Asphalt 307 LF @ \$7.00 = \$2,149.00

Base Gravel 323 TN @ \$12.00 = \$3,879.00

Labor and Equipment to place Base Gravel

and load out excess = \$6,385.00

Trucking off excess 11.5 hrs @ \$150.00 = \$1,725.00

Subtotal	\$14,138.00	
Mark up 20% 15%	\$2,827.00	\$2,120.25
Total Amount Requested	\$16,965.00	\$16,255.25

Only a markup of 15% is allowed per the contract, Section 00700 12.01.C.2.

Sincerely,



WESTERN MUNICIPAL CONSTRUCTION, INC.

5855 Elysian Road Billings, MT 59101

Phone (406) 254-2106 Fax (406) 245-9736

July 7, 2022

Morrison-Maierle
Laura Gundlach
315 N 25th St, Ste 102
Billings, MT 59101

RE: Sidney Neilsen-Halvorsen Sewer - Deletion of Asphalt Paving in 7th

Dear Laura,

This is a request for payment of costs for the 307 LF of asphalt being deducted from the contract. This request is being made per General Conditions SC-11.03 of the contract. Deletion of 307 LF of paving amounts to over 25% reduction of this bid item and this bid item amounts to more than 10% of the contract price.

Wharton requested price increase 8,470 SF @ \$1.05 SF =	\$8,893.50
Western Municipal 5% Markup	\$444.68
Total:	\$9,338.18

Sincerely,


Jock Clause

Price Increase for Bid Item 119 = \$11.02/LF
New Bid Item Price for Bid Item 119 = \$141.02/LF