

City of Fayetteville Staff Review Form

2017-0354

Legistar File ID

8/1/2017

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

7/14/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$76,970.00 FOR ADDITIONAL CONSTRUCTION MANAGEMENT ASSOCIATED WITH ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PROJECT BB0414 - PORTER ROAD-HIGHWAY 112/71B WIDENING AND INTERCHANGE IMPROVEMENTS

Budget Impact:

5400.720.5700-5314.00	Water/Sewer																								
Account Number	Fund																								
11011.1501	Water/Sewer Relocations-Bon Projects																								
Project Number	Project Title																								
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Budgeted Item?</td> <td style="width: 15%;"><u>Yes</u></td> </tr> <tr> <td>Does item have a cost?</td> <td><u>Yes</u></td> </tr> <tr> <td>Budget Adjustment Attached?</td> <td><u>No</u></td> </tr> </table>	Budgeted Item?	<u>Yes</u>	Does item have a cost?	<u>Yes</u>	Budget Adjustment Attached?	<u>No</u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 60%; text-align: right;">3,499,149.00</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">2,709,830.38</td> </tr> <tr> <td>Current Balance</td> <td>\$</td> <td style="text-align: right;">789,318.62</td> </tr> <tr> <td>Item Cost</td> <td>\$</td> <td style="text-align: right;">76,970.00</td> </tr> <tr> <td>Budget Adjustment</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Remaining Budget</td> <td>\$</td> <td style="text-align: right;">712,348.62</td> </tr> </table>	Current Budget	\$	3,499,149.00	Funds Obligated	\$	2,709,830.38	Current Balance	\$	789,318.62	Item Cost	\$	76,970.00	Budget Adjustment	\$	-	Remaining Budget	\$	712,348.62
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V20140710

Previous Ordinance or Resolution # 43-15, 171-16

Original Contract Number: 2354

Approval Date: _____

Comments:



MEETING OF AUGUST 1, 2017

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Tim Nyander, Utilities Director
DATE: June 26, 2017
SUBJECT: Approval of Amendment No. 3 to the Contract with Garver LLC

RECOMMENDATION:

Staff recommends the approval of Amendment No. 3 to the contract with Garver, LLC in the amount of \$76,970.00 for additional construction management and construction observation associated with Arkansas Highway and Transportation Department Project BB0414 – Porter Road-Highway 112/71B Widening and Interchange Improvements.

BACKGROUND:

In February 2015, the City Council approved by Resolution No. 43-15 the engineering contract with Garver for design of the water/sewer relocations associated with AHTD project BB0414 – Porter Road-Highway 112/71B Widening and Interchange Improvements. The design was substantially completed in June 2015.

Contract Amendment No. 1 with Garver, LLC to add Bidding Phase Services was approved by the City Council on December 15, 2015. Contract Amendment No. 2, approved by City Council on September 20, 2016, provided services including submittal reviews, construction observation, documentation and project coordination.

DISCUSSION:

Due to delays with Goodwin & Goodwin, Inc., the construction contractor for the project, further construction management and construction observation will need to be provided by Garver, LLC in the amount of \$76,970.00.

BUDGET/STAFF IMPACT:

Funds are available within the Water & Sewer Bond Relocations project.

Attachments:

Contract Amendment No. 3
Fee Spreadsheet



**AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
City of Fayetteville, Arkansas
Project No. 15048160**

CONTRACT AMENDMENT NO. 3

This Contract Amendment No. 3, dated _____, 2017, shall amend the original contract and previous amendments between the CITY OF FAYETTEVILLE (Owner) and GARVER, LLC (GARVER), dated February 17, 2015 referred to in the following paragraphs as the original contract.

This Contract Amendment No. 3 adds professional services for the:

Porter Road-HWY 112/71B Widening and Interchange – AHTD Job BB0414

The original contract is hereby modified as follows:

APPENDIX A – SCOPE OF SERVICES

Section 2.8, Construction Phase Services of Amendment No. 2 is hereby amended to modify the following.

Replace Item 2.

- ~~2. Attend weekly, up to 25, progress/coordination meetings at the project site with the Owner/Contractor.~~
2. Attend, up to 35, progress/coordination meetings at the project site with the Owner/Contractor.

Replace Item 7.

- ~~7. Provide full time construction observation of work and acceptance testing services during the 180-calendar day construction contract performance time. The proposed fee is based on approximately 8 hours per day, 5 days per week, during the 180-calendar day construction contract performance time. If the construction time extends beyond the time established in this agreement or if the Owner wishes to increase the time or frequency of the observation, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.~~
7. Provide full time construction observation of work and acceptance testing services during the 260-calendar-day construction contract performance time. The proposed fee is based on approximately 8 hours per day, 5 days per week, during the 260-calendar-day construction contract performance time. If the construction time extends beyond the time established in this agreement or if the Owner wishes to increase the time or frequency of the observation, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.

Replace the following paragraph.

~~The proposed fee for Construction Phase Services is based on a 180-calendar day construction contract performance time. If the construction time extends beyond the time established in this agreement, and the Owner wants Garver to continue the applicable~~



~~Construction Phase Services, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.~~

The proposed fee for Construction Phase Services is based on a 260-calendar-day construction contract performance time. If the construction time extends beyond the time established in this agreement, and the Owner wants Garver to continue the applicable Construction Phase Services, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.

Section 3.0, Payment of Amendment No. 2 is hereby amended to modify the following.

Replace the following.

~~Section 3.0, Payment of the original contract and Amendment No. 1 is hereby amended to revise the FEE AMOUNT for Construction Services and TOTAL FEE in the table. Replace "\$0 (may be added by amendment)" for Construction Services with "\$196,800.00". Replace "\$112,036.25" for TOTAL FEE with "308,836.25". In the paragraph following the table, replace "The total amount paid to GARVER under this agreement is estimated to be \$112,036.25." with "The total amount paid to GARVER under this agreement is estimated to be \$308,836.25."~~

Section 3.0, Payment of the original contract and Amendment No. 1 is hereby amended to revise the FEE AMOUNT for Construction Services and TOTAL FEE in the table. Replace "\$0 (may be added by amendment)" for Construction Services with "\$273,770". Replace "\$112,036.25" for TOTAL FEE with "385,806.25". In the paragraph following the table, replace "The total amount paid to GARVER under this agreement is estimated to be \$112,036.25." with "The total amount paid to GARVER under this agreement is estimated to be \$385,806.25."

The table in Section 3.0 of the Original Agreement is hereby updated as shown below per this amendment.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
ARKUPS (Utility Marking)	\$2,500.00	Direct Cost + 10%
Record Research (Abstractor)	\$3,500.00	Direct Cost + 10%
Design and Property Surveys	\$29,860.50	Hourly Rate + Expenses
Environmental Services	\$9,093.75	
Detailed Design	\$44,588.25	
Property Acquisition Documents	\$13,200.00	
Bidding Services	\$9,293.75	
Construction Services	\$273,770.00	
TOTAL FEE	\$385,806.25	



This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and GARVER have executed this Amendment effective as of the date last written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER, LLC

By: _____

By: Scott Zotti

Mayor, Lioneld Jordan

Vice President, Scott Zotti

ATTEST:

By: _____

By: _____

City Clerk

Senior Project Manager

APPENDIX B

City of Fayetteville

Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414

ADDITIONAL CONSTRUCTION PHASE SERVICES - Amendment 3, April 2017

WORK TASK DESCRIPTION	E-3	E-2	E-1	C-3	T-2	T-1	2-Man Crew (Survey)
	\$143.00	\$125.00	\$102.00	\$119.00	\$95.00	\$74.00	\$187.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
10 Additional Progress/Coordination Meetings with Cor	24						
Additional Monthly Pay Requests	16						
Full Time Construction Observation (8 hrs/day, 5 days/week, additional 80 c-days))				457			
Periodic Engineer Site Visits	30						
City and AHTD Coordination	30						
Project Management	30						
Additional Survey Field Checking Contractor	4						16
Subtotal - Civil Engineering	134	0	0	457	0	0	16
2. Structural Engineering							
Subtotal - Structural Engineering	0	0	0	0	0	0	0
3. Mechanical Engineering							
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0
4. Electrical Engineering							
Subtotal - Electrical Engineering	0	0	0	0	0	0	0

Hours	134	0	0	457	0	0	16
Salary Costs	\$19,162.00	\$0.00	\$0.00	\$54,383.00	\$0.00	\$0.00	\$2,992.00

SUBTOTAL - SALARIES: \$76,537.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	
Postage/Freight/Courier	
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs (@ \$0.42/mile)	\$433.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$433.00

SUBTOTAL: \$76,970.00

SUBCONSULTANTS FEE: \$0.00

TOTAL FEE: \$76,970.00