

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 24-124	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	6/18/2024	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	7/16/2024	<b>Final action:</b>	7/16/2024
<b>Title:</b>	An Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same. (PWC 7/8/24)		
<b>Sponsors:</b>	Public Works Admin & Engineering		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance		

Date	Ver.	Action By	Action	Result
7/16/2024	1	City Council - Regular Session	for second reading	Pass
7/16/2024	1	City Council - Regular Session	adopted and numbered	Pass
7/8/2024	1	Public Works Committee	recommended for approval	

An Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same. (PWC 7/8/24)

Issue/Request:

An Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.

Key Issues:

- Pursuant to Ordinance No. 9668, the City and Emery Sapp & Sons, Inc. (hereinafter "Contractor") entered into an agreement for the construction of the Chipman Road Improvements from View High Drive to Bent Tree Drive Project, Project No. 73 (hereinafter "Base Agreement").
- The City and Contractor modified the Base Agreement, as amended, per Change Orders 1 through 5 administratively in accordance with the City's Procurement Policy.
- The City desires to further modify the Base Agreement, as amended, to adjust the construction contract time to allow for the impeded progress through the project due utility conflicts

Proposed Committee Motion:

I move to recommend to City Council approval of an Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.

SECOND MOTION: I move for adoption of an Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.

Background:

The Project includes reconstructing the current narrow roadway as a two and three lane facility with curb and gutter, enclosed storm water drainage, sidewalk (south), shared use path (north), street lighting, traffic signal, relocation and/or upsizing of water and sanitary sewer mains, and replacement of a one lane railroad bridge with a new County funded pedestrian/bicycle trail bridge. The main purpose of this Project is safety improvements.

Change Order No. 1 was approved administratively due to needing to mudjack along Ashurst Drive and to adjust storm box lids to meet existing profile.

Change Order No. 2 was approved administratively to change contract price due to existing sanitary manhole size discrepancies, fuel price index adjustments and for item quantity deduct.

Change Order No. 3 was approved administratively to change the contract price for Fuel Price Index Adjustments and to correct the funding source for bridge attachment.

Change Order No. 4 was approved administratively to change contract price due to a discrepancy in water main quantities.

Change Order No. 5 was approved administratively due to unforeseen site conditions and plan drawing changes.

The cumulative amounts of Change Orders 1 through 5 totaled \$79,900 of added cost to the project. This amount is 0.7% of the \$11,054,000 base bid.

This change, Change Order No. 6, will address adding an additional 155 calendar days to construction contract time to allow for the impeded progress throughout the project due to utility relocation delays. The base contract allotted 545 days to reach substantial completion. Change Order 6 will extend the time by 28% to 700 Calendar days to reach substantial completion. The City's Procurement Policy states "The City Council must

approve any change order (i) resulting in an increase to the contract time exceeding the greater of 30 days or twenty percent (20%) of the original contract time, (ii) a single change order increasing contract time by 90 days or more.” This change order 6 meets both criteria to require Council approval.

The additional time requested in this changer order are due to circumstances beyond the control of both the City and the Contractor. Utility companies had confirmed their facilities would not be in conflict or the utility company had delayed relocation on this project to support other utility projects.

Timeline:

Construction start: September 2023

Construction End: June 2025

Perry Allen, Construction Manager

Recommendation:

Staff recommends approval of an Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.

Committee Recommendation: The Public Works Committee voted unanimously 4-0, to recommend to City Council approval of an Ordinance approving Change Order No. 6 to the agreement for the Chipman Road Improvements from View High Drive to Bent Tree Drive project, Project No. 73, between the City of Lee's Summit, Missouri and Emery Sapp & Sons, Inc., to increase the project timeline by 155 calendar days, and authorizing the City Manager to execute an agreement for the same.