

## Legislation Details (With Text)

**File #:** BILL NO. 16-201  
**Name:**  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 8/29/2016  
**In control:** City Council - Regular Session  
**On agenda:** 10/6/2016  
**Final action:** 10/6/2016  
**Title:** AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION. (PWC 9/19/16)

**Sponsors:** Public Works Admin & Engineering

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Change Order #5, 3. Change Order #5 Reasons

Date	Ver.	Action By	Action	Result
10/6/2016	2	City Council - Regular Session	adopted and numbered	Pass
9/19/2016	2	Public Works Committee	recommended for approval	Pass

AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION. (PWC 9/19/16)

Issue/Request:

AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION.

Key Issues:

Utility Delays:

- As a result of the unidentified MGE gas main, the contractor was unable to construct the Scherer Road connection between Jefferson Street and Market. This impacted the critical path for constructing Jefferson Street, as the Scherer Road connection to Market was required to handle traffic during construction.
- The MGE gas main was discovered on August 1, 2015 and the contractor was able to return to work on November 2, 2015. A loss of 93 calendar days.
- To account for the seasonal impact of the delay, MoDOT’s weighted time table was used to determine the equitable adjustment of calendar days. Following this process, 170 calendar days are being added to the contract.

Stuart Road Box Culvert Replacement:

- The removal and replacement of the Stuart Road box culvert was approved in Change Order number 4. In addition to the cost associated with this change, 38 calendar days are being provided for this additional work.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION.

SECOND MOTION: I move for adoption of AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION.

Background:

170 calendar days are being added for delays associated with the MGE gas utility not being relocated in time for the contractor to complete all Phase 1 work. The gas main was found to be in direct conflict with the intersection work at Jefferson and Scherer as well as the construction of the Scherer Road connection to M291. Not being able to construct the Scherer Road connection affected the critical path of the Jefferson Street construction, as the flow of traffic could not be adequately maintained without it. The conflict was discovered and the contractor essentially shut down on August 1<sup>st</sup>, 2015. The conflict was resolved on October 30, 2015 and the contractor was able to resume work on November 2, 2015. As a result, the contractor lost 93 calendar days of work. With the construction restarting later in the fall season, the contractor essentially switched more productive late summer calendar days for less productive winter days. To fairly assess the seasonal impact of this delay, the Missouri Department of Transportation's, MoDOT, Weighted Time Table for Contracts with No Time Exclusion was used to arrive at an equitable adjustment to the contract calendar days. Following the procedure outlined in MoDOT's Engineering Policy Guide, it was determined that 170 calendar days should be added to the contract. Additionally, 38 calendar days are being added to the contract to construct the Stuart Road Box Culvert, which was approved with Change Order #4. As a result of these two changes, 208 calendar days are being added to this contract. This results in a revised substantial completion date of June 14th, 2017.

Presenter: Michael Anderson, Construction Manager

Recommendation: Staff recommends approval of an Ordinance approving Change Order #5 to the contract with Midwest Heavy Construction for the Jefferson Street improvements project, an increase of 208 calendar days for a total of 708 calendar days to reach substantial completion and 738 calendar days to reach final completion.

Committee Recommendation: The Public Works Committee voted 3-0 (Chairman Mosby "Absent") to recommend to City Council approval of AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION.