



# City of Pflugerville

## Legislation Details (With Text)

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**On agenda:** 8/11/2020    **Final action:** 8/11/2020  
**Title:** Discuss and consider action to approve a Change Order in the amount of \$56,468.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project with QA Construction Services, Inc. and authorize the City Manager to execute the same.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Wilbarger Creek Park Location Map, 2. Exhibit A\_Wilbarger Creek Park\_Contractor Summary, 3. Wilbarger Creek Park\_Change Order Supporting Documentation, 4. Slides, 5. Signed CO1\_QA Construction\_Wilbarger Creek Park

Date	Ver.	Action By	Action	Result
8/11/2020	2	City Council	Approved	
7/28/2020	1	City Council	No action	

Discuss and consider action to approve a Change Order in the amount of \$56,468.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project with QA Construction Services, Inc. and authorize the City Manager to execute the same.

This item includes a change order in the amount of \$56,468.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project. City staff and the Contractor agreed to remove the Limestone Wall-Block Adjustments in the amount of \$32,650.00, all other components were determined to remain in the Change Order necessary for reimbursement to the Contractor.

City Staff had taken a change order to City Council for consideration at the July 28, 2020 City Council Meeting. At that time, the change order included an increase of \$89,118.40 and added 135 additional days to the construction contract. At the July 28 meeting, the City Council chose not to approve the change order and posed many valid questions regarding the project and proposed change order. Staff has provided additional information about the project, in the background, for reference as related to the change order and further explanation on how we got to where we are. There reportedly have been multiple issues with how the City has managed the project and changes in field conditions.

Since the July 28<sup>th</sup> City Council meeting, City staff has met with the Contractor to renegotiate the Change Order and confirm the project completion and delivery of the Wilbarger Creek Park. The Contractor has provided information in support of the proposed Change Order Items and the documentation is attached to the City Council Agenda Item. The revised Change Order has also been provided as an attachment for review of the items for consideration of the modified Change Order pricing. A majority of the requested items were related to Request for Information (RFI) as such those have been referenced in the Change Order line items.

The revised Change Order proposal has been presented to accomplish the goal of resolving all remaining outstanding scope, cost and contract components and to get the project back on track for completion and delivery of the final Park product. The associated categories for consideration of approval by City Council include 1) Approval of cost in the amount of \$56,468.40 associated City requested changes, field design changes, and value engineering components; 2) Extend the construction contract by 135 days in order to close out the construction contract by November 15, 2020; 3) Reconcile the contract for value engineered items for a cost savings to the project.

The Wilbarger Creek Park Project construction has been underway since September 2019. Since that time varying field conditions, required design changes and added construction needs have been determined necessary for the project completion. This project was bid in early 2019 and QA Construction Services, Inc. was awarded the project on March 12, 2019. The construction start date was delayed due to prolonged site design permit approval which was received August 2019. The Notice to Proceed (NTP) issued on September 16, 2019.

The construction contract with QA Construction Services, Inc. has expired as of 7/2/2020, however the contractor is still on-site performing work daily and is committed to completing the project. There will also be continued coordination with third party vendor scheduling with Oncor and playground installation to mitigate any further conflicts. The Contractor has provided a construction schedule to confirm the need for 135 additional days in order to complete their work without being in conflict with work performed by others.

The proposal is for work required in accommodating the necessary items as discussed below. The categories for added work items include:

- 1) City Requested Changes - changes necessary for light pole foundations and switching to solar lighting total amounting to \$96,501.27.
- 2) Field Design Changes - changes determined as needs based on conditions in the field that deviate from survey and construction plans total amounting to \$26,944.59.
- 3) Value Engineering - associated with further investigation of the site conditions, utility connections, and self-performed work cost savings to the project (\$66,978.46) deduction.

The total added cost is an increase of approximately 3.56% to the overall cost of the project. The current contract price is \$1,595,000.00 and the revised total including this change order, will be \$1,651,468.40. Approval of the proposed Change Order will also increase the contract time by 135 days, which modifies the original substantial (6/2/2020) and final completion (7/2/2020) dates to 10/15/2020 and 11/15/2020 respectively.

#### City Requested Changes:

Light Pole Bases: The park design includes lighting for both the parking lot and along the pedestrian routes, including a portion of trail that extends from and existing trail stub north to Craters of the Moon Blvd on the west side of the Wilbarger Creek that bisects the park. In order to reduce costs regarding the running of power and conduit to the proposed light poles in this specific area, staff requested pricing and installation of solar pedestrian lights for this portion of the project.

The light pole base foundations were incorrectly called out in the plan set as “to be provided by the manufacturer”. The contractor did not include them in their bid proposal and specifically notated the fact that they were not included in the bid on the bid form they submitted. Staff requested pricing for

the foundations and associated labor costs.

#### Field Design Changes:

Existing site conditions did not consistently match the survey data of the park and affected portions the site work performed, in some instances requiring additional grading adjustment, removal of trees not identified on the original survey, culvert and area inlet adjustments, existing irrigation valve relocation, and wastewater connection adjustments. The design engineer has attributed these site condition changes to the time since the original survey was conducted and change in the area due to flooding that has occurred in the floodplain. Direction was provided by the City project manager at early progress meetings and the contractor moved forward with the adjusted interpretation of the plan set. This discussion also included trail relocation in order to save trees not noted on the survey, and the culvert size adjustment due to the actual orientation of the drainage channel. Additional Information about the field changes are described below.

#### Value Engineering:

- 1) Pre-Cast Concrete Benches: The original bid for the project included a line item for pre-cast concrete benches in specific, modern geometric shapes. The manufacturer is out-of-state and delivery of the pre-cast concrete benches had a long lead time and the Contractor communicated experience for providing the same product using the cast-in-place method. Since the same product could be delivered for the park, Staff requested the contractor to provide pricing for concrete seatwalls formed on site. This means of construction provided significant savings rather than the original proposed bid item.
- 2) Restroom Foundation Piers: The foundation piers for the pre-fabricated restroom were designed prior to the finalization of the pre-fab restroom foundation requirements. Prior to starting construction on the piers, they were re-evaluated by the structural engineer. It was deemed that a reduction in piers would not negatively affect the integrity of the building, the number of piers was reduced from 8 to 4 piers.
- 3) Water Line Connection: Upon site work commencing, it was determined that the proposed connection for the 2" water line could be reduced in length by tying into a closer location.

#### Additional Days:

The work described above was estimated to take an additional 61 days. The contractor and staff has also recognized the need for additional third party coordination days totaling 74 days, that alleviate construction sequencing conflict regarding installation of equipment and utility services, for a total of 135 additional days.

Background information as provided below for the project that would shed light on the components that have led to the proposed Change Order. Project management has been the primary cause for delays in addition to delayed response provided back to the Contractor. The summary provided below presented from prior to bidding to the current.

#### Background:

Bid Phase: The project was bid between Dec 2018 to Jan 2019, which at that time the plan set was "for bid only" purposes, as staff still had not yet secured the Site Development Permit necessary to begin construction. Still intending to receive the Site Permit, staff proceeded with Bid Opening as

Bids opened on January 31, 2019 and the apparent low bidder identified as QA Construction Services, Inc.

The month of February was set aside for further review of the contractor's references including a meeting with QA Construction Services prior to awarding the contract in order to ascertain their understanding of the project and their commitment of work force necessary for the project as well as contract review. The design consultant provided a recommendation and award for QA Construction Services, Inc. as the lowest qualified bidder in the amount of \$1,595,000.00. The construction contract taken to Council for approval on March 12, 2019.

Staff submitted the recommendation for award to City Council on March 12 and the construction contract awarded to QA Construction Services, Inc.

Site Design Permit: The Wilbarger Creek Park project includes development of a portion of the 105 acre undeveloped parkland in the Highland Park subdivision. This project as identified as a regional park due to its linear shape and size. While originally comprising of two areas of development identified as the "North Park" and the "Dog Park" areas, at this time the current funding available for construction only supports development of the "North Park" area, which is currently under construction.

Located at the corner of Kingston Lacy Blvd. and Craters of the Moon Blvd, amenities under construction include but are not limited to a 60+ space parking lot, restroom facility, natural and manufactured playground elements, outdoor classroom space, practice field, youth veloway, site furnishings, and related park amenities as described in the plans and project manual. This project is a complex project located in the floodplain and required multiple reviews due to changes in floodplain data, changes made by the contractor that built Craters of the Moon Blvd. and other required changes aimed at code compliance.

At the time of Council approval, project management staff was aware and anticipated final approval of the site plan by Development Services. The plan set approved and the permit provided in August 2019. Staff did run into delays in receiving the Site Development Permit such that staff contacted QA Construction Services to notify them of delayed starting. The project manager continued to stay in contact with the contractor on a regular basis regarding permit status update until permit received. Once permit was in hand, the project manager and contractor coordinated on the best time to initiate the pre-construction meeting. The project should not have been bid until after the site development permit had been received.

The preconstruction meeting was held on 9/6/20. Following the items outlined in the agenda, items that staff identified as needing to be value engineered were discussed. This included the light poles and pre-cast seatwall. The parking lot light poles and fixtures were identified and discussed as a possible cost savings as the City had extra poles & fixtures from another project; however, they were not ultimately used by the contractor. The pre-cast seatwalls were also identified as a possible cost savings and an exhibit was provided by the consultant for pricing.

Please note that the City project manager and the consultant team have found the contractor to responsive and professional throughout the duration of the project. QA was the lowest qualified bidder and was within the cost of construction as estimated by the consultant based on funds available. The next bidder in the tabulation would have been \$305,167.50 greater than the contract

price proposed by QA

Project funding was approved as part of the November 2014 General Obligation Bond, additional funding from the Parkland Dedication Fund will be utilized as well.

### **Prior City Council Action**

City Council approved a construction contract with QA Construction Services, Inc. in the amount of \$1,595,000.00 at the March 12, 2019 meeting.

### **Deadline for City Council Action**

Action is requested on August 11, 2020.

**Funding Expected:** Revenue ☐ Expenditure ☒ N/A ☐

**Budgeted Item:** Yes ☐ No ☒ N/A ☐

**Amount:** \$56,468.40

**1295 Form Required?** Yes ☐ No ☒

**Legal Review Required:** N/A ☒ Required ☐ Date Completed:

### **Supporting documents attached:**

Change Order Form

Change Order Proposal and Breakdown Information

Park Location Map

### **Recommended Action**

Approving a Change Order in the amount of \$56,468.40 and 135 additional days for the construction contract for the Wilbarger Creek Park Project with QA Construction Services, Inc. and authorize the City Manager to execute the same.