



**Change order  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 21  
AGENDA DATE: Thu 03/24/2005  
PAGE: 1 of 3**

**SUBJECT:** Authorize execution of change order # 6 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH, for the North Service Center Excavation for Site Clearance in the amount of \$857,815, for a total contract amount not to exceed \$3,210,178.96.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$857,815 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:**for Austin Water Utility;

**DIRECTOR'S  
AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Alison von Stein, 974-7217, Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** Ratification of construction contract - June 24, 2004; authorization for change order #4 - December 16, 2004.

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** 7.05% MBE and 0.08% WBE subcontractor participation to date.

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On June 24, 2004, the City Council authorized ratification of an emergency contract with Shaw Environmental, Inc. to perform high-hazard excavation of the North Service Center site to provide clearance following the explosion that occurred November 3, 2003 during excavation of a storm sewer line. The explosion was determined to have been caused by benzoyl peroxide left at the site by the previous owner/occupant of the site, a chemical company. Benzoyl peroxide is a highly reactive/explosive chemical subject to heat, impact, and friction.

In order to provide assurance that the site will be safe for construction work to continue and for future occupation, the scope of the contract with Shaw Environmental, Inc. includes excavation of the site to bedrock in areas that have not been previously excavated to bedrock, screening the removed soil, replacing it and compacting it in place. Additional authority is being requested for a change order to provide the following:

- An allowance for excavation, screening and backfilling the remaining soil
- Additional work associated with relocating an asbestos wastewater line (due to field conditions)
- Handling, transportation and disposal of benzoyl peroxide

Excavation of the site is nearing completion. The exact cubic yardage was not determined in advance, due to the uneven depth of bedrock. More precise bedrock depths could have been obtained but that would have required extensive soil borings, which were considered both cost prohibitive and time consuming.

Field conditions encountered when relocating an asbestos wastewater line necessitate increased cost. The flow line of an existing manhole was different from what was shown on the City's records. Tying into



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this manhole will require digging to a greater depth and into bedrock. Also during relocation of the wastewater line, it was discovered that a service line ties into the wastewater line, which was not shown on the City's records. Extending this service line to the relocated wastewater line will entail crossing under a proposed concrete channel and the new extended service line will require concrete encasement due to the soil conditions where it will cross the proposed channel.

On September 11, 2004, a vein of benzoyl peroxide was found within the area of the chemical company's former waste disposal pond. Additional authorization is required to allow for the cost to handle, transport and dispose of this material.

The contract with Shaw Environmental, Inc. was awarded on an emergency basis. In that this was an emergency action, there is not a 25% cap on change orders.

The project has two contingencies: one that is part of the construction contract and one that is an owner's contingency that was budgeted for this project and previously approved by Council, when the contract award was ratified on June 24, 2004. Proposed funding information is shown below.

**AUTHORIZATION HISTORY**

Contract amount, including contract contingency, prior to this Council action.....\$2,352,363.96

DATE	CO#	Description	Amount	Contract	Owner's	CO%
06/24/04		Original Contract Authorization, not including contingency (Ratification)	\$1,323,985	\$250,000	\$236,000	
Contingency	1	Remove existing site utilities, install meter at hydrant, abandon a monitoring well, provide tarps, rope and cardboard edges for construction materials stored on site.	\$16,254.61		<\$16,254.61>	1.03%
Contingency	2	Remove asbestos concrete wastewater line	\$4,065		<\$4,065>	0.26%
Contingency	3	Mitigate and dispose of lab bottles containing unknown substance(s) & remove & dispose of asbestos debris	\$25,723.30		<\$25,723.30>	1.63%
Contingency	4	Relocate 500 linear feet of asbestos concrete wastewater line	\$96,708		<\$96,708>	6.15%
12/16/04	5	Increase quantity to 110,500 cu.yds. and adjust unit price	\$635,628	<\$250,000>	<93,249.09>	40.38%



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Proposed      6    Additional excavation, screening and  
                         backfill, additional wastewater line  
                         items, benzoyl peroxide disposal      \$857,815      54.50%

**Totals: \$2,960,178.96**

Current contract amount..... \$2,352,363.96  
Proposed additional authority..... **\$857,815.00**  
Total Authorization after this council action..... \$3,210,178.96  
Total change orders to date including this council action ..... 103.95%

Because the contract with Shaw Environmental, Inc. was awarded on an emergency basis, there were no M/WBE goals. However, an estimate of the total participation for this change order (based on the existing participation thus far) is as follows:

<b>NON M/WBE TOTAL – PRIME</b>	<b>\$453,462.00</b>	<b>52.86%</b>
Shaw Environmental, Inc., Findlay, Ohio	\$453,462.00	52.86%
<b>MBE TOTAL – SUBCONTRACTORS</b>	<b>\$44,681.00</b>	<b>5.21%</b>
Hispanic Subtotal	\$44,681.00	5.21%
Martinez, Wright and Mendez, Austin, TX (surveying)	\$18,508.00	2.16%
Benitez Construction, Inc., Manor, TX (wastewater line)	\$16,118.00	1.88%
(FH) Melendrez Brothers Trucking, Austin, TX (hauling)	\$10,055.00	1.17%
<b>WBE TOTAL – SUBCONTRACTORS</b>	<b>\$260.00</b>	<b>0.03%</b>
ARC Abatement, Inc., Austin, TX (asbestos abatement)	\$260.00	0.03%
<b>NON M/WBE TOTAL – SUBCONTRACTORS</b>	<b>\$359,412.00</b>	<b>41.90%</b>
Hertz Equipment Rental Corp. (equipment rental)	\$54,240.00	6.09%
Neff Rental, Inc., Austin, TX (equipment rental)	\$10,454.00	1.22%
Powerscreen Texas, Inc., La Grange, TX (screener rental)	\$25,725.00	3.00%
H. Richards Oil Co., Austin, TX (oil)	\$20,909.00	2.44%
Crescent Machinery Co., Austin, TX (equipment rental)	\$25,571.00	2.98%
Kwik Ice, Austin, TX (ice)	\$725.00	0.08%
Airgas, Austin, TX (oxygen supply)	\$2,892.00	0.34%
Bradford Homesuites, Austin, TX (lodging)	\$44,961.00	5.24%
Central Texas Refuse, Inc., Austin, TX (waste disposal)	\$3,153.00	0.37%
Capitol Chem Can Co., Buda, TX (portable toilets)	\$657.00	0.08%
BFI Landfill, Austin, TX (soil transport and disposal)	\$170,500.00	19.88%
Onyx Environmental, Inc., Port Arthur, TX (incineration)	\$1,625.00	0.19%

Overall subcontractor participation, including this change order: 0% MB; 7.05% MH; 0% MN; 0%MA; 0.08% WBE and 92.87% Non M/WBE.

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

3/24/2005  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of change order # 8 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH for the North Service Center Excavation for Site Clearance in the amount of \$857,815, for a total contract amount not to exceed \$3,210,178.96.

**FINANCIAL INFORMATION:**

Parent Project Name:	1998 Water Improvements Prop. 8
Project Authorization:	2002-03 Amended Capital Budget
Funding Source:	1998 Revenue Bonds
Number:	4200 227 1024

Current Appropriation	\$ 64,179,000.00
Unencumbered Balance	23,447,860.48 *
Amount of This Action	<u>(428,907.50)</u>
Remaining Balance	<u>\$ 23,018,952.98</u>
 Current Available Balance	 \$ 24,217,839.00
Less Outstanding Commitments	<u>(769,978.54)</u>
Estimated Unencumbered Balance	<u>\$ 23,447,860.48 *</u>

Utility Finance: \_\_\_\_\_

  
David Anders, Utilities Finance Manager

Date: 3/15/05

REF. # 4200 227 7959

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

3/24/2005  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of change order # 8 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH for the North Service Center Excavation for Site Clearance in the amount of \$857,815, for a total contract amount not to exceed \$3,210,178.96.

**FINANCIAL INFORMATION:**

Parent Project Name:	1998 Wastewater Imps. Prop. 9
Project Authorization:	2002-03 Amended Capital Budget
Funding Source:	1998 Revenue Bonds
Number:	4530 237 2020

Current Appropriation	\$ 66,802,000.00
Unencumbered Balance	28,370,946.22 *
Amount of This Action	<u>(428,907.50)</u>
Remaining Balance	<u>\$ 27,942,038.72</u>
 Current Available Balance	 \$ 28,915,370.77
Less Outstanding Commitments	<u>(544,424.55)</u>
Estimated Unencumbered Balance	<u>\$ 28,370,946.22 *</u>

Utility Finance: \_\_\_\_\_

David Anders, Utilities Finance Manager

Date: \_\_\_\_\_

3/15/05

REF. # 4530 237 8962