



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

**AGENDA ITEM NO.: 11
AGENDA DATE: Thu 02/09/2006
PAGE: 1 of 3**

SUBJECT: Authorize execution of change order # 4 to the construction contract with LAUGHLIN-THYSSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$173,343.17, for a total contract amount not to exceed \$2,607,428.50.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$173,343.17 is included in the Fiscal Year 2005-2006 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: Nathan Seifert, P.E., 479-1631; Stan Evans, P.E., 479-1636; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: March 25, 2004 - Award of Construction Contract.

BOARD AND COMMISSION ACTION: Recommended by the Water and Wastewater Commission.

PURCHASING: N/A

MBE / WBE: 19.37% MBE and 6.61% WBE subcontractor participation to date.

This construction contract was for wastewater improvements in a residential area northeast of US Highway 183 and west of Lamar Boulevard. The improvements were required to eliminate the wastewater overflows that have occurred in this area by replacing existing undersized wastewater lines. This project is part of the Austin Water Utility's Austin Clean Water Program (ACWP), which was developed to respond to the requirements of the Environmental Protection Agency's Administrative Order regarding Sanitary Sewer Overflows. The Notice-to-Proceed was issued on June 14, 2004, and the Work is 100% complete, with the Final Inspection having been held January 11, 2006.

This change order consists of two parts, both of which are the result of contractor claims for changed conditions or conflicts in the Contract Documents. The first part is a Contractor claim for changed site conditions related to effects of groundwater on installation of base materials required to complete the street paving in accordance with City requirements. Field changes to the standard COA requirements for placement of base material were required in order to achieve satisfactory compaction of subgrade materials, resulting in a claim from the Contractor for added cost of \$132,960.00. Claim was settled for \$61,000.00.

The second part of the change order is a claim from the Contractor for added cost due to ambiguous contract language regarding payment for placement of roadbase required to support final paving. The Contract Documents did not include a specific payment item for installation of base materials, and also did not specify any other bid item under which payment would be included. As such the Contractor claimed \$352,570.00 of costs that he was unable to invoice. The Project Team maintained that the payment for the item in question was included in payment for other items of work. Through the



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AGENDA DATE: Thu 02/09/2006
PAGE: 2 of 3**

Alternative Dispute Resolution process, the claim was resolved by sharing the cost with the City recommending payment in the amount of \$112,343.17.

DATE/SOURCE	CO #	DESCRIPTION	AMOUNT	CO%
TOTAL%				
03/25/04		Original Project Award	\$2,218,811.00	N/A
		Change Order Contingency Approved	\$221,881.10	N/A
		Administrative Authority	<u>\$46,000.00</u>	
		Total Authority	\$2,486,892.10	
Change Order	1	3/10/05 – Add new work required by AWU in project area, scope of which not defined prior to award	\$60,888.00	2.74%
Change Order	2	7/12/05 – Multiple items: Unforeseen utility conflicts, Cost to accommodate unanticipated asbestos pipe, Unforeseen impact of groundwater in excavation, AWU direction to replace polybutylene water services	\$127,187.00	5.73%
Change Order	3	12/21/05 – Multiple Items: Increase bid item quantity for new manhole construction, Repair previously unidentified damaged concrete paving, Install additional wastewater services previously unknown due to inaccurate records	\$27,199.33	1.23%
Proposed Change Order	4	1/12/06 – Claim for costs due to unanticipated effects of groundwater on installation of subgrade, Claim for project costs unable to be invoiced due to ambiguous contract language	<u>\$173,343.17</u>	<u>7.80%</u>
		TOTAL	\$2,607,428.50	17.50%

Contractor's participation stated in the original approved compliance plan were: 5.86% African American (MB); 14.16% Hispanic (MH); 0.95% Native/Asian American (MA); and 6.85% WBE.

Participation for this change order:

NON M/WBE TOTAL – PRIME	-	<u>\$149,343.17</u>	<u>86.2%</u>
Laughlin-Thyssen, Ltd., Houston, Texas		\$149,343.17	86.2%
NON M/WBE TOTAL – SUBCONTRACTORS	-	<u>\$24,000.00</u>	<u>13.8%</u>
Pavecon, San Antonio, Texas		\$24,000.00	13.8%



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PAGE: 3 of 3**

Overall Subcontractor participation for the entire project, including this change order:

PRIME: 71.79% Non M/WBE

SUBCONTRACTORS: 4.28% MB; 14.15% MH; 0.00% MN; 0.94% MA; 6.61% WBE; and 2.23% Non M/WBE

TOTAL: 4.28% MB; 14.15% MH; 0.00% MN; 6.61% MA; 6.61% WBE; and 2.23% Non M/WBE

LITTLE WALNUT CREEK AT COLONY CREEK SOUTH

REPLACE 800 L.F.
OF 8" SANITARY
SEWER WITH 12"

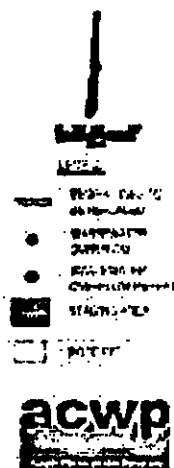
INSTALL 3307 L.F.
OF 21" SANITARY
SEWER

REPLACE 2470 L.F.
OF 15" SANITARY
SEWER WITH 21" & 24"

REPLACE 1176 L.F.
OF 8" SANITARY
SEWER WITH 12"

177 L.F. OF
TRENCHLESS
CONSTRUCTION

INSTALL 1742 L.F.
OF 24" SANITARY
SEWER



CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

2/8-2006
Resolution
Austin Water Utility

DESCRIPTION:

Authorize execution of change order # 4 to the construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$173,343.17, for a total contract amount not to exceed \$2,607,428.50

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2005-06 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 575,217,293.00
Unencumbered Balance	186,721,591.69 *
Amount of This Action	<u>(173,343.17)</u>
Remaining Balance	<u>\$ 186,548,248.52</u>
Current Available Balance	\$ 206,072,234.70
Less Outstanding Commitments	<u>(19,350,643.01)</u>
Estimated Unencumbered Balance	<u>\$ 186,721,591.69 *</u>

Utility Finance


David Anders, Utilities Finance Manager

Date:

1/19/06

REF. # 4570 237 8577

No. 020106-E

**AUTHORIZE EXECUTION OF CHANGE ORDER # 4 TO THE CONSTRUCTION
CONTRACT WITH LAUGHLIN-THYSSEN, LTD., HOUSTON, TX, FOR THE
AUSTIN CLEAN WATER PROGRAM**

**February 1, 2006
REGULAR MEETING**

**VOTE:
8-0-1-0**

Motion made by: Chairman Warner
Commissioners Consenting: Lee, Coleman, Friese, Scott-Ryan, Raun, Pool. Chan
Commissioners Dissenting:
Commissioners Abstaining: Gonzalez, Jr
Commissioners Absent:

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Michael Warner, Chairperson
Water and Wastewater Commission

2/1/06
Date