

City Council Agenda Items
and
Contracts, Leases or Agreements

3/20/2012

City Council Meeting Date
Agenda Items Only

Chris Brown *CB*
Submitted By

Engineering
Division

Development Services
Department

Action Required:

A resolution authorizing execution of Amendment No. 5 to the Engineering Contract with Garver, LLC to increase the fee for construction phase services on the Mount Comfort Road Project by \$21,679

\$ 21,679.00
Cost of this request

4520.9520.5314.00
Account Number

06035.1600
Project Number

\$ 2,664,933.00
Category / Project Budget

\$ 2,441,474.00
Funds Used to Date

\$ 223,459.00
Remaining Balance

Transportation Bond Improvements
Program Category / Project Name

Professional Services
Program / Project Category Name

2006A Sales Tax Construction
Fund Name

Budgeted Item

Budget Adjustment Attached

Wm C Pike
Department Director 02-22-2012
Date

Previous Ordinance or Resolution # 154-06

John Blakely
City Attorney 3-1-12
Date

Original Contract Date: 9/19/2006

Original Contract Number: 1051

Paul A. Becker
Finance and Internal Services Director 3-2-2012
Date

03-01-12 P03:54 RCVD
Received in City Clerk's Office *Kim J.*

Almy Man
Chief of Staff 3-6-12
Date

Received in Mayor's Office
ENTERED
3/21/12

Donald Jordan
Mayor 3/6/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

City Council Meeting of March 20, 2012

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services *J*

From: Chris Brown *CB*

Date: March 1, 2012

Subject: **Amendment No. 5 to the Engineering Contract with Garver, LLC to increase the fee for construction phase services on the Mount Comfort Road Project by \$21,679.**

PROPOSAL:

Mount Comfort Road Improvements were a part of the Transportation Improvement Bond Program. The project included major intersection improvements at the I540/Shiloh Drive Intersection, relocation of Shiloh Drive to the west, signalization of 4 intersections along Mount Comfort, and widening of Mount Comfort to 4 lanes from I-540 to Ruppel Road. Garver, LLC provided design and construction management services throughout the project.

Under the original contract, and Contract Amendment No. 1, Garver provided traffic studies, design surveys and preliminary and final design services for Mount Comfort Road, from I-540 to west of Ruppel Road. Contract Amendment No. 2 was executed for construction phase services for the first construction contract, and Contract Amendment No. 3 was for construction phase services for the second construction contract. Amendment No. 4 reduced the construction phase services contract when City staff took over day to day inspection on the 2nd construction contract.

Garver provided day to day inspection and other construction phase services for Contract 1 of Mount Comfort Road Improvements. The contractor hired to construct the improvements did not complete their work within the allotted contract time, which caused the amount of inspection fees to exceed the contract amount by \$21,679.

While the work on Mount Comfort has been completed for some time, negotiations with the contractor for the amount of liquidated damages due to the City have only recently been completed. The amount of damages withheld from the contractor's final payment was \$26,250.

RECOMMENDATION:

Staff recommends approval of Amendment No. 5 to the Engineering Contract with Garver, LLC to increase the fee for construction phase services for Mount Comfort Road by \$21,679. The Street Committee reviewed this proposal at the January 31, 2012 Street Committee and also recommends approval.

BUDGET IMPACT:

This contract amendment will be funded from the Transportation Bond Program, and will be offset by the payment withheld from the construction contract.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 5 TO THE ENGINEERING CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$21,679.00 TO INCREASE THE FEE FOR CONSTRUCTION PHASE SERVICES RELATED TO THE MOUNT COMFORT ROAD PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 5 to the engineering contract with Garver, LLC in the amount of \$21,679.00 to increase the fee for construction phase services related to the Mount Comfort Road Project. A copy of the Amendment is attached to this Resolution as Exhibit "A".

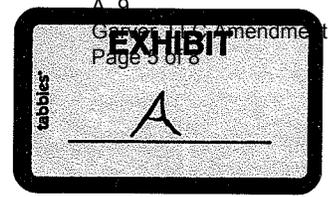
PASSED and APPROVED this 20th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



AMENDMENT TO AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

CONTRACT AMENDMENT NO. 5 – CONSTRUCTION PHASE SERVICES

Mt. Comfort Road Improvements – (Construction Contract No. 1) Ruppel Road to
Alpine Avenue

This Contract Amendment No. 5, dated _____, 2012 shall amend the original contract between the CITY OF FAYETTEVILLE (Fayetteville, Arkansas) and GARVER ENGINEERS, LLC (GARVER), dated September 19, 2006 for proposed improvements to Mt. Comfort Road from Interstate 540 to Ruppel Road, referred to in the following paragraphs as the original contract. Below is a summary of the previously executed contract amendments:

- Contract Amendment No. 1 added professional engineering and survey services for Design and Bidding Phase Services of Construction Contract No. 1 and for Design Phase Services for Construction Contract No. 2.
- Contract Amendment No. 2 added professional engineering and surveying services for the Construction Phase Services of Construction Contract No. 1.
- Contract Amendment No. 3 added professional engineering and surveying services for the Bidding Services and Construction Phase Services of Construction Contract No. 2.
- Contract Amendment No. 4 decreased the tasks included in the Construction Phase Services Contract.

This Contract Amendment No. 5 reconciles the engineering fees in the amount of \$21,679 that were incurred as a result of the additional project contract time for Construction Contract No. 1. The City of Fayetteville was able to collect Liquidated Damages from the contractor to pay for these additional fees.

The original contract is hereby modified as follows:

SECTION 6 – PAYMENT TO GARVER

6.1 Compensation

Replace “not to exceed \$1,398,112” with “not to exceed \$1,419,791”.

APPENDIX A-2 – Fee Summary

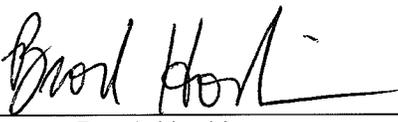
Fee summary is replaced in its entirety with the attached Fee Summary.

IN TESTIMONY OF WHICH, this instrument has been executed on behalf of GARVER, and has been executed on behalf of the CITY OF FAYETTEVILLE, in three (3) counterparts, each of equal force, on the day and year first above written.

CITY OF FAYETTEVILLE

GARVER ENGINEERS, LLC

By: _____
Lioneld Jordan

By:  _____
Brock Hoskins

Title: Mayor

Title: Sr. Vice President/Chief Engineer

ATTEST: _____

ATTEST: _____

APPENDIX A-2

**CITY OF FAYETTEVILLE
 MOUNT COMFORT ROAD IMPROVEMENTS**

FEE SUMMARY

	Original Contract	Amendment No. 1	Amendment No. 2	Amendment No. 3	Amendment No. 4	Amendment No. 5	Total
Traffic Studies	\$29,080	\$0	\$0	\$0	\$0	\$0	\$29,080
Schematic Study	\$49,500	\$0	\$0	\$0	\$0	\$0	\$49,500
Signalization Design	\$0	\$37,500	\$0	\$0	\$0	\$0	\$37,500
Surveys - Design	\$97,100	\$0	\$0	\$0	\$0	\$0	\$97,100
Surveys - Property	\$0	\$42,300	\$0	\$0	\$0	\$0	\$42,300
Drainage Study	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Handling and Documentation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Conceptual Design	\$104,020	\$0	\$0	\$0	\$0	\$0	\$104,020
Preliminary Design	\$0	\$260,300	\$0	\$0	\$0	\$0	\$260,300
Final Design	\$0	\$261,800	\$0	\$0	\$0	\$0	\$261,800
Property Acquisition Documents	\$0	\$100,950	\$0	\$0	\$0	\$0	\$100,950
Contractor Procurement Assistance Services	\$0	\$14,000	\$0	\$0	\$0	\$0	\$14,000
Construction Phase Services - Contract No. 1	\$0	\$0	\$217,587	\$0	\$0	\$21,679	\$239,266
Bidding Services - Contract No. 2	\$0	\$0	\$0	\$13,589	\$0	\$0	\$13,589
Construction Phase Services - Contract No. 2	\$0	\$0	\$0	\$240,000	-\$109,964	\$0	\$130,036
Subtotal NTE Fee	\$279,700	\$716,850	\$217,587	\$253,589	-\$109,964	\$21,679	\$1,379,441
<u>Subcontracted Services</u>							
Geotechnical Services	\$22,750	\$0	\$0	\$0	\$0	\$0	\$22,750
Record Research	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARKUPS - Utility Locates	\$17,600	\$0	\$0	\$0	\$0	\$0	\$17,600
Estimated Subcontract Fees	\$40,350	\$0	\$0	\$0	\$0	\$0	\$40,350
Total NTE Fee	\$320,050	\$716,850	\$217,587	\$253,589	-\$109,964	\$21,679	\$1,419,791

APPENDIX A-2

**CITY OF FAYETTEVILLE
 MT. COMFORT ROAD - CONTRACT NO. 1**

CONSTRUCTION PHASE SERVICES - CONTRACT NO. 1 - ADDITIONAL EXPENSES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	D-2	D-1	T-2	T-1	C-2	C-1	MANHOUR SUBTOTALS
	\$205.00	\$172.00	\$134.00	\$115.00	\$102.00	\$82.00	\$105.00	\$83.00	\$90.00	\$68.00	\$103.00	\$80.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Civil Engineering													
Review Contractor's Schedules (per pay period)										6		2	
Progress Meetings with Contractor and Owner (monthly)					5.5						4		
On Site Meetings		2.25			24					1.5	4		
Coordination with Contractor/RFI Responses					26					10		3	
Review and Process Monthly Pay Requests		3			16					20	6		
Coordination with Owner		3			12			0.25		4			
Resident Construction Observation										20	50		
Subtotal - Civil Engineering	0	8.25	0	0	83.5	0	0	0.25	0	61.5	64	5	
Hours	0	8.25	0	0	83.5	0	0	0.25	0	61.5	64	5	223
Salary Costs	\$0.00	\$1,419.00	\$0.00	\$0.00	\$8,517.00	\$0.00	\$0.00	\$20.75	\$0.00	\$4,182.00	\$6,592.00	\$400.00	\$21,130.75
SUBTOTAL - SALARIES:													\$21,130.75
DIRECT NON-LABOR EXPENSES													
Document Printing/Reproduction/Assembly		\$99.00											
Postage/Freight/Courier		\$0.00											
Office Supplies/Equipment		\$0.00											
Communications		\$179.05											
Survey Supplies		\$0.00											
Aerial Photography		\$0.00											
GPS Equipment		\$0.00											
Computer Modeling/Software Use		\$0.00											
Travel Costs		\$270.20											
SUBTOTAL - DIRECT NON-LABOR EXPENSES:													\$548.25
TOTAL COST:													\$21,679.00