



# City of Grand Island

Tuesday, November 22, 2022

Council Session

## Item G-9

**#2022-330 - Approving Contract Amendment No. 1 for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2**

Staff Contact: Keith Kurz PE, Interim Public Works Director

# Council Agenda Memo

**From:** Keith Kurz PE, Interim Public Works Director

**Meeting:** November 22, 2022

**Subject:** Approving Contract Amendment No. 1 for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2

**Presenter(s):** Keith Kurz PE, Interim Public Works Director

## Background

The Diamond Engineering Company of Grand Island, Nebraska was awarded a \$98,825.40 contract on July 12, 2022, via Resolution No. 2022-174, for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 (the “Project”).

This Project is for the rehabilitation of existing Lift Station No. 1, which is located at 312 N Tilden Street in a portion of an old building owned by the Grand Island Parks Department. Due to the condition of the building it was desired to rehabilitate the building and demolish the Parks Department area of the building.

## Discussion

Contract Amendment No. 1 to the contract for the Project is being requested to allow for the addition of the following work: removal of exterior building sealer & adding primer and paint in its place, rework of electrical service and interior wiring, and additional concrete sidewalk repair with associated detectable warning panels. Contract Amendment No. 1 will result in a contract increase of \$15,419.25, resulting in a revised contract amount of \$114,244.65. City staff have reviewed Contractor’s certification of the price and costs for such additional work in accordance with Grand Island City Code § 27-16 and recommend the amendment of the Agreement to reflect the additional work and associated cost increase for the Project.

## Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee

3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the resolution authorizing the execution of Contract Amendment No. 1 and increasing the total contract amount for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 with The Diamond Engineering Company of Grand Island, Nebraska to \$114,244.65.

### **Sample Motion**

Move to approve the resolution authorizing the execution of Contract Amendment No. 1 increasing the total contract amount for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 with The Diamond Engineering Company of Grand Island, Nebraska to \$114,244.65.

**FIRST AMENDMENT TO CONTRACT AGREEMENT  
LIFT STATION NO. 1 REHABILITATION; PROJECT NO. 2022-S-2**

This First Amendment to the Contract Agreement for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 (the “Amendment”) is entered into by and between the City of Grand Island, a municipal corporation of the state of Nebraska, (hereafter called “City”), and The Diamond Engineering Company (hereafter called “Contractor”) of Grand Island, Nebraska, and dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

WHEREAS, City and Contractor are parties to a Contract Agreement for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2, dated July 17, 2022 (the “Agreement”) whereby City contracted with Contractor for construction of Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 (the “Project”); and

WHEREAS, City has determined it is necessary to add additional work to the Agreement due to conditions unknown at the time of the issuance of bid specifications for the Project; and

WHEREAS, Contractor is willing to perform such additional work in consideration for additional payments for the costs of such work;

WHEREAS, City staff have reviewed Contractor’s certification of the price and costs for such additional work in accordance with Grand Island City Code § 27-16 and recommend the amendment of the Agreement to reflect the additional work and associated cost increase for the Project.

NOW, therefore, in consideration of the promises and agreements set forth in the Agreement and herein, the City and Contractor agree to the following:

1. ARTICLE I. is amended in its entirety as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, superintendence, transportation, and other construction materials, services and facilities; (b) furnish, as agent for the City, all materials, supplies and equipment specified and required to be incorporated in and form a permanent part of the completed work; (c) provide and perform all necessary labor; and (d) in a good substantial and workmanlike manner and in accordance with the requirements, stipulations, provisions, and conditions of the contract documents as listed in the attached General Specifications and Supplemental Specifications as set forth in Attachment A and incorporated fully herein by reference, said documents forming the contract and being as fully a part thereof as if repeated verbatim herein, perform, execute, construct and complete all work included in and covered by the

City's official award of this contract to the said Contractor, such award being based on the acceptance by the City of the Contractor's bid and approval of Contractor's certified cost and pricing data for the Supplemental Specifications;

2. ARTICLE II is amended in its entirety as follows:

ARTICLE II. That the City shall pay to the contractor for the performance of the work embraced in this contract and the contractor will accept as full compensation therefore the sum (subject to adjustment as provided by the contract of ~~NINETY EIGHT THOUSAND EIGHT HUNDRED TWENTY FIVE AND 40/100~~ ONE HUNDRED FOURTEEN THOUSAND TWO HUNDRED FORTY-FOUR AND 65/100 (\$98,825.40114,244.65) for all services, materials, and work covered by and included in the initial contract award and this Amendment and designated in the foregoing Article I, as amended herein; payments thereof to be made in cash or its equivalent in the manner provided in the General Specifications and Supplemental Specifications.

3. EFFECTIVE DATE. The terms of this Amendment shall be effective upon execution of this Amendment by both parties and upon the date first written above.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Contract Agreement for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 on the dates recited below:

**THE DIAMOND ENGINEERING COMPANY**

By: \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

**CITY OF GRAND ISLAND, NEBRASKA**

By: \_\_\_\_\_

Date \_\_\_\_\_

Roger G. Steele, Mayor

ATTEST:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

Date \_\_\_\_\_



RESOLUTION 2022-330

WHEREAS, on July 12, 2022, via Resolution No.2022-174, the City of Grand Island awarded The Diamond Engineering Company of Grand Island, Nebraska (“Contractor”) the bid in the amount of \$98,825.40 for Lift Station No. 1 Rehabilitation; Project No. 2022-S-2 (the “Project”) and entered into the contract for said project on July 17, 2022; and

WHEREAS, an amendment to the original contract is necessary to allow for removal of exterior building sealer & adding primer and paint in its place, rework of electrical service and interior wiring, and additional concrete sidewalk repair with associated detectable warning panels and adjustment of the total contract amount to compensate Contractor for the additional work and materials at a cost of \$15,419.25; and

WHEREAS, City staff reviewed Contractor’s certification of the price and costs for such additional work in accordance with Grand Island City Code § 27-16 and recommend the amendment of the original contract to reflect the additional work and associated cost increase for the Project.

WHEREAS, such modifications have been incorporated into the Contract Amendment No. 1 to Contract Agreement; Lift Station No. 1 Rehabilitation: Project No. 2022-S-2 with an increase in the total contract amount to \$114,244.65.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Contract Amendment No. 1 to Contract Agreement; Lift Station No. 1 Rehabilitation: Project No. 2022-S-2 between the City of Grand Island and The Diamond Engineering Company of Grand Island, Nebraska to a total contract price of \$114,244.65.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 22, 2022.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 18, 2022	☐ City Attorney