



City of Grand Island

Tuesday, June 24, 2014

Council Session

Item G-19

**#2014-182 - Approving Change Order No. 1 for the US-30
Drainage Improvement Project**

Staff Contact: John Collins, P.E. - Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: June 24, 2014

Subject: Approving Change Order No. 1 for the US-30 Drainage Improvement Project

Item #'s: G-19

Presenter(s): John Collins PE, Public Works Director

Background

All agreements must be approved by the City Council.

The purpose of the US-30 Drainage Improvement project is to construct storm sewer to the detention cell at the former location of the Wasmer Elementary School from connections on Second Street at Logan Street, Broadwell Avenue, and Madison Street. The improvements will significantly reduce the likelihood of flooding during storm events on Second Street. The project includes constructing drainage inlets on First Street and Division Street between Logan Street and Madison Street, which will provide drainage relief in those areas as well.

Other benefits from the project include reconstruction of sidewalk ramps to Americans with Disabilities Act standards, construction of new concrete pavement, and relief for the storm sewer that drains Third Street north of the project area.

This project is receiving Federal Funding through the Surface Transportation Program (STP). The project will provide drainage improvements to areas not eligible for Federal Funding and, as per a February 2011 Drainage Study Report, the Federal Highway Administration (FHWA) agreed to participate on only 77% of the construction and utility relocation costs, which STP funding would then be applied on an 80/20 basis. The funding split for eligible construction and utility relocation costs is 62% Federal Aid and 38% local funds.

The City entered into the project Program Agreement with the Nebraska Department of Roads (NDOR) on April 12, 2011, by Resolution 2011-85. The Program Agreement requires that all phases of the project are to comply with Federal requirements and procedures. In regards to the construction phase, the Program Agreement states "*the inspection, sampling and testing of all materials must be done in accordance with the*

current State of Nebraska Standard Specifications for Highway Construction, the Materials Sampling Guide, the Quality Assurance Program for Construction, and the State Standard Methods of Tests or applicable AASHTO or ASTM procedures.”

On June 25, 2013, by Resolution No. 2013-198, the City entered into an agreement with Kirkham Michael & Associates (Consultant) for Construction Engineering Services for the project. The agreement obligates the Consultant to ensure all inspection, sampling and testing is done in compliance with Federal requirements and procedures. The agreement also includes language stating that the legal liability for all damages caused by errors, omissions or negligent acts is to be borne by the Consultant.

Discussion

As per the NDOR Materials Sampling Guide, many concrete items require that an inspector is to be present at the concrete plant while concrete is being produced, that an inspector is also on site observing and documenting the placement of concrete, and that a variety of samples and tests are taken. The Guide also allows reduced testing which comprises collection of tickets to verify the concrete was batched properly and observation of the concrete pour to verify proper placement methods. Reduced testing requirements are permitted for smaller quantities of certain items at the discretion of field staff.

Sampling and testing of concrete materials are done to ensure the concrete is batched and mixed properly and that early failures (breaking and cracking) do not occur.

During the time period from October 1 through November 15 on eleven different days, the Consultant’s field staff erroneously applied the reduced testing requirements for concrete pours for portions of six manhole structures and on 262 square yards of pavement (equates to approximately 70’ of a 35’ wide residential street). The total contract value of these concrete items is \$38,998.80, of which 62% or \$24,179.26 is the Federal Share. The error occurred because inspection staff incorrectly assumed smaller pours of concrete for sections of manholes or for pavement with less than 15 cubic yards would not require the full testing.

The failure to test as per NDOR guidelines was not noticed immediately because test results for each concrete pour are not fully evaluated until reports are finalized at least 28 days past the day the pour occurs. Final compressive strength tests are taken on samples that have aged at least four weeks.

Public Works staff appealed to NDOR to permit the Consultant to use alternative methods to verify in-place concrete quality and strength and allow the concrete pavement and structures to remain eligible for funding. However, NDOR determined that the Consultant was to follow a 30-day deadline to appeal and no exceptions were allowed. Also, NDOR would not accept a letter by Public Works staff confirming the quality of concrete based on past performance from the concrete producer and evidence of properly batched concrete from automated weight tickets.

The approval of Change Order No. 1 will not result in a revised contract amount. However, in addition to the City's share of 38% for Construction costs, the City will be responsible to reimburse NDOR for 100% of the cost of the concrete items. The Consultant will be invoiced the \$24,179.26 Federal Share for these concrete items.

Construction is essentially complete. Only minor work, including restoration of lawns by placement of sod or seed, remains.

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 Change Order No. 1 for the US-30 Drainage Improvement Project.

Sample Motion

Move to approve the resolution.

RESOLUTION 2014-182

WHEREAS, on June 25, 21013, by Resolution 2013-198, the Grand Island City Council approved entering into an agreement, in the amount of \$199,466.93 with Kirkham Michael & Associates for construction engineering services for the US Highway 30 Drainage Improvements; and

WHEREAS, it has been determined that additional work is necessary to complete such project; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modifications will not increase the contract amount, however in addition to the City's share of 38% for construction costs , the City will be responsible to reimburse the Nebraska Department of Roads (NDOR) for 100% of the cost of the concrete items; and

WHEREAS, the consultant will be invoiced the federal share of \$24,179.26 for the concrete items, with payment to be made by the City.

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 Change Order No. 1 between the City of Grand Island and Kirkham Michael of Lincoln, Nebraska on the US Highway 30 Drainage Improvement project.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 24, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
June 20, 2014	☒ City Attorney