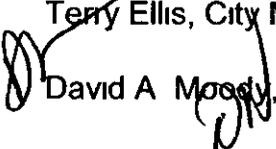


**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC 20C
Amend No _____

Date Prepared June 3, 2008

Council Meeting Date June 17, 2008

TO Terry Ellis, City Manager
FROM  David A. Moody, P.E., Engineering Director
THROUGH Dan Nissen, P.E., Assistant City Engineer
PREPARED BY  Burton Charron, P.E., Senior Civil Engineer
SUBJECT Approve Contract Amendment No 8 with Wood, Patel and Associates for the Rose Garden Lane Drainage Project along Rose Garden Lane from 95th Avenue to the Agua Fria River (Phase I), and 107th Avenue Drainage Improvements from Rose Garden Lane to Williams Road (Phase II) (Project SS-0203, Solicitation No P04-0057, LCON 06804H)

RECOMMENDATION

That Mayor and Council approve Contract Amendment No 8 to Wood, Patel and Associates in the not to exceed amount of \$11,431 00, for re-design of the intersection of Rose Garden Lane and 107th Avenue for improved pedestrian function and safety and improved aesthetics for the Rose Garden Lane Drainage project. These changes are to be borne by the City of Peoria solely and are therefore not addressed by the Intergovernmental Agreement with the Flood Control District of Maricopa County.

Payment will be from the Rose Garden Lane Drainage Project Proposed GO Bonds Storm Drain System Account No 4220-4220-543004-CIPDR-PW00184CO

SUMMARY

The Flood Control District of Maricopa County (FCDMC) completed the Glendale/Peoria Area Drainage Master Plan Update Study (G/P ADMP) in May 2001. The Study made several recommendations for regional drainage infrastructure to provide 100-year protection for the G/P ADMP watershed.

CITY CLERK USE ONLY

- Consent Agenda
- Carry Over to Date _____
- Approved
- Unfinished Business (Date heard previous _____)
- New Business
- Public Hearing No Action Taken

ORD # _____ RES # _____
LCON# 06804H LIC # _____
Action Date _____

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The Rose Garden Lane Channel is a high priority recommendation of the G/P ADMP and ranks as a high priority flood control project for Peoria Council adopted the recommendations of the G/P ADMP in May 2001, and the Board of Directors for the District adopted the G/P ADMP recommendations in December 2001

INTERGOVERNMENTAL AGREEMENT

On January 6, 2004, Council approved an Intergovernmental Agreement (IGA) with the District for the design, right-of-way acquisition and utility relocations for the Rose Garden Lane Channel Improvements, from the Agua Fria River to Lake Pleasant Road (Phase I) The IGA calls for the City and District to share equally (50/50) the costs for design, right-of-way and utility relocations

ORIGINAL DESIGN CONTRACT

The Original Design Contract (Phase I) was approved by Council on June 15, 2004 in the total amount (including District participation) of \$479,208 52, and included a Concept Refinement Study for two additional drainage phases, Phase II and Phase III

Phase II is for drainage elements on 107th Avenue to improve drainage conditions at the 107th Avenue and Rose Garden Lane intersection, and on 107th Avenue north of Rose Garden Lane, including the drainage basins on the east side of 107th Avenue (Desert Star Basin, Deer Valley Road Basin and Williams Road Basin)

Phase III is for drainage elements at the northeast corner of 95th Avenue and Lake Pleasant Parkway These will include improvements to the existing basin and culverts under 95th Avenue, which will flow into a channel built by the Camino a Lago developer The channel built by the Camino a Lago developer will connect to Phase I, west of Lake Pleasant Road

Phase II and Phase III of the Rose Garden Lane Channel Improvements are not shared with the District and are borne solely by the City, thus the differing cost shares

CONTRACT AMENDMENT NO. 1

Contract Amendment No 1 was approved on April 19, 2005 in the amount of \$313,110 50, for additional work needed to define the outfall into the Agua Fria River, and preparation of an application for Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation funding for the project to take advantage of possible federal grant funding The project was not recommended to receive a federal grant

CONTRACT AMENDMENT NO 2

Contract Amendment No 2 was approved on August 21, 2006 in the amount of \$197,498 25, for the Engineering Design Services Phase I Design Concept change and analysis of outlet infrastructure for the Rose Garden Lane Channel Project at Rose Garden Lane from 95th Avenue to the Agua Fria River and 107th Avenue

CONTRACT AMENDMENT NO 3

Contract Amendment No 3 was approved on April 17, 2007 in the amount of \$39,910 00, for design changes and utility coordination for the storm drain improvements for the Rose Garden Lane Channel Project at Rose Garden Lane from 95th Avenue to the Agua Fria River and 107th Avenue

CONTRACT AMENDMENT NO 4

Contract Amendment No 4 was approved on July 10, 2007 in the amount of \$231,433 00, for post design services to provide the construction survey, water system certification required by Maricopa County Department of Environmental Services, submittals review and approval, and preparation of as-built drawings associated with the construction of the Rose Garden Lane Drainage Improvements, 107th Avenue Drainage Improvements and modifications to the Dove Valley Ranch Basin (NEC 95th Avenue and Lake Pleasant Parkway) as recommended by the Westbrook Village Verdict drainage project

CONTRACT AMENDMENT NO 5

During the pursuit of the construction contract, various scope changes were encountered and are described as follows

There were a few submittal reviews that took several iterations to achieve understanding and approval of the Design Engineer This item was for Wood/Patel's time to perform additional submittal reviews that exceeded the expected "single review, single revision and final submittal for approval" cycle

A new sanitary sewer was approved and constructed in Rose Garden Lane, for the Camino South development The sanitary sewer was constructed in the alignment proposed for the waterline, which was being initially relocated for the storm drain project This waterline was re-designed, by Wood/Patel, to be further relocated since the sanitary sewer now occupies the first proposed waterline alignment

Construction Staking was provided for the initial waterline relocation, upon which the conflict with the sanitary sewer was discovered A re-staking of the waterline in its new second proposed alignment was performed by Wood/Patel

The earthwork quantities exceeded the design projections, therefore in order to verify actual earthwork quantities for which the contractor was compensated, an additional survey was performed by Wood/Patel

While under construction, further disposition of native plantings was determined for compliance with the U S Army Corps of Engineers, Section 404 Permit governing perennial washes. Additional landscape architecture services, through Sage Engineering the Landscape and Environmental sub-consultant, were included in order to include the re-planting and irrigation of native trees to account for the disturbance caused by the construction.

Despite all the close coordination with the Flood Control District of Mancopa County, it was also discovered that the Floodplain Use Permit was overlooked. Included in this contract amendment are the additional engineering services, by Wood/Patel, necessary to secure this permit through the Flood Control District.

CONTRACT AMENDMENT NO 6

Contract Amendment No 6 was necessary due to an accounting error by the City of Peoria, which resulted in a no cost change to the contract. Staff inadvertently entered, into the Unifier System, the previous Contract Amendment No 5 with a figure that was \$300.00 less than as approved by Council. The Unifier Software is not conducive to making a simple adjustment, therefore the erroneous Contract Amendment No 5 was completed and a new Contract Amendment No 6 was created to adjust the \$300.00 error. Contract Amendment No 6 did not go to Council since it was simply to make an adjustment to achieve the intent of a previous Council Action.

CONTRACT AMENDMENT NO 7

The scope changes associated with the re-design of the waterline were extensive and affected over 80% of the original design. There was need for additional potholing and review of as-built plans in order to make the necessary re-design.

The waterline changes were significant enough to bring back to Mancopa County Environmental Services Department for their review and approval. The waterline redesign was necessary since D R Horton installed sanitary sewer in conflict with the proposed waterline, despite the City identifying the conflict prior to either facility being installed. Since the City, as project lead, failed to convince D R Horton to redesign and relocate their sewer improvement it is felt that the District should not be liable for the associated costs.

CONTRACT AMENDMENT NO 8

An existing concrete channel for Ventana Lakes development was to be removed and restored along the south side of Rose Garden Lane at the 107th Avenue intersection. An alternate to replace this concrete channel with storm drains was proposed by staff. The concrete channel is unsightly and interrupts the landscape theme established by the Ventana Lakes Community. The storm drains and inlets are small in comparison and much less obvious. The construction costs to replace this concrete channel in favor of the storm drain option are expected to reduce the base contract. Additionally, overall maintenance for an open channel is significantly more than maintenance for storm drains.

Since the intersection roadway improvements are intended to also be replaced, further opportunities to add sidewalk ramps and proper curb returns were also included in the redesign.

This change order is for the design services to include the above changes to the project. Since these changes are not part of the regional project, it is felt that the District should not be liable for the associated design costs.

The cost breakdown for Contract Amendment No 8 is:

Hydraulic Analysis (Drainage Basin)	\$ 1,796 00
Hydraulic Analysis (Storm Drains)	\$ 2,116 00
Drawing Revisions	<u>\$ 7,519 00</u>
Total Contract Amendment No 5	\$ 11,431 00
Contract Amendment No 8 (City Share)	\$ 11,431 00
Contract Amendment No 8 (District Share)	\$ 0 00

The following is a summary of the revised Wood/Patel contract amount:

Original Contract	\$ 479,208 52
Contract Amendment No 1	\$ 313,110 50
Contract Amendment No 2	\$ 197,498 25
Contract Amendment No 3	\$ 39,910 00
Contract Amendment No 4	\$ 231,433 00
Contract Amendment No 5	\$ 51,269 21
Contract Amendment No 7	\$ 6,989 00
Contract Amendment No 8	<u>\$ 11,431 00</u>
Revised Contract Amount	\$1,330,849 48

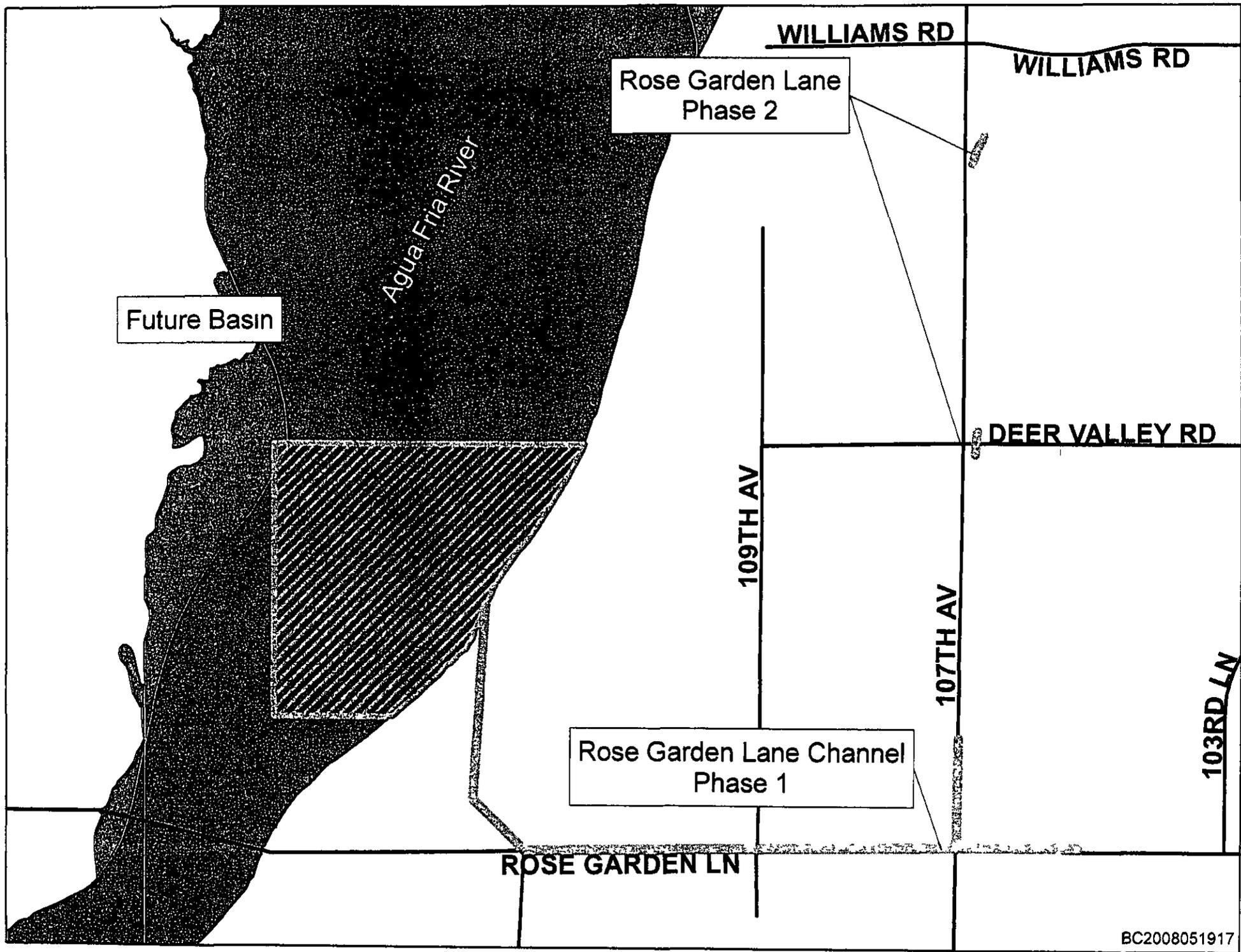
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A summary of the Agency shared costs is provided below

Revised Contract Amount (City Share)	\$ 872,725 77
Revised Contract Amount (District Share)	\$ 458,123 71

ATTACHMENT

1 Vicinity Map



WILLIAMS RD

WILLIAMS RD

Rose Garden Lane
Phase 2

Future Basin

Agua Fria River

DEER VALLEY RD

109TH AV

107TH AV

103RD LN

Rose Garden Lane Channel
Phase 1

ROSE GARDEN LN

placeholder



CONTRACT AMENDMENT Change Order

Materials Management
Procurement
8314 W Cinnabar Ave
Peoria, AZ 85345
Telephone (623) 773-7115
Fax (623) 773-7118
Buyer Christine Finney

Solicitation No P04-0057 Page 1
Amendment No Eight (8) Date June 4 2008

Project No SS-0203 Agreement Date
Project Description Rose Garden Ln Drainage Design Completion Date
Change Order Type Owner Initiated Errors & Omissions Unknown Conditions Phased Award

The changes as shown on the attached sheets are hereby made to the contract

Contract Price Change

Original Contract Price	\$479,208 52
Total of previous change orders	\$840,209 96
Original contract price plus previous change order(s)	\$1,319,418 48
The contract price due to this change order will be decreased by	\$11,431 00
The new contract price including this change order will be	\$1,330,849 48

Contract Time Change

The contract time will be increased by _____ days
The new date for completion of all work will be 7/31/08

Contractor hereby acknowledges receipt and agreement A signed copy shall be filed with the City of Peoria, Materials Management Division

Wood Patel

Signature Date Typed Name and Title Company Name

2051 W Northern, #100 Phoenix AZ 85021

Address City State Zip Code

Attested By

Mary Jo Kief, City Clerk

20C 061708
CC Number

LCON 06804H
Contract Number

City Seal
Copyright 2003 City of Peoria Arizona

Official File

Dan Nissen, P E , Assistant City Engineer

Christine Finney, Buyer, Materials Mgmt

Herman F Koebergen, Materials Manager

Approved as to Form Stephen M Kemp City Attorney
The above referenced Contract Amendment is hereby Executed
_____, _____, at Peoria, Arizona

Terrence L Ellis, City Manager