

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 9C
Amend No. _____

Date Prepared: December 18, 2007 Council Meeting Date: January 15, 2008

TO: Terry Ellis, City Manager
FROM: David A. Moody, P. E., Engineering Director
THROUGH: Dan Nissen, P. E., Assistant City Engineer
PREPARED BY: Karl Zook, Associate Engineer *KFZ*
SUBJECT: Approve Contract Amendment No. 7 for additional Consulting Services to RBF Consulting, Inc., for Post-Design Services for the Paving of Old Carefree Highway from Lake Pleasant Road to the Beardsley Canal. (Project No. P-0113, Solicitation No. P03-0037.)

RECOMMENDATION:

That Mayor and Council approve Contract Amendment No. 7 with RBF Consulting, Inc. in the not-to-exceed amount of \$21,145.00 to provide additional Post-Design Services due to Federal Aviation Administration (FAA) obstruction issues and additional drainage issues for the paving of Old Carefree Highway from Lake Pleasant Road to the Beardsley Canal.

Payment will be from the Carefree Highway Paving of Dirt Road Project, Proposed GO Bonds Fund Street System Account No. 4210-4210-543001-CIPST-PW00181CO (\$18,767.50) and the General Fund Capital Improvement Other Professional Services Account No. 1000-0812-520099 (\$2,377.50).

SUMMARY / BACKGROUND:

The City applied for and was granted Congestion Mitigation Air Quality (CMAQ) funding through a federally funded program established specifically to reduce the pollutants generated from dirt roadways. The amount of the CMAQ Grant was \$845,000.00 to be used to pave Carefree Highway from Lake Pleasant Parkway to the Beardsley Canal. The Arizona Department of Transportation (ADOT) administers the program on behalf of the Federal Highway Administration. According to the executed IGA, the City's matching funds for the project were estimated at \$405,145.00 which was paid to ADOT in October, 2006. The City is also responsible for any project cost overruns.

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# 017036 LIC. # _____
Action Date: _____

The project consists of the construction of a 28' wide pavement section with 8' shoulders. The pavement section will widen at the Waddell Canal Bridge and the intersection with Lake Pleasant Parkway. Although ADOT will administer the construction contract, the City is responsible to ensure the design consultant is contracted to provide post-design services.

When construction finally commenced in July 2007, a few unforeseen drainage issues and a Federal Aviation Administration (FAA) obstruction issue required additional post-design services from RBF in order to avoid the project possibly being delayed to the next fiscal year. Had the project been delayed any further, the City could have potentially lost all of the Federal funding for this project. These additional services from RBF helped ensure that the project was able to keep the construction progressing in this fiscal year.

A summary of the additional services is provided below:

1. As the project neared completion, pipe culverts were added at the three drives to the adjacent Pleasant Valley Airport. The pipes allowed drainage to pass under the driveway without interfering with traffic entering and exiting to the property.
2. During construction it was determined that a portion of the new roadway improvements was considered to be an obstruction to air traffic from the Pleasant Valley Airport. Specifically, the middle section of the existing road, approximately ¼ mile in length, would have been too close to the south ends of the three runways on the Pleasant Valley Airport. It was determined the FAA obstruction clearance was not obtained prior to construction. In researching the problem it was discovered that due to an oversight, the Arizona Department of Transportation Aeronautical Division and the FAA did not review the Environmental Clearance for the project.

After many discussions with ADOT, ADOT Aeronautical, the FAA, and the Federal Highway Administration, it was agreed that it would be beneficial to omit this ¼ mile section of roadway improvements within the FAA obstruction area so the remainder of the project could still be built.

The major portion of RBF's additional services was to redesign the plans to delete the improvements to the middle section of the existing road. Additional contributing factors to omitting the ¼ mile section of roadway improvements were due to limited right of way availability and restrictions from the Federal Highway Administration who oversees federal funded projects. The ¼ section of roadway improvements that was not constructed has been submitted as a stand alone Capital Improvement Project to be built in the next few years.

3. During the design phase, right of way research indicated the old road's alignment had drifted south of the new road's current alignment at the west end from routine maintenance over the years. RBF helped in designing a new curve at the west end of the project to tie the new pavement in with the existing gravel road allowing traffic to safely transition from the new alignment.

RBF Consulting, Inc. submitted a proposal in the not to exceed amount of \$21,145.00 to provide the following additional post-design services:

- Plan revisions to comply with FAA obstruction clearance
- New curve design at west end of paved road
- New culvert design
- Traffic signing and striping design at omitted roadway section

Previously approved contract amendment information is listed below:

Original Contract was awarded on April 1, 2003 for the Design Concept Report, Environmental Determination and Design for Paving of Carefree Highway from Lake Pleasant Road to the Beardsley Canal in an amount not to exceed \$126,400.00.

Contract Amendment 1 was approved on January 26, 2004 for Archeology/Cultural Surveys and Hazardous Materials Site Assessment for areas where the existing roadway is outside of existing right-of-way, and legal description and exhibits to assist the City in acquiring the necessary right-of-way from two parcels that are owned by the Arizona State Land Department in an amount not to exceed \$9,100.00.

Contract Amendment 2 was approved on August 25, 2005 for reformatting of the plans and addition of ADOT standard drawings, additional cross sections, provision of a Storm Water Pollution Prevention Plan, additional survey, and legal descriptions for rights-of-entry in an amount not to exceed \$13,100.00.

Contract Amendment 3 was approved on March 21, 2006 for additional meetings and coordination, provision of additional plans for roadway cross sections and provision of Traffic Control Plan for Carefree Highway Paving Dirt Road Project in an amount not to exceed \$22,800.00.

Contract Amendment 4 was approved on October 26, 2006 to re-assign funds left in the original design contract to survey for a Qwest utility relocation, and to pothole and blue stake for utility location verification needed for clearance prior to construction.

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Project No. P-0113, Solicitation No. P03-0037
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Contract Amendment 5 was approved on December 12, 2006 to allow RBF Consultants to perform post-design services. These services involve construction administration duties throughout the duration of the construction for the project.

Contract Amendment 6 was approved on May 15, 2007 to allow RBF Consultants to perform additional post-design services. These services involve as-built drawing preparation the ADOT no longer performs on ADOT administered projects.

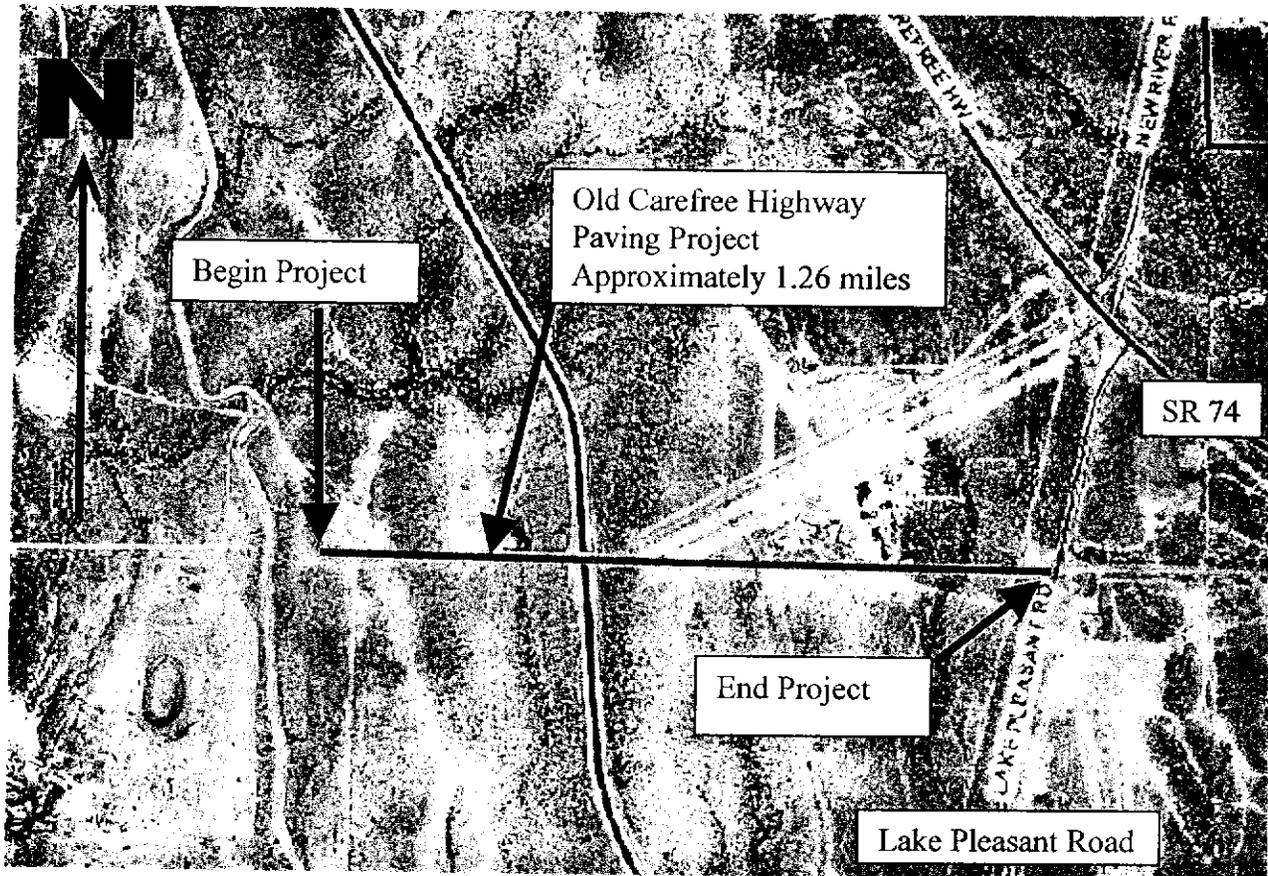
SUMMARY OF THE REVISED CONTRACT AMOUNT:

Original Design Contract:	\$126,400.00
Contract Amendment No. 1:	\$ 9,100.00
Contract Amendment No. 2:	\$ 13,100.00
Contract Amendment No. 3:	\$ 22,800.00
Contract Amendment No. 4:	\$ 0
Contract Amendment No. 5:	\$ 20,100.00
Contract Amendment No. 6:	\$ 5,500.00
<u>Contract Amendment No. 7</u>	<u>\$ 21,145.00</u>

Revised Contract Amount: \$218,145.00

ATTACHMENT:

1. Exhibit





CONTRACT AMENDMENT Change Order

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

Solicitation No.: P03-0037 Page 1 of 4

Amendment No.: Seven (7) Date: December 12, 2007

Buyer: Jennifer Miller
Agreement Date: March 18, 2003

Project No.: P-0113 #PW00181
Project Description: Carefree Highway Paving Project
LLP to Beardsley Canal

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:	
Total of previous change orders:	\$126,400.00
Original contract price plus previous change order(s):	\$70,600
The contract price due to this change order will be increased by:	\$191,500
The new contract price including this change order will be:	\$21,145.00
Contract Time Change:	\$212,645.00

The contract time will be increased by _____ days.
The new date for completion of all work will be _____ schedule attached

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

Signature: Date: 1/8/2008
 Typed Name and Title: Michael Boor - Vice President
 Company Name: RBFC Consulting

16605 N. 28th Avenue, #100 Phoenix AZ 85053-7550
 Address City State Zip Code

Attested By:

Mary Jo Kief, City Clerk

Dan Nissen, Assistant City Engineer

Jennifer Miller, Materials Management

9C 011508
CC Number

LCON 01703G
Contract Number

Approved By: Herman F. Koebgen, 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

ORIGINAL