

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 14C
Amend No. _____

Date prepared: November 10, 2008

Council Meeting Date: January 20, 2009

TO: Carl Swenson, City Manager
THROUGH: Susan Daluddung, Deputy City Manager 
FROM: Andrew Granger, P. E., City Engineer 
THROUGH: Dan Nissen, P. E., Assistant City Engineer
PREPARED BY: Burton Charron, P. E., Senior Civil Engineer 

SUBJECT: Approve Contract Amendment No. 9 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 06804I)

RECOMMENDATION:

Discussion and possible action to approve Contract Amendment No. 9 to Wood, Patel and Associates in the not to exceed amount of \$18,399, for added construction survey services.

Some of the costs of this Contract Amendment will be shared by the Flood Control District (District) per an Intergovernmental Agreement (IGA) with the City.

SUMMARY:

There are two separate field change orders that make up Contract Amendment No. 9. The first field change order was necessary due to the accumulation of damage to the existing south half roadway including the curb along Rose Garden Lane from 107th Avenue easterly for approximately 600 feet. Previous utility company relocations and a new sewer for the Camino South Development were installed in a segment of the roadway that was to remain and be protected by the Rose Garden Lane Drainage

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# 06804I LIC. # _____
Action Date: _____

Project. This work required pavement cuts throughout this area. As a result, the expected integrity of the remaining roadway was lost. Staff recommended that the damaged roadway be fully removed and reconstructed. Field Change Order No. 1 for the construction survey to restore this roadway is \$9,000. This task will be borne solely by the City of Peoria per the IGA.

The second field change order is to prepare an ALTA Survey for the proposed Basin property, in accordance with the Arizona State Land Department (ASLD) requirements. The City will perform the ALTA Survey in order to facilitate the auction of the Basin property. Field Change Order No. 2 for the ALTA Survey is \$9,399, which will be split with the District per the IGA.

The cost breakdown for Contract Amendment No. 9 is:

| | |
|---|--------------|
| Construction Survey | \$ 9,000.00 |
| ASLD ALTA Survey | \$ 9,399.00 |
| Total Contract Amendment No. 9 | \$ 18,399.00 |
| Contract Amendment No. 9 (City Share) | \$ 13,699.50 |
| Contract Amendment No. 9 (District Share) | \$ 4,699.50 |

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: | \$ 11,431.00 |
| Contract Amendment No. 9: | \$ 18,399.00 |
| Revised Contract Amount: | \$1,349,248.48 |

A summary of the Agency shared costs is provided below:

| | |
|---|---------------|
| Revised Contract Amount: (City Share) | \$ 892,674.77 |
| Revised Contract Amount: (District Share) | \$ 456,573.71 |

Council Communication
Wood Patel and Associates - Contract Amendment No. 9
Rose Garden Lane Channel Design, Project SS-0203
Page: 3

FISCAL NOTE:

Payment will be from the Rose Garden Lane Drainage Project Proposed GO Bonds Storm Drain System Account No. 4220-4220-543004-CIPDR-PW00184DS in the amount of \$13,699.50 and the Rose Garden Lane Drainage Project Outside Sources Account No. 4810-4810-543004-CIPDR-PW00184DS in the amount of \$4,699.50.

ATTACHMENT:

Attachment A – Background Information
Vicinity Map

Attachment A

Rose Garden Lane Drainage Project Background Information

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.

Attachment A

Rose Garden Lane Drainage Project Background Information

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.

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.

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.

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:

Attachment A

Rose Garden Lane Drainage Project Background Information

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 Maricopa 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.

Attachment A

Rose Garden Lane Drainage Project Background Information

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.

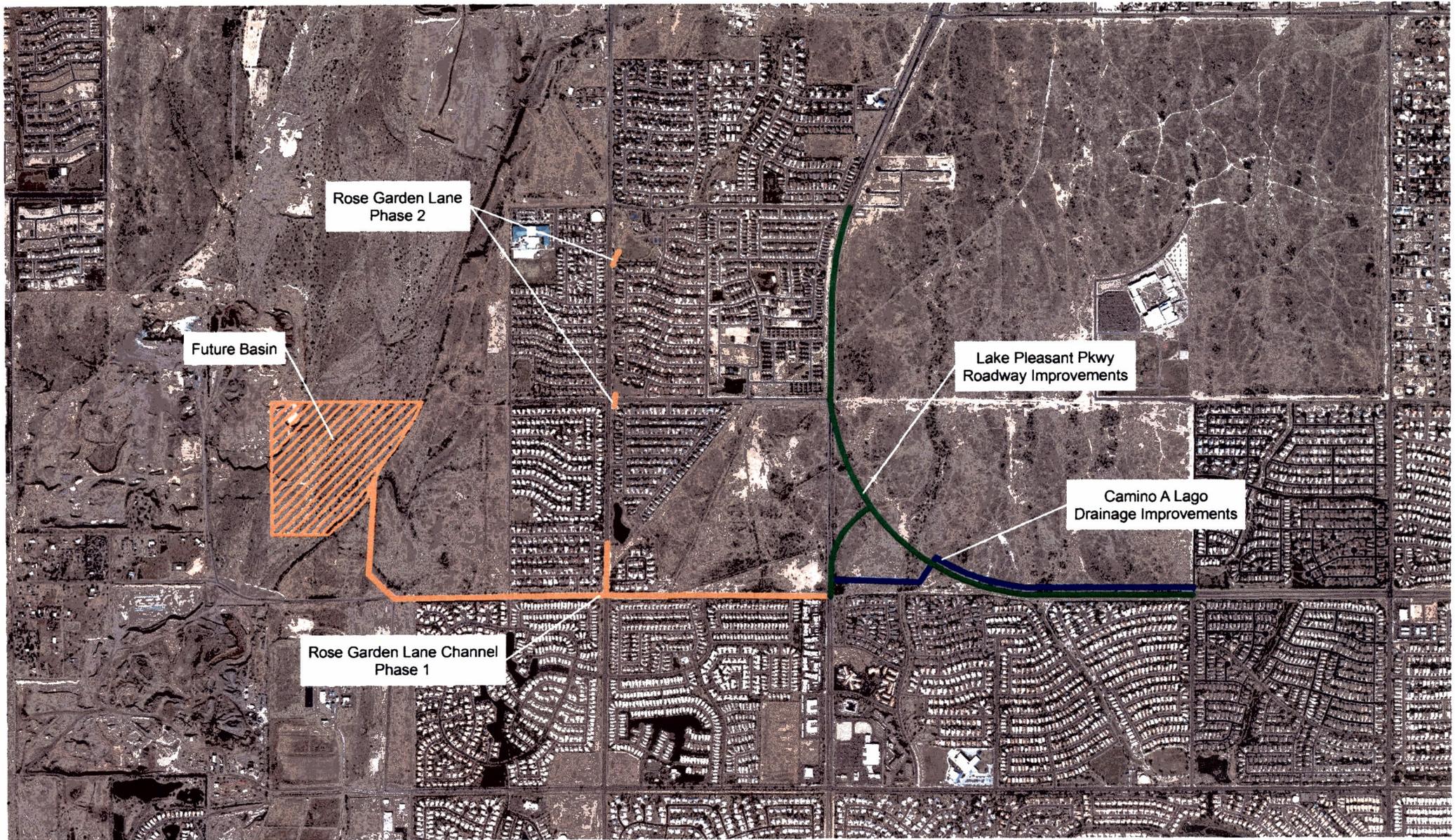
The waterline changes were significant enough to bring back to Maricopa County Environmental Services Department for their review and approval. The waterline redesign was necessary since D.R. Horton installed sanitary sewer in conflict with the proposed waterline, despite the City identifying the conflict 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. Council approved an alternate to replace this concrete channel with storm drains as proposed by staff. The construction costs to replace this concrete channel in favor of the storm drain option were a reduction to the base contract.

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

This Contract Amendment was 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.





CONTRACT AMENDMENT Change Order

Materials Management
Procurement
4314 W. Cinnabar Ave.
Peoria, AZ 85345
Telephone (623) 773 7195
Fax (623) 773 7118

ORIGINAL

Solicitation No P04-0057 Page 1 of 2
Amendment No Nine (9) Date December 12, 2008 Buyer Christine Finney

Project No SS-0203 Agreement Date June 24, 2004
Project Description Rose Garden Ln Drainage Design Completion Date April 4, 2009

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: | \$851,640.96 |
| Original contract price plus previous change order(s): | \$1,330,849.48 |
| The contract price due to this change order will be decreased by: | \$18,399.00 |
| The new contract price including this change order will be: | \$1,312,450.48 |

Contract Time Change:

The new date for completion of all work will be April 4, 2009

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

| | | | |
|-----------|----------|--|--------------|
| | 12/18/08 | Jeffrey R. Minch, P.E., Vice President/Principal | 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

Dan Nissen, P.E., Assistant City Engineer

Christine Finney, Buyer, Materials Mgmt

Herman F. Koeberger, Material Manager

14C 012009
CC Number

LCON 068041
Contract Number

Approved as to Form: Bernard W. Kemp, City Attorney

The above referenced Contract Amendment is hereby Executed:

at Peoria, Arizona

City Seal

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Official File

Carl Swenson, City Manager