

CONTRACT CHANGE ORDER
W. SUNSET DRIVE & S. GRAND AVENUE
TRAFFIC SIGNAL AND SEWER IMPROVEMENTS

DATE: July 19, 2018

Contract Number: 4016

Branch: Engineering Department

Change Order Number: 3

Contractor: Zenith Tech, Inc.

Amount of original contract \$524,282.05

Amount of Contract prior this Change Order..... \$651,967.00

Description of change:

Assessment of Liquidated Damages

The contract does include a provision to assess liquidated damages for failure to complete the project on time. The original contract completion date for this project was October 14, 2017. The contractor exceeded the contract completion day by 68 days when they achieved substantial completion of work on December 22, 2017.

The City and the Contractor have reviewed the work days, scheduling and reasons behind the failure to meet the contract completion date. The following items outline additional work that was requested by the City that required additional time:

Addition of Storm Manhole Replacement:

The City requested Zenith Tech Inc. (ZTI) to remove and replace a storm sewer that conflicted with the 18-inch sanitary sewer being relayed.

Additional Days: 2 Days

Increased Quantity of Concrete Patching and Sidewalk:

Due to field conditions and quality of existing concrete pavement, the City requested ZTI to complete more pavement patching. The contractor completed 10,111 Square Feet additional concrete removal and replacement than the original contract.

Additional Days: 17 Days

The City requested additional 4-Inch Concrete sidewalk to be removed and replaced. This was required due to field conditions and meeting ADA requirements. The contractor completed 2,647 Square Feet additional 4-Inch Concrete Sidewalk placement than the original contract.

Additional Days: 6 Days

Total: 25 Days

Summary:

Original days beyond Contract Completion Day = 68 Days
Remaining Days to assess Liquidated Damages = 68 - 25 = 43 Days
Value of liquidated damages = \$500 / day x 43 Days = (\$21,500)

Deduction = **(\$21,500)**

The Value of the liquidated damages of \$21,500 will be subtracted from the final payment to the contractor. No additional days will be added to the Contract.

Additional payment request:

Invoices Dated August 24, 2017 totaling \$29,269.58 (attached). The City made payment of \$4,400 for additional storm manhole work. No additional payment will be made. Additional work was caused by contractor not following the Contract which requires the protection of other utilities.

Additional Payment: **\$0.00**

Other Contract changes:

An additional traffic control phase was required to complete the construction on E. Sunset Drive. The Contract called for 2 phases and a 3rd phase was required.

Item No. 1 – Additional 0.33 Lump Sum Traffic Control @ \$23,100.00/Lump Sum

Additional Payment: **\$7,623.00**

Miscellaneous additions and subtractions to Contract Bid Quantities. This includes reduction of pavement marking items (see attached final payment).

Deduct: **(\$24,592.20)**

Total Amount of this Change Order **(\$38,469.20)**

Net Contract Amount after this Change Order **\$613,497.80**

City of Waukesha
Director of Public Works

Date



7-19-18

Contractor
Zenith Tech, Inc.

Date