



CITY OF WAUKESHA

Administration

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Committee: Board of Public Works	Date: 7/19/2018
Common Council Item Number: ID #18-1115	Date: 8/7/2018
Submitted By: Fred Abadi, Director of Public Works	City Administrator Approval: Kevin Lahner, City Administrator
Finance Department Review: Rich Abbott, Finance Director	City Attorney's Office Review: Brian Running, City Attorney Click here to enter text.
Subject: Review and act on Contract Change Order No. 3 with Zenith Tech, Inc., for the W. Sunset Drive and S. Grand Avenue Traffic Signal and Sewer Improvements project.	

Details:

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**

Options & Alternatives:

To assess more or less liquidated damages, but the days proposed to be credited are for legitimate extra work the contractor completed at the City's request.

Financial Remarks:

PO#180184-00 Contract No. 4016
Original Contract: \$524,282.05
Change Order No. 1: \$31,561.80
Change Order No. 2: \$96,123.15
Change Order No. 3: \$(38,469.20)
Total Contract after Change Order No. 3 - \$ 613,497.80
Acct #0052.68290 - (\$19,096.80)
Acct #7399-68290-71480 - (\$4,430.29)
Acct #2007-68290 - (\$14,942.11)

Executive Recommendation: Recommend approval of Contract Change Order No. 3 with Zenith Tech, Inc., for the W. Sunset Drive and S. Grand Avenue Traffic Signal and Sewer Improvements project.