

APPROVED

REPORT OF GENERAL MANAGER

NO. 14-020

DATE: February 5, 2014

FEB 05 2014
BOARD OF RECREATION
& PARK COMMISSIONERS

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: WATTLES PARK – EROSION AND DRAINAGE IMPROVEMENTS (W.O. #E170262F) PROJECT – AUTHORITY TO NEGOTIATE CHANGE ORDERS AND FINAL ACCEPTANCE TO CONTRACT NO. 3353

R. Adams	<u> </u>	V. Israel	<u> </u>
*R. Barajas	<u><i>[Signature]</i></u>	K. Regan	<u> </u>
H. Fujita	<u> </u>	N. Williams	<u> </u>

[Signature]
General Manager

Approved *[Signature]*

Disapproved

Withdrawn

RECOMMENDATIONS:

That the Board:

1. Authorize the Department of Public Works, Bureau of Engineering (BOE), City Engineer to negotiate and execute a final change order(s) to settle any and all remaining delays and other claims on the Wattles Park - Erosion and Drainage Improvements (W.O. #E170262F) project, for a total amount not-to-exceed \$130,000.00;
2. Approve the final acceptance of work performed under Contract No. 3353, as outlined in the Summary of this Report, subject to the execution of the final change order;
3. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract No. 3353 to John Zgrablich Construction, Inc., immediately upon execution of the final change order and following acceptance by the Board; and,
4. Authorize the Board Secretary to furnish John Zgrablich Construction, Inc., with a letter of completion upon execution of the final change order.

SUMMARY:

On June 6, 2011, the Board awarded Contract No. 3353 in the amount of \$243,000.00, to John Zgrablich Construction, Inc., for the Wattles Park – Erosion and Drainage Improvements (W.O. #E170262F) project (Board Report No. 11-145). The base work scope for the project, which

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is located at 1824 North Curson Avenue, Los Angeles, California 90046, was deemed completed on April 11, 2012.

Plans for the project were prepared by Gruen and Associates, an architectural consultant firm hired by BOE. The plans provided for the construction of storm drains, a retention tank and infiltration system, seating walls, catch basins, curbs and gravel swales, and the planting of new shrubs, groundcovers and vines in the hillside area, re-grading of the grassy area, restoration of turf, and the installation of a new/expanded irrigation system.

On May 16, 2012, the Board authorized the City Engineer to negotiate change order(s), in an amount not to exceed \$102,000.00, for unforeseen conditions (Board Report No. 12-137).

In addition, on December 10, 2012, the Board further authorized the City Engineer to negotiate change order(s), in an amount not to exceed \$166,000.00, for additional scope to improve the functionality of the park, as requested by Department of Recreation and Parks (RAP) staff (Board Report No. 12-231).

The project experienced a variety of construction challenges, including unforeseen conditions, which resulted in a number of changes and additions to the original scope of work, as well as resultant delays. In order to resolve the extent of the revised scope, the contract time was extended by more than one year beyond the original contract duration. The preliminary change order cost of the time extension is estimated to be an additional, not-to-exceed amount, of \$130,000.00. Therefore, the Bureau of Engineering is recommending that the Board authorize the City Engineer to negotiate a full and final change order, in an amount not to exceed \$130,000.00 to cover the period during which the contract was extended to complete the revised scope and resolve the unforeseen conditions.

The BOE, Construction Management Division (CMD), completed the construction management of the project under the Proposition K Program.

The BOE has informed RAP that this project was completed with twenty one (21) Change Order Requests (COR). Out of the twenty-one (21) COR, twenty (20) Change Orders have been issued to date, in the amount of \$258,742.00. [The \$9,258.00 is the remaining contingency.] The one remaining COR is the subject of this Report, and, as discussed above, it is in a not-to-exceed amount of \$130,000.00. Upon the approval of this request by your Board, the total approved number of Change Orders will be twenty-one (21), in a not-to-exceed total amount of \$388,742.00, which represents approximately 166% of the original contract amount. Please see attached Change Order Log.

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This amount exceeds 25% of the base contract amount which surpasses the authority limit of the General Manager, and requires Board approval. If the change order recommended herein is approved, the final contract amount, including all change orders, will be \$631,742.00.

The BOE has consulted with the Department of Public Works, Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project. There are no outstanding wage violations and John Zgrablich Construction, Inc., is in compliance.

The BOE is requesting the Board waive the **thirty-five** (35) day retention release requirement. The contractor has completed the base work scope remaining under the contract in April 2012, and is no longer on site. It has taken time to negotiate the terms of the proposed change orders. Therefore, it is recommended that the Board release the retention immediately after Board approval of the change order and execution thereof, and upon Board acceptance of this project.

Sufficient funds are available from the following fund and account for the change order(s).

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCT. NO.</u>
Proposition K Year 14	43K/10/10G291

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the RAP's General Fund at this time. However, future operations and maintenance costs have yet to be determined.

This Report was prepared by Ejike Mbaruguru, Project Manager, Recreation and Cultural Facilities Program, Department of Public Works, Bureau of Engineering (BOE). Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; Ted Allen, Interim Deputy City Engineer, BOE; and Cathie Santo Domingo, Superintendent, Planning, Construction and Maintenance Branch, Department of Recreation and Parks.

Attachment 1

CO & CO Request Log: Wattles Park Erosion and Drainage Improvements W.O.No.: E170262F

CONSTRUCTION
SERVICES

CO No	CO Req	DESCRIPTIONS	PCO ECO Date	GC Prop Amount	Proposal Date	CMD Est Amount	Apprvd Amount	Apprvd Date	Change Order Status	FCO Date	C.O. Type	Pymt Type	Cal. Days Req.	Apv'd Comp Cal Days	Apv'd Non Comp Cal Days	REMARKS
001	1, 13	Repair of Unidentified Utilities	08/12/11	\$ 37,051.00	02/06/12	\$ 3,000.00	\$ 33,965.00	02/29/12	Executed	03/19/12	U	LS	14	14	0	PM aware of extensive repairs that were required.
002	008	Relocation of Upper Infiltration Tanks and Catch Basin	08/12/11	\$ 21,114.00	10/15/11	\$ 14,630.00	\$ 19,180.00	02/29/12	Executed	03/19/12	E	LS	7	7	0	Approved amount includes compensable time.
003	001	Surveying Delay		\$ 9,120.00	08/17/11	\$ 4,500.00	\$ 9,100.00	02/29/12	Executed	03/19/12	U	LS	14	14	0	Paid compensable time only.
004	002	Credit for Alhambra Foundry Gratings		\$ (2,838.00)	08/17/11	\$ (3,153.00)	\$ (3,153.00)	02/29/12	Executed	03/19/12	S	LS	0	0	0	
005	003	Revised Slope Grading and Gravel Swale Credit		\$ 4,569.00	08/22/11	\$ 2,200.00	\$ 5,450.00	02/29/12	Executed	03/19/12	S	LS	5	5	0	Approved amount includes compensable time.
006	004	Permit and RTI Plan Delay		\$ 2,143.00	10/15/11	\$ 1,000.00	\$ 5,200.00	02/29/12	Executed	03/19/12	U	LS	8	8	0	Additional comp time approved in exchange for rejection of COR 20, 22
007	005	Extra Soil Work Due To Plan Clarification		\$ 2,501.00	10/15/11	\$ (600.00)	\$ 1,300.00	02/29/12	Executed	03/19/12	E	LS	2	2	0	Approved amount for compensable time only.
008	006	Seat Wall Modification		\$ 3,711.00	10/15/11	\$ 3,300.00	\$ 5,900.00	02/29/12	Executed	03/19/12	E	LS	4	4	0	Additional comp time approved in exchange for rejection of COR 20, 22
009	007	Concrete Obstruction During Trenching		\$ 3,191.00	10/15/11	\$ 1,100.00	\$ 6,660.00	02/29/12	Executed	03/19/12	U	LS	6	6	0	Additional comp time approved in exchange for rejection of COR 20, 22
010	009	Additional Cleanup		\$ 1,333.00	10/15/11	\$ 1,340.00	\$ 1,340.00	02/29/12	Executed	03/19/12	S	LS	0	0	0	
011	010	Remove Sewer Pipe at 15" POC		\$ 3,817.00	10/15/11	\$ 2,700.00	\$ 3,230.00	02/29/12	Executed	03/19/12	U	LS	0	0	0	
012	012	Additional Sand Bagging		\$ 6,707.00	12/14/11	\$ 2,670.00	\$ 3,750.00	02/29/12	Executed	03/19/12	S	LS	0	0	0	
013	015	Hand Excavation at 8" Drain Line		\$ 1,733.00	12/14/11	\$ 725.00	\$ 1,290.00	02/29/12	Executed	03/19/12	U	LS	0	0	0	
014	016	Regrade Upper Slope Per RAP		\$ 16,566.00	01/17/12	\$ 11,610.00	\$ 11,610.00	02/29/12	Executed	03/19/12	S	LS	0	0	0	
015	017	Credit Three CB, One Additional 3.5 CB		\$ 1,404.00	01/17/12	\$ (948.00)	\$ -	02/29/12	Executed	03/19/12	S	LS	0	0	0	
016	018	Credit Turf Seeding and Final Grading		\$ (3,050.00)	01/17/12	\$ (3,800.00)	\$ (3,800.00)	02/29/12	Executed	03/19/12	S	LS	0	0	0	
	020	Additional Work and Delays per RAP		\$ 17,862.00	01/17/12	\$ -	\$ -		Canceled							Void in lieu of Comp Time
	022	Additional Irrigation Repair per RAP		\$ 1,425.00	01/17/12				Canceled							Void in lieu of Comp Time
017	014	Initial Delay and Fence With Sign		\$ 3,500.00	04/20/12	\$ 3,500.00	\$ 3,500.00	04/20/12	Executed	04/22/13	S	LS	0	0	81	Was to be included in Close-Out CO, however, Board Report to accept completion was rejected because Park could not be reopened.

018	1, 1.5, 4, 6, 7, 8, 12	Mobilization and Preparation of Site For New Irrigation System and Planting	\$	63,894.00	04/05/13	\$	20,260.00	\$	44,561.00	04/19/13	Executed	04/22/13	S	LS	0	0	341	Board Report to close the Contract was rejected by RAP due to Park not being able to open without grass. Ensuring design, RAP input, and coordination resulted in an extended delay.	
			\$	33,694.00	04/05/13	\$	33,694.00	04/19/13	Executed	04/22/13	S	LS	0	0	0				
019	011	Grading of Site	\$	33,694.00	04/05/13	\$	33,694.00	\$	33,694.00	04/19/13	Executed	04/22/13	S	LS	0	0	0	FCO lump sum includes compensation for the Cost of Bonds and Insurance for all previous additional CO work. The actual cost of Bonds and Insurance shall be determined by calculating the percentage in actual additional work.	
020	011	Irrigation and Planting	\$	75,965.00	04/05/13	\$	75,965.00	\$	75,965.00	04/19/13	Executed	04/22/13	S	LS	0	0	0		
021		Final Closeout Change Order	\$	402,686.00	11/12/13	\$	91,117.00	\$	130,000.00	12/13/13	Executed	12/16/13	S	LS	77	0	77		
Original Contract Price			\$	243,000.00		Executed					U: Unforseen						Executed Change Orders		
Original Contingency			\$	268,000.00		Negotiated					E: Errors & Omissions						21	\$	388,742.00
Σ (Executed Change Orders)			\$	388,742.00		Unresolved					S: Change in Scope								Forecasted Change Orders
Revised Contract Price			\$	631,742.00		Canceled					LS: Lump Sum						0	\$	-
Outstanding Contingency			\$	(120,742.00)		Approved Comp. Cal. Days	60				TM: Time & Material								Canceled Change Orders
Num. Of Approved Days				559 Cal. Days		Approved Non Comp. Cal. Days	499				CAN: Canceled								2

Footnotes

1. Percentages of Change Order Types are based on approved dollar amounts.
2. Forecasted Change Orders = Unresolved + Negotiated