



MEMORANDUM

To: Coppel Recreation Development Corporation

From: Mike Garza, P.E. Assistant Director of Public Works
Kent Collins, P.E., Director of Public Works

Date: May 20, 2019

Reference: Consider approval of funding Change Order #3 to Joel Brown & Co. LLC for the Hunterwood Park bank stabilization and trail project, in the amount of \$548,571.70.

2030: Sustainable City Government, Goal 3
Excellent and Well-maintained City Infrastructure and Facilities

General:

- The original design was completed in summer of 2018.
- By the time design was complete, the creek had additional significant erosion.
- The construction contract was awarded in October 2018 in the amount of \$964,047.00.
- In September and October 2018 we had 28 inches of rain.
- Since the project began on November 26th, we have had approximately 20 inches of rain.
- This change order is for additional bank stabilization for erosion that occurred after the original design was complete and continues to occur.
- This change order will increase the contract by \$548,571.70.

Introduction:

This agenda item is being presented to approve change order #3 to the construction contract for the Hunterwood Park Bank Stabilization and Trail Project. The original contract amount was \$964,047.00. Change order #1 (\$30,500) was to remove additional trees that had fallen in the creek, blocking the flow of the creek. Change order #2 (\$45,900) was to re-align the trail on the south end of the project due to the additional erosion. This change order is for additional work and materials needed to repair a large bank failure caused by additional erosion in the amount of \$548,571.70. With the approval of this change order, the total cost of construction would be \$1,589,018.70.

Analysis:

The design contract for this project was awarded to Pacheco Koch in February of 2017. They began survey for the design in spring of 2017. They completed their design in August of 2018 and by the time we went out to bid in September 2018, the creek had additional bank failures. The average rainfall for DFW is about 36 inches per year. In 2018, we had over 55 inches of rain. In September

and October of 2018 alone, we had 28 inches of rain. Normally we receive about 6 inches of rain in these two months combined. On October 9th, 2018, City Council awarded the construction contract to Joel Brown Co. in the amount of \$964,047,00. At that time, we were already discussing an amendment to the design for additional bank stabilization measures in another area of the park. When the original design was completed, this area was stable and wasn't showing any signs of failure. With all the additional rain in those two months, we had numerous trees fall which caused significant erosion. Since the project began on November 26th, 2018, we have received almost 20 inches of rain, about 10 inches in the last 2 months. With every rain event, additional trees become compromised and continue to fall, which causes additional erosion. The new area that has eroded is more than half the size of the original area of the entire project. This change order is for the additional work and materials related to force majeure conditions to stabilize this "new" area.

This change order is in the amount of \$548,571.70 which is more than 25% of the original contract amount and by law requires this portion of the work to be re-bid. However, since this addition to the scope was caused by a natural event, and significant erosion took place prior to and subsequent to start of the project that altered the conditions of the project, the City Council has the authority to approve this change order without the need to re-bid. Every day that we receive significant rain, the potential for additional erosion and bank failure exists. The detail of the change order is attached. The Public Works Department recommends moving forward with approval of this change order to prevent delaying the project and the potential for further erosion and damage. Also, going back out to bid, the new contractor would have to assume liability of the work that has already been completed, which typically drives up the cost. This change order will also add 90 days to the contract to be able to complete this work.

Legal Review:

This change order has been reviewed by the City Attorney.

Fiscal Impact:

The fiscal impact of this Agenda item is \$548,571.70 as available in the CRDC special revenue account.

Recommendation:

The Public Works Department recommends approval of funding this change order with Joel Brown & Co. LLC as approved by the City of Coppell Council on May 14, 2019.