

*STAFF REPORT**CITY OF OCEANSIDE*

---

DATE: May 7, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Water Utilities Department

SUBJECT: **APPROVAL OF CLOSING CHANGE ORDER 3, APPROVAL OF AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, AND ACCEPTANCE OF IMPROVEMENTS CONSTRUCTED BY SYNAGRO-WWT, INC.**

**SYNOPSIS**

Staff and the Utilities Commission recommend that the City Council approve Closing Change Order 3 in the amount of \$14,185 to Synagro-WWT, Inc. for the Digester Cleaning and Repair project located at the San Luis Rey Wastewater Treatment Plant; approve Amendment 1 in the amount of \$7,520 to the professional services agreement with Carollo Engineers, Inc. for engineering support and inspection services during construction; authorize the City Manager to execute the amendment; and accept improvements constructed by Synagro-WWT, Inc. and authorize the City Clerk to file a Notice of Completion with the San Diego County Recorder.

**BACKGROUND**

On January 16, 2013, City Council awarded a construction contract for the Digester No. 1 Cleaning and Repair project to Synagro-WWT, Inc. in the amount of \$213,500 and approved a professional services agreement with Carollo Engineers for engineering support services during construction. Work began shortly after the Notice to Proceed was issued and the Contractor has successfully cleaned and disposed of 100,000 gallons of material from Digester No. 1.

**ANALYSIS**

After Digester No. 1 was cleaned and determined to be structurally sound, the treatment plant experienced an issue with overloading in Digester No. 3. As a result, Change Order 1 was a no cost change order that extended the contract for an additional 120 calendar days, to a revised completion date of October 8, 2013.

Council approved Change Order 2 in the amount of \$214,280 on September 4, 2013. This work included the cleaning and disposal of approximately 150,000 gallons of material from Digester No. 3, and added 50 calendar days, to a revised completion of November 27, 2013.

Closing Change Order 3 is necessary to compensate the Contractor for costs to perform mechanical work on the seismic cables and gaskets at the City's direction. Change Order 3 is for a total amount of \$14,185 and extended the contract by 117 calendar days to a final completion date of March 24, 2014 (Exhibit A). The final contract amount is \$441,965.

Amendment 1 to the Professional Services Agreement with Carollo Engineers is for an amount of \$7,520 for the inspection of additional work directed by the City (Exhibit B). The amended amount of Carollo's contract totals \$22,146.

All field work was completed by March 17, 2014. A final inspection was performed and it was determined that the project was completed per the plans and specifications.

**FISCAL IMPACT**

The Fiscal Year 13/14 adopted budget for the San Luis Rey Digester Rehabilitation Project (909123100722.5703.10600) has an available balance of \$341,629. Change Order 3 and Amendment 1 are for a total amount of \$21,704.63; therefore, sufficient funds are available to complete this project.

**INSURANCE REQUIREMENTS**

The City's standard insurance requirements have been met.

**COMMISSION OR COMMITTEE REPORT**

The Utilities Commission approved staff's recommendation at its scheduled meeting on March 18, 2014.

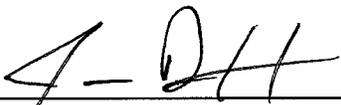
**CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

**RECOMMENDATION**

Staff and the Utilities Commission recommend that the City Council approve Closing Change Order 3 in the amount of \$14,185 to Synagro-WWT, Inc. for the Digester Cleaning and Repair project located at the San Luis Rey Wastewater Treatment Plant; approve Amendment 1 in the amount of \$7,520 to the professional services agreement with Carollo Engineers, Inc. for engineering support and inspection services during construction; authorize the City Manager to execute the amendment; and accept improvements constructed by Synagro-WWT, Inc. and authorize the City Clerk to file a Notice of Completion with the San Diego County Recorder.

PREPARED BY:

  
\_\_\_\_\_  
Jason Dafforn  
Water Utilities Division Manager

SUBMITTED BY:

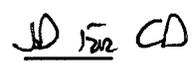
  
\_\_\_\_\_  
Steven R. Jepsen  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



Cari Dale, Water Utilities Director



James R. Riley, Financial Services Director



ATTACHMENTS:

- Exhibit A - Change Order 3
- Exhibit B - Change Order 2
- Exhibit C - Change Order 1
- Exhibit D - Amendment 1

**CITY OF OCEANSIDE  
CONTRACT CHANGE ORDER**

**PROJECT TITLE:** SAN LUIS REY WATER RECLAMATION FACILITY DIGESTER NO. 1 CLEANING AND REPAIR

CHANGE ORDER No. 3

PROJECT No. 909123100722

DATE February 25, 2014

PURCHASE ORDER # 1001664

**This change order provides for:**

The treatment Plant experienced an immediate need to clean Digester No.3 during the cleaning and repair project for Digester #1. Since these treatment processes are tied together, Digester No. 3 was taken out service and cleaned and the work at Digester #1 was suspended. However, an internal inspection of Digester #3 discovered seismic cables were damaged and gaskets were damaged. These items were fixed outside of this contract but this delayed this contract and caused a re mobilization of equipment, materials, and labor. In addition, this contract added 30 additional feet of pipe and added one the installation of one additional three way valve.

This obviously delayed the original mechanical work of this contract, and Change Order No. 1 issued a non-compensatory time extension for a period of 12 weeks. The contract completion date was revised to October 8, 2013. Then Change Order #2 extended the contract by 50 calendar days which extend the contract completion date to November 27, 2013. Since the Digester #3 seismic repairs required this contract to be delayed, the construction contract will be increased by 117 calendar days to a contract completion date of March 24, 2014

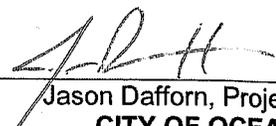
**Cost of Change:** In accordance with Section 7.21.4 (b) CHANGE IN CONTRACT PRICE of the General Provisions, this Change Order compensates (contractor) as follows:

Cost: Increase \$14,184.63 Decrease \_\_\_\_\_ No Change \_\_\_\_\_

Upon careful consideration of the work specified by this change order, the contractor agrees to provide all equipment and labor, to furnish the materials except as otherwise noted above, and will accept the prices shown above as full payment to perform the services necessary to complete the work in place.

**Contract Time Adjustment:**

By reason of this order the time of completion will be adjusted as follows 117 calendar days. This extends the contract duration from 204 calendar days to 371 calendar days.

Recommended by:   
Jason Dafforn, Project Manager  
CITY OF OCEANSIDE

**Contract Summary:**

Initial Contract Amount	\$	<u>213,500.00</u>	(0.0%)	Accepted:
Council Approved CCOs	\$	<u>214,280.00</u>	(100.4%)	Printed name:
Council Approved Contract Amt.:	\$	<u>427,780.00</u>	(100.4%)	<u>JOHN SUGLIARIS</u>
Change Order No(s).	\$	<u>0.00</u>	(0.0%)	Synagro-WWT, Inc.
This Change Order No. (3)	\$	<u>14,184.63</u>	(3.32%)	
Contract Amount To Date:	\$	<u>441,964.63</u>		Approved By:

City Engineer Authority (Section 5.1.3)

City Council Action Required X Yes No N/A Council Date

Additional Appropriation Required X Yes No

Scott O. Smith, City Engineer  
CITY OF OCEANSIDE

**CITY OF OCEANSIDE  
CONTRACT CHANGE ORDER**

**EXHIBIT B**

**PROJECT TITLE:** SAN LUIS REY WATER RECLAMATION FACILITY DIGESTER NO. 1 CLEANING AND REPAIR

CHANGE ORDER No. 2

PROJECT No. 909123100722

DATE August 6, 2013

PURCHASE ORDER # 1001664

**This change order provides for:**

In order to complete the mechanical repairs to digester No. 1, Digester No. 3 will need to serve as a primary during construction and shutdown. Digester No. 3 has experienced overloading issues and was scheduled for cleaning in FY 13/14. Since these treatment processes are tied together, Digester No. 3 needs to be thoroughly cleaned in order to utilize during the completion of the mechanical work for Digester No. 1. The attached exhibit is a breakdown of Change Order #2 and the costs for cleaning Digester No. 3. The Contractor has agreed to hold their unit prices provided in the original bid.

This further delays the original mechanical work and Change Order No. 1 issued a non-compensatory time extension for a period of 12 weeks. The contract completion date was revised to October 8, 2013. This completion date will need to be modified and an addition of 50 calendar days will extend the contract completion date to November 27, 2013.

**Cost of Change:** In accordance with Section 7.21.4 (b) CHANGE IN CONTRACT PRICE of the General Provisions, this Change Order compensates (contractor) as follows:

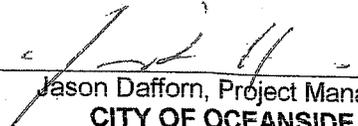
Cost: Increase \$214,280.00 Decrease \_\_\_\_\_ No Change \_\_\_\_\_

Upon careful consideration of the work specified by this change order, the contractor agrees to provide all equipment and labor, to furnish the materials except as otherwise noted above, and will accept the prices shown above as full payment to perform the services necessary to complete the work in place.

**Contract Time Adjustment:**

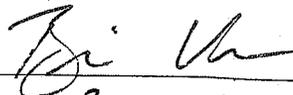
By reason of this order the time of completion will be adjusted as follows 50 calendar days. This extends the contract duration from 204 calendar days to 254 calendar days.

Recommended by:

  
Jason Dafforn, Project Manager  
CITY OF OCEANSIDE

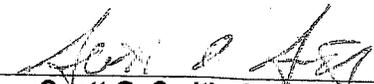
**Contract Summary:**

Initial Contract Amount	\$ <u>213,500.00</u>	(0.0%)	Accepted:
Council Approved CCOs	\$ <u>-----</u>	(0.0%)	Printed name:
Council Approved Contract Amt.:	\$ <u>-----</u>	(0.0%)	<u>BRIAN VOSS</u>
Change Order No(s).	\$ <u>-----</u>	(0.0%)	Synagro-WWT, Inc.
This Change Order No. (2)	\$ <u>214,280.00</u>	(100.4%)	Approved By:
Contract Amount To Date:	\$ <u>427,780.00</u>	(100.4%)	

  
BRIAN VOSS  
Synagro-WWT, Inc.

City Engineer Authority (Section 5.1.3)

City Council Action Required	<u>X</u>	<u>No</u>	<u>N/A</u>
	Yes	No	Council Date

  
Scott O. Smith, City Engineer  
CITY OF OCEANSIDE

Additional Appropriation Required	<u>X</u>	<u>No</u>
	Yes	No

Original to: City Clerk, Contractor  
Copies to: Accounts Payable, File

**CITY OF OCEANSIDE  
CONTRACT CHANGE ORDER**

**PROJECT TITLE: SAN LUIS REY WATER RECLAMATION  
FACILITY DIGESTER NO. 1 CLEANING AND  
REPAIR**

CHANGE ORDER No. 1  
PROJECT No. 909123100722  
DATE May 15, 2013  
PURCHASE ORDER # 1001664

**This change order provides for:**

Due to delays in the mechanical work of this contract, it is agreed by all parties to issue a non-compensatory time extension for a period of 12 weeks. The contract completion date shall be revised from July 16, 2013 to October 8, 2013 due to this change order. The contract work will resume when Synagro-WWT, Inc. (Synagro) has all materials on site and inspected. At that time a formal letter will be issued as a Notice to Proceed (NTP) for the mechanical work and Synagro will have 30 calendar days from the date of the mechanical work NTP to complete the project. The City reserves the right to determine when the revised work start date will occur within this extended 12 week period.

**Cost of Change:** In accordance with Section 7.21.4 (b) CHANGE IN CONTRACT PRICE of the General Provisions, this Change Order compensates (contractor) as follows:

Cost: Increase \_\_\_\_\_ Decrease \_\_\_\_\_ No Change X

Upon careful consideration of the work specified by this change order, the contractor agrees to provide all equipment and labor, to furnish the materials except as otherwise noted above, and will accept the prices shown above as full payment to perform the services necessary to complete the work in place.

**Contract Time Adjustment:**

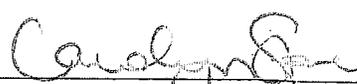
By reason of this order the time of completion will be adjusted as follows 84 calendar days. This extends the contract duration from 120 calendar days to 204 calendar days.

Recommended by:

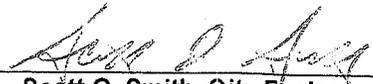
  
Jason Dafforn, Project Manager  
CITY OF OCEANSIDE

**Contract Summary:**

Initial Contract Amount	\$ <u>213,500.00</u>	(100.0%)
Council Approved CCOs	\$ <u>-----</u>	(0.0%)
Council Approved Contract Amt.:	\$ <u>-----</u>	(0.0%)
Change Order No(s).	\$ <u>-----</u>	(0.0%)
This Change Order No. (2)	\$ <u>-----</u>	(0.0%)
Contract Amount To Date:	\$ <u>213,500.00</u>	(0.0%)

Accepted:   
Printed name: Carolyn Stone-Vice President  
Synagro-WWT, Inc.

Approved By:

  
Scott O. Smith, City Engineer  
CITY OF OCEANSIDE

City Engineer Authority (Section 5.1.3)

City Council Action Required	<u>      </u> <u>X</u>	<u>      </u> <u>N/A</u>
	Yes No	Council Date

Additional Appropriation Required	<u>      </u> <u>X</u>
	Yes No

Original to: City Clerk, Contractor

Copies to: Accounts Payable, File

City of Oceanside

**ATTACHMENT – BID SCHEDULE FOR SLRWWTP DIGESTER NO. 3 CLEANING PROJECT**

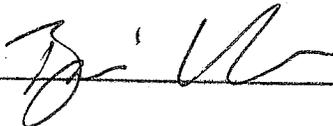
<u>Item</u>	<u>Description</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Extended Amount</u>
1.	Bonds, Permits, Mobilization, and Demobilization	1	Lump Sum	\$59,330
2.	Digester No. 3 Dewatering and Cleaning	150,000	Gallons	\$150,000.00
3.	Additional Screening	1	Lump Sum	\$4,950.00

Total Bid Amount in Numerals: \$ 214,280.00 \_\_\_\_\_

Total Bid Amount in Words: \$ Two hundred fouteen thousand and two hundred eighty dollars and zero cents.

Synagro WWT Inc.  
Contractor

Brian Voss  
By

  
By

1550 Phoenix Drive  
Address

Beaumont, CA 92223  
Address

909-289-3350  
Telephone Number

**CITY OF OCEANSIDE  
AMENDMENT 1 TO  
PROFESSIONAL SERVICES AGREEMENT**

**PROJECT: SAN LUIS REY WATER RECLAMATION FACILITY DIGESTER  
CLEANING AND REPAIR CONSTRUCTION PHASE SUPPORT  
SERVICES - [909978000722]**

**THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**  
(hereinafter "Amendment") is made and entered this \_\_\_\_ day of  
\_\_\_\_\_ 2014 by and between the City of Oceanside, Water Utilities  
Department, a municipal corporation, hereinafter designated as  
"DEPARTMENT", and Carollo Engineers, hereinafter designated as  
"CONSULTANT".

**RECITALS**

WHEREAS, DEPARTMENT and CONSULTANT are the parties to that certain Professional Services Agreement dated January 16, 2013, hereinafter referred to as the "Agreement", wherein CONSULTANT agreed to provide certain services to the DEPARTMENT set forth therein;

WHEREAS, the parties desire to amend the Agreement to provide for changes and/or modifications to Section 1, Scope of Work; Section 8, Compensation; and Section 9, Timing Requirements.

**AMENDMENT**

NOW, THEREFORE, as set forth herein, the parties hereto do mutually agree that the Agreement shall be amended as follows:

1. Section 1, Scope of Work, shall be amended to reflect and include the required additional responses to public comments as described and outlined in the scope of work and letter dated February 17, 2014, (Exhibit A).
2. Section 8, Compensation, shall be amended to reflect that all work performed in accordance with this Amendment 1 shall not exceed \$7,520.
3. Section 9, Timing Requirements, shall be amended to reflect the additional 1-week work schedule from the notice to proceed for Amendment 1 as described and outlined in the scope of work and letter dated February 17, 2014.
4. Except as expressly set forth in the Amendment, the Agreement shall remain in full force and effect and is hereby ratified and reaffirmed.

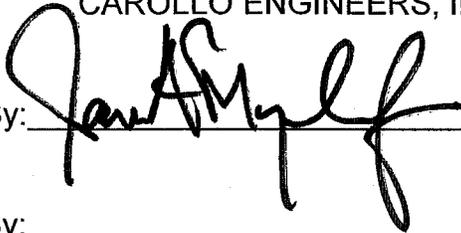
**SIGNATURES.** The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the DEPARTMENT.

**IN WITNESS WHEREOF,** the parties hereto being duly authorized on behalf of their respective entities to execute this Amendment, do hereby agree to the covenants contained in the Agreement, including this Amendment and have caused this Amendment to be executed by setting hereunto their signatures this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CAROLLO ENGINEERS, INC.

CITY OF OCEANSIDE

By: \_\_\_\_\_



By: \_\_\_\_\_

Steven R. Jepsen, City Manager

By: \_\_\_\_\_

86-0899222

Employer ID No.

APPROVED AS TO FORM:

  
City Attorney

**NOTARY ACKNOWLEDGEMENTS OF CONSULTANT MUST BE ATTACHED.**



February 17, 2014

Mr. Jason Dafforn, P.E.  
 Water Utilities Division  
 City of Oceanside  
 300 North Coast Highway  
 Oceanside, CA 92054

Subject: Digester Cleaning Amendment

Dear Mr. Dafforn:

The Digester No. 1 Cleaning Project construction was extended to include cleaning of Digester No. 3. Carollo provided limited services during construction for the Digester No. 3 cleaning. In addition, the City has asked Carollo to provide a model of Digester No. 3 similar to that provided for Digester No. 1. Carollo provided a 3-dimensional (3D) model of Digester No. 1 based on survey information provided by the City.

In addition to the 3D model, the City has requested Carollo to provide a two-dimensional drawing of Digester No. 1 and Digester No. 3 that will document the location of critical appurtenances and pipes within each digester. The services requested by the City are outside our original scope. We have summarized the expected effort to complete the 3D model and record drawings in the table below.

WORK ELEMENT	Weishaar	Technician	Other Direct Costs	Carollo Total
<b>PHASE 2 - CONSTRUCTION SERVICES AMENDMENT</b>				
1. Project Management	2	0	\$20	<b>\$372</b>
2. Digester 1 Record Drawing (2D Model)	1	12	\$229	<b>\$2,229</b>
3. Digester 3 3-D Model	0	16	\$158	<b>\$2,590</b>
4. Digester 3 Record Drawing (2D Model)	1	12	\$329	<b>\$2,329</b>
				<b>\$7,520</b>
STAFF TOTAL	4	40		
RATE	\$176	\$152		
<b>PROJECT TOTAL COST</b>	<b>\$704</b>	<b>\$6,080</b>	<b>\$736</b>	<b>\$7,520</b>

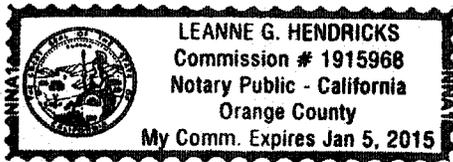
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**  
**CIVIL CODE § 1189**

State of California

County of Orange }

On 04/02/2014 before me, Leanne G. Hendricks, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared James A. Meyerhofer  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Leanne G. Hendricks  
Signature of Notary Public

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document City of Oceanside  
Title or Type of Document: Amendment 1 to Prof. Svc. Agr. Document Date: TBD  
Number of Pages: 2+ Signer(s) Other Than Named Above: none  
exhibit

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: James A. Meyerhofer  
 Corporate Officer — Title(s): Senior V.P.  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: Carollo Engineers, INC.

Signer Is Representing: \_\_\_\_\_