



Change Order No. 4 to the construction Contract with Jansen Inc. for the Everett Downtown Streetscape Improvement Project, Phase 2, Phase 3, and Rucker Water Main Replacement in the amount of \$650,667.18.

**Project title:**

**City Council Agenda Item Cover Sheet**

**Council Bill #**

**Consideration:** Change Order # 4

**Agenda dates requested:**

December 30, 2020

**Project:** Downtown Streetscape Improvement 2 and 3, Rucker Water Main

**Partner/Supplier :** Jansen Inc.

**Location:** Rucker Avenue, Hoyt Avenue in Downtown Everett

**Preceding action:** Award: 5/29/2019, CO # 3: 3/26/2020

**Fund:** 303, 336

Briefing

Proposed action

Consent

Action 12/30/20

Ordinance

Public hearing

Yes  No

**Budget amendment:**

Yes  No

**PowerPoint presentation:**

Yes  No

**Attachments:**

Change Order No. 4

**Fiscal summary statement:**

Original Contract Amount: \$ 9,577,841.02

Change Order Number 1: \$ 337,015.57 11/6/2019

Change Order Number 2: \$ 348,782.56 12/2/2019

Change Order Number 3: \$ 708,861.41 3/26/2020

Change Order Number 4: \$ 650,667.18

Current Contract Total: \$11,569,132.99

**Department(s) involved:**

Public Works, Legal, Admin

**Contact person:**

Keith Alewine

**Phone number:**

(425) 257- 7225

**Email:**

Kalewine@everettwa.gov

**Project summary statement:**

This project completes streetscape improvements on Hoyt Avenue and on Rucker Avenue in accordance with the Metro Area Plan and Downtown Streetscape Plan including curb, gutter, sidewalk, reinforced concrete pavement, asphalt pavement, street furnishings, lighting, signs, traffic signals, streetscape amenities and ADA improvements. Concurrent with the streetscape improvements, a Utility project replaced an aging water main on Rucker Avenue, between Pacific Avenue and Everett Avenue.

**Initialed by:**

Department head

Administration

Council President

**Recommendation (exact action requested of Council):**

Authorize the Mayor to sign Change Order No. 4 to the construction Contract with Jansen Inc. for the Everett Downtown Streetscape Improvement Project Phase 2, Phase 3 and Rucker Water Main Replacement in the amount of \$650,667.18.

**CITY OF EVERETT**  
**Project Close-Out Change Order and Final Release**

*Project Title* Everett Downtown Streetscape Improvement Project

*Department* Public Works

*Work Order No.* PW-3553, PW-3640, UP-3648

*Contractor:* Jansen Inc.

*Contract Award Date:* May 29, 2019

*City Staff Contact:* Keith Alewine

*Change Order No.* 4

*Change Order Effective Date* December 9, 2020

**CONTRACT PRICE (exclusive of Wash. State Sales Tax)**

Original contract price	\$9,523,806.27
Cumulative Amount of prior change orders	\$1,394,659.54
<b>Total Contract Price including prior change orders</b>	<b>\$10,918,465.81</b>
<b>Amount of this Change Order</b>	<b>\$650,667.18</b>
<b>Total Contract Price including this Change Order</b>	<b>\$11,569,132.99</b>

**CONTRACT TIME**

Original Contract Duration 150	Working Days <input checked="" type="checkbox"/>
Date of Notice to Proceed	July 8, 2019
Cumulative adjustment to duration by <i>prior</i> Change Orders	43
Adjustment to duration by <i>this</i> Change Order	17
New Contract Duration ( <i>including</i> this Change Order)	210

**Contractor and City agree as follows:**

- 1. The scope of Work shall be changed to the extent described in Exhibit A.**
- 2. With the exception of Washington State sales tax, the amount of the change order for the changes described in Exhibit A represents complete compensation for the changes described in Exhibit A, including all direct and indirect costs and impacts. The contract price shall be adjusted as described in this Change Order.**
- 3. Everett Municipal Code 3.80.050 sets forth the threshold amounts below which the Mayor or his designee is authorized to direct Contractor to perform additional work. In calculating such threshold amounts, Washington State sales tax, if applicable to the Work, has been considered.**
- 4. The duration of the Contract shall be adjusted to the extent described in this Change Order.**
- 5. Contractor acknowledges that the City agreed to this Change Order in reliance on this Change Order being the final Change Order and full and final release of all Contractor claims, whether for itself or on behalf of any subcontractors or suppliers. Accordingly, except only for payment of the amount due under this Change Order and release of retainage in accordance with Chapter 60.28 RCW, Contractor hereby fully and finally waives and releases any and all claims of any type or kind arising out of or related to the work or the contract. This release includes release of all Contractor claims, disputes, change order requests, protests and all other claims for additional compensation or additional time arising from or relating to the contract or the work, regardless of whether known or unknown to Contractor, regardless of whether past or future, regardless of whether asserted or unasserted, regardless of whether arising from or relating to the subject of this specific Change Order # 4, and regardless of whether Contractor has provided notice thereof.**
- 6. This Change Order only changes the contract between Contractor and City to the extent explicitly provided herein.**

<b>CITY</b>			
<p>_____</p> <p>Mayor</p> <p>Date: _____</p>	<p>Attest:</p> <p>_____</p> <p>City Clerk</p> <p>Date: _____</p>	<p>Approved as to Form:</p> <p>_____</p> <p>City Attorney</p> <p>Date: _____</p>	
<b>Recommended By:</b>			
<p>_____</p> <p>Construction Manager (if applicable)</p> <p>Date: _____</p>	<p>_____</p> <p>Project Engineer (if applicable)</p> <p>Date: _____</p>	<p>_____</p> <p>Engineering Manager (if applicable)</p> <p>Date: _____</p>	<p>_____</p> <p>Department Director</p> <p>Date: _____</p>
<b>CONTRACTOR</b>			
<p>By _____ Date: _____</p> <p style="text-align: center; margin-left: 150px;">Officer</p>			

**Exhibit A - Description of Changed Work**

This Change Order No. 4 creates one (1) new item in Schedule A, three (3) new items in Schedule C, one (1) new item in Schedule D, six (6) new items in Schedule E, modifies two (2) existing bid items in Schedule C, and three (3) existing bid items in Schedule D. Finally, Change Order No. 4 creates one new item in new schedule F.

**Added New Items**

**New Item # A-104 – Install GFCI Receptacle Wiring for the Decorative Pedestrian Street Light Poles on Hoyt Avenue.** Add new item # A-104 entitled, “Install GFCI Receptacle Wiring for the Decorative Street Light Poles on Hoyt Avenue” at the agreed to Lump Sum price of \$8,456.00, resulting in a Contract increase of \$8,456.00.

**New Item # C-208 – Install Video Detection System, Pacific Avenue and Rucker Avenue.** Add new item # C-208 entitled, “Install Video Detection System, Pacific Avenue and Rucker Avenue” at the agreed to Lump Sum price of \$12,150.00, resulting in a Contract increase of \$12,150.00.

**New Item # C-209 – Install new Lighting Conductors at Rucker Avenue and Hewitt Avenue.** Add new item # C-209 entitled, “Install New Lighting Conductors at Rucker Avenue and Hewitt Avenue” at the agreed to Lump Sum price of \$1,416.00, resulting in a Contract increase of \$1,416.00.

**New Item # C-210 – Hydroblaster Roadway Preparation** Add new item # C-210 entitled, “Hydroblaster Roadway Preparation” at the agreed to Lump Sum Price of \$16,500.00, resulting in a Contract increase of \$16,500.00

**New Item # D-10 – Equitable Adjustment for Differing Site Conditions.** Add new item # D-10 entitled, “Equitable Adjustment for Differing Site Conditions” at the agreed to Lump Sum price of \$160,604.00, resulting in a Contract increase of \$160,604.00.

**New Item # E-25 – Equitable Adjustment for Differing Site Conditions.** Add new item # E-25 entitled, “Equitable Adjustment for Differing Site Conditions” at the agreed to Lump Sum price of \$30,591.00, resulting in a Contract increase of \$30,591.00.

**New Item # E-26 – Roadway Excavation Including Haul.** Add new item # E-26 entitled, “Roadway Excavation Including Haul” at the agreed to Lump Sum price of \$11,440.00, resulting in a Contract increase of \$11,440.00.

**New Item # E-27 – Crushed Surfacing Base Course (CSBC).** Add new item # E-27 entitled, “Crushed Surfacing Base Course” at the agreed to Unit price of \$38.00/Ton, by adding 400 Tons to the Contract, resulting in a Contract increase of \$15,200.00.

**New Item # E-28 – Gravel Borrow Including Haul.** Add new item # E-28 entitled, “Gravel Borrow Including Haul” at the agreed to Lump Sump Price of \$18,400.00, resulting in a Contract increase of \$18,400.00.

**New Item # E-29 – Water Meter Box.** Add new item # E-29 entitled, “Water Meter Box” at the agreed to Unit Price of \$296.00/Each, by adding 31 water meter boxes to the Contract, resulting in a Contract increase of \$9,176.00.

**New Item # E-30 – Math Error Correction in Change Order #1.** And new item # E-30 entitled, “Math Error Correction in Change Order #1”, in the lump sum price of (\$12,900.32), resulting in a Contract decrease of \$12,900.32.

### **New Schedule F**

**New Item # F-1 – Covid-19 Worker Protection.** Add one new item F-1, to new schedule F, entitled, “Covid-19 Worker Protection”, in the lump sum amount of \$48,574.50, resulting in a contract price increase of \$48,574.50.

## **Modified Bid Items**

**Existing Bid Item # C-9 – Flaggers.** Modify existing bid item # C-9 entitled, “Flaggers” at the Contract Unit Price of \$60.00/Hour, by adding 1,150 hours to the Contract, resulting in a Contract increase of \$69,000.00.

**Existing Bid Item # C-26 – Cement Concrete Pavement.** Modify existing bid item # C-26 entitled, “Cement Concrete Pavement” at the Contract Unit Price of \$124.00/SY, by adding 205 square yards to the Contract, resulting in a Contract increase of \$25,420.00.

**Existing Bid Item # D-3 – Gravel Borrow Including Haul.** Modify existing bid item # D-3 entitled, “Gravel Borrow Including Haul” at the Contract Unit Price of \$46.00/Ton, by adding 2,100 Tons to the Contract, resulting in a Contract increase of \$96,600.00.

**Existing Bid Item # D-4 – Roadway Excavation Including Haul.** Modify existing bid Item # D-4 entitled, “Roadway Excavation Including Haul” at the Contract Unit Price of \$55.00/Cubic Yard, by adding 1,092 Cubic Yards to the Contract, resulting in a Contract increase of \$60,060.00

**Existing Bid Item # D-5 – Crushed Surfacing Base Course (CSBC).** Modify existing bid item # D-5 entitled, “Crushed Surfacing Base Course” at the Contract Unit Price of \$38.00/Ton, by adding 2,100 Tons to the Contract, resulting in a Contract increase of \$79,800.00.

### JUSTIFICATION: New Items:

**New Item # A-104 – Install GFCI Receptacle Wiring for the Decorative Pedestrian Street Light Poles on Hoyt Avenue.** The design drawings did not include wiring for the five (5) decorative street light GFCI outlet receptacles, so this new item is being added to account for costs to install wiring for the GFCI Receptacles for each light pole, as detailed in Work Change Directive #12.

**New Item # C-208 – Install Video Detection System, Pacific Avenue and Rucker Avenue.** The vehicle detection loops for the southbound through lane and left turn stop bars at Pacific Avenue and Rucker Avenue were destroyed by vandals overnight. To reinstall vehicle detection loops again would be too costly, as several concrete pavement panels would need to be removed and replaced in order to install loops again. This Flir TrafiSense 2 Video Detection is a much cheaper option, so this new item is being created to account for costs to install video detection at this intersection.

**New Item # C-209 – Install New Lighting Conductors at Hewitt Avenue and Rucker Avenue.** The signal system at Rucker Avenue and Hewitt Avenue did not have adequate existing lighting conductors for the NE and NW signal pole illumination, so this new item is being created to account for costs to install new lighting conductors.

**New Item # C-210 – Hydroblaster Roadway Preparation.** Following the placement of concrete panels, a sealant was applied to the concrete road surface for protection and curing. For pavement markings to be applied to the roadway, the sealant needed to be removed or scarified, for liquid cold applied pavement markings to properly stick to the new concrete pavement. This new item is being created to account for costs to perform the roadway prep work using a hydroblaster machine.

**New Item # D-10 & E-25 – Equitable Adjustment for Differing Site Conditions.** During roadway excavation on Rucker, multiple layers of concrete, along with asphalt, sand, and brick were encountered, which were not shown in the Contract documents and were unexpected. These new items are being created to account for additional costs for disposal of mixed loads. New Item # E-25 specifically allocates a portion of the Equitable Adjustment for Differing Site Conditions costs into schedule E, onto the Utility Department, since the waterline was excavated thru the same area on Rucker, from Everett Avenue to Pacific Avenue where the differing site conditions occurred.

**New Item # E-26 – Roadway Excavation Including Haul.** New item E-26 accounts for additional roadway excavation in the watermain trench on Rucker Avenue. This new item E-26 is being added to schedule E to allocate the Utility division portion of additional costs for roadway excavation including haul as a result of the differing site conditions encountered on the project.

**New Item # E-27 – Crushed Surfacing Base Course (CSBC).** Bid Item # D-5 exceeded plan quantity, and it was modified to account for additional costs. This additional new item E-27 is being added to schedule E to allocate the Utility division portion of additional costs for additional CSBC material within the waterline trench area on Rucker Avenue, from Everett Avenue to Pacific Avenue.

**New Item # E-28 – Gravel Borrow Including Haul.** Gravel Borrow placement on Rucker Avenue exceeded plan quantity, including the area within the waterline work. This new item E-28 is being added to schedule E to allocate the Utility division portion of additional costs for additional Gravel Borrow material within the waterline trench area on Rucker Avenue, from Everett Avenue to Pacific Avenue.

**New Item # E-29 – Water Meter Box.** This item was originally listed in Schedule C but should have been in the Water Schedule E. This item is being added to Schedule E to account for costs to install new water meter boxes as part of the new watermain and appurtenances on Rucker Avenue.

**New Item # E-30 - Math Error Correction in Change Order #1.** This new item corrects an addition error shown on page 7 of change order #1, which showed costs being added under schedule E of \$50,850.32 and should have been \$37,950.00, resulting in an over payment of \$50,850.32 - \$37,950.00 = \$12,900.32.

**New Item # F-1 – Covid-19 Worker Protection.** The Contractor submitted a cost impact price as a result of Covid-19 in the amount of \$245,914.49. The parties have agreed to a cost reimbursement for Covid-19 Worker Protection of \$48,754.50 for handwashing stations, cleaning and sanitation materials, personal protective equipment, and worker screening stations. The agreed to reimbursement includes no contractor markup.

JUSTIFICATION: Modified Items:

**Existing Bid Item # C-9 – Flaggers.** This bid item overran plan quantity and is being modified to account for costs of additional flaggers hours. The original plan quantity allowed for 2,400 flagging hours on schedule C. Original Contract time allowed for 150 working days. Dividing 150 working days into the 2,400 flagging hours allows for 16 flagging hours per day or roughly 2 flaggers per day. In order to maintain the quality of life for various businesses in the project area, at one point up to 9 flaggers per day were used, 3 flaggers to keep Library Place open, 3 flaggers to keep the Aero Apartments open and 3 flaggers to keep the Full Life Center open to traffic and accessible. Although the duration of the need for 9 flaggers per day was much shorter than 150 days, this demonstrates why flagger hours under this bid item overran.

**Existing Bid Item # C-26 – Cement Concrete Pavement.** This bid item overran plan quantity and is being modified to account for additional quantities of Cement Concrete Pavement. The original plan quantity in schedule C was for Cement Concrete Pavement panels west of the radius tangent locations on the western side of California Street and Rucker Avenue intersection. The plan quantity of Cement Concrete Pavement was increased on schedule C of the Contract, because the City of Everett directed the Contractor to open a portion of Rucker Street up to thru traffic to maintain access to Library Place, prior to them being able to place the Cement Concrete Pavement panels in the radius area on the west side of Rucker Ave.

**Existing Bid Item # D-3 – Gravel Borrow Including Haul.** This bid item overran plan quantity and is being modified to account for additional quantities of Gravel Borrow Including Haul that resulted from differing site conditions encountered on the project. At various locations along Rucker Avenue excess roadway excavation was completed to remove unsuitable type materials and those areas were backfilled with gravel borrow.

**Existing Bid Item # D-4 – Roadway Excavation Including Haul.** This bid item overran plan quantity and is being modified to account for additional quantities of Roadway Excavation Including Haul that resulted from the differing site conditions that were encountered on the project.

**Existing Bid Item # D-5 – Crushed Surfacing Base Course (CSBC).** This bid item overran plan quantity and is being modified to account for additional quantities of CSBC that resulted from differing site conditions that were encountered on the project.



**Cost of Change Order No. 4**

Schedule A Costs: \$ 8,456.00  
Schedule C Costs: \$ 124,486.00  
Schedule D Costs: \$ 397,064.00  
Schedule E Costs: \$ 71,906.68  
Schedule F Costs: \$ 48,754.50

**Total Cost of Change Order No. 4: \$650,667.18.**

**Contract Time**

**There are 17 working days added to the Contract as part of this change order # 4.**

**Change Order # 4 Costs**

Bid Item or New Item	Cost	Cost By Schedule				
		Schedule A	Schedule C	Schedule D	Schedule E	Schedule F
A-104-GFCI Receptacles	\$8,456.00	\$8,456.00				
C-9-Flaggers	\$69,000.00		\$69,000.00			
C-26-Cement Concrete Pavement	\$25,420.00		\$25,420.00			
C-208-Install Video Protection System	\$12,150.00		\$12,150.00			
C-209-Lighting Conductors at Rucker & Hewitt	\$1,416.00		\$1,416.00			
C-210-Hydroblaster Roadway Preparation	\$16,500.00		\$16,500.00			
D-3 Gravel Borrow outside of Watermain area	\$96,600.00			\$96,600.00		
D-4-Roadway Excavation outside of Watermain area	\$60,060.00			\$60,060.00		
D-5-CSBC-Outside of Watermain trench area	\$79,800.00			\$79,800.00		
D-10-Equitable Adjustment-Differing Site Condition	\$160,604.00			\$160,604.00		
D-25-Equitable Adjustment in Watermain trench area	\$30,591.00				\$30,591.00	
E-26-Roadway Excavation Including Haul-Watermain trench area on Rucker	\$11,440.00				\$11,440.00	
E-27-CSBC in Watermain Trench area on Rucker	\$15,200.00				\$15,200.00	
E-28-Gravel Borrow in Watermain Trench area	\$18,400.00				\$18,400.00	
E-29-Water Meter Box	\$9,176.00				\$9,176.00	
E-30-Math Error Correction in Change Order # 1	<b>-\$12,900.32</b>				<b>-\$12,900.32</b>	
F-1-Covid-19 Project Costs	\$48,754.50					\$48,754.50
<b>TOTAL COST OF CHANGE ORDER # 4</b>	<b>\$650,667.18</b>	<b>\$8,456.00</b>	<b>\$124,486.00</b>	<b>\$397,064.00</b>	<b>\$71,906.68</b>	<b>\$48,754.50</b>