

COMMISSION FILE NO: 20-075-5 **DATE INTRODUCED:** May 4, 2020

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Operations Committee

RELATING TO: Change Order Request, Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, Restore the Executive Director's Original Delegated Authority, and Approve Change in Total Project Cost

SUMMARY:

The Commission is requested to authorize the Executive Director to execute a change order to Contract W40002C01, Kinnickinnic (KK) River Reach 2 – Pulaski Park, with C.W. Purpero, Inc., (Purpero) in an amount not to exceed \$1,050,000 and to restore the Executive Director's original delegated authority.

Further, the Commission is requested to increase the total project cost (TPC) for Project W40002, KK River Real Estate Deconstruction/Demolition and Pulaski Park, by \$1,750,000 for an amended TPC of \$38,079,624 and to make a corresponding change to the TPC for Project M99001, Allowance for Cost and Schedule Changes.

The Commission awarded Contract W40002C01 to Purpero on May 21, 2018. The scope includes removal of 1,600 feet of concrete-lined channel and reconstruction of a naturalized KK River within Pulaski Park. The scope also includes replacing County-owned assets within Pulaski Park affected by construction (basketball court, playground, pedestrian bridges, pool patio, etc.).

Since construction began on this contract in 2018, there have been multiple construction contract change orders executed under both the Executive Director's authority and Commission authority. This Commission request is for additional known contract change order items beyond the Executive Director's authority for contract changes. These items are summarized below.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☒ **S/W/MBE** ☐ **OTHER** ☐ _____

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Change Order Request, Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, Restore the Executive Director's Original Delegated Authority, and Approve Change in Total Project Cost

Increased Impacted Soil Quantities

The contract scope includes excavating and removing approximately 60,000 cubic yards of soil and sediment from the project site. During design, the District's consultant, Graef-USA, performed environmental sampling to identify soil contamination levels throughout the project area. The Wisconsin Department of Natural Resources places restrictions on where soil can be disposed, based on the levels of contamination. The contract includes different bid items based on the level of contamination and provides direction to the contractor on how they can dispose the soil based on those classifications. In the original contract, Graef-USA estimated soil quantities for the various levels of soil contamination.

Since construction began, the quantity of soil with low levels of contamination (low impacted soils) and moderate levels of contamination (impacted) has increased, while the quantity of clean soil has decreased. In both June and November 2019, under separate resolutions, the Commission authorized additional funding for disposal of increased quantities of low impacted soils, with those quantities estimated based on information available at that time.

Under the terms of the contract, payment for the removal and disposal of low impacted soils is paid by the ton. While the volume (cubic yards) of low impacted material has not significantly changed, the weight (tons) of this same material is approximately 20% more than previously estimated; therefore, staff requests authorization for additional funding for the increased tonnage of the low impacted soils.

Cleveland Avenue Roadway Restoration

The original contract included pavement restoration in W. Cleveland Avenue to replace the pavement removed for the installation of soldier pile retaining walls on either side of the KK River below the Cleveland Avenue Bridge as well as the relocation of utilities to allow for the construction of the retaining walls. In November 2019, the Commission also authorized bump outs into the roadway to improve safety for pedestrians and bicyclists at a park trail crossing of Cleveland Avenue. Since this time, the limits of the pavement affected and the thickness of the concrete within the pavement are more than what was included in the original contract. Staff requests additional funding to fully complete the pavement restoration in W. Cleveland Avenue.

SUMMARY (Cont'd)

Change Order Request, Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, Restore the Executive Director's Original Delegated Authority, and Approve Change in Total Project Cost

Other Quantity Adjustments

As the construction contract is nearing completion, there are several contract items that do not have enough remaining quantities in the contract to complete the work. Staff requests additional funding to increase quantities for the contract items related to park trails, topsoil, erosion control fabric, filter gravel, and concrete retaining walls.

Flow Diversion Costs Associated with Project Delays

Over the course of the contract, there have been schedule delays due to weather and scope changes that have extended the duration of the contract by 208 days. These delays have resulted in additional costs for the contractor's rental of the pumping equipment needed for the flow diversion of the KK River. Staff requests additional funding for the additional rental costs of this flow diversion pump equipment.

The Commission has delegated to the Executive Director the authority to make changes to construction contracts up to \$400,000 or 10 percent of the original contract price, whichever is less. For this contract, a limit of \$400,000 prevails. As of the writing of this Commission document, staff estimated that the Executive Director will have utilized most of, if not all, the remaining authority, leaving no remaining authority to make contract changes. The request to restore the Executive Director's authority is in case any additional construction changes beyond the remaining Executive Director's authority are necessary.

SUMMARY (Cont'd)

Change Order Request, Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, Restore the Executive Director's Original Delegated Authority, and Approve Change in Total Project Cost

CONTRACT COST CHANGES

	AMOUNT	PERCENT INCREASE OVER ORIGINAL CONTRACT	AUTHORIZED BY	SWMBE
Original Contract	\$8,589,499.25		Commission	20.0%
Previous Change Orders	\$2,872,639.62	33.44%	Executive Director and Commission	21.1%
Requested Change Order	\$1,050,000.00	12.22%	Request of Commission	21.8%
Total Change Orders	\$3,922,639.62	45.67%		21.3%
Total	\$12,512,138.87			20.4%

The request to increase the project's TPC is due to the contract schedule delays that resulted in the need for additional District staff labor costs as well as contract change orders increasing costs beyond that budgeted.

RESOLUTION

Change Order Request, Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, Restore the Executive Director's Original Delegated Authority, and Approve Change in Total Project Cost

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute a change order to Contract W40002C01, Kinnickinnic River Reach 2 – Pulaski Park, with C.W. Purpero, Inc., in an amount not to exceed \$1,050,000, and that the Executive Director's original delegated authority is restored.

FURTHER RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the total project cost for Project W40002, Kinnickinnic River Real Estate Deconstruction/Demolition and Pulaski Park, is increased by \$1,750,000, for an amended total project cost of \$38,079,624, and that a corresponding change is made to the total project cost for Project M99001, Allowance for Cost and Schedule Changes.