

BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: June 4, 2013

ITEM SUMMARY, JUSTIFICATION and/or SPECIAL CONSIDERATIONS:

Amendment # 03, contract # 03-04-E-142583-1109, Eagle Rock Excavating, LLC, La Cholla Boulevard: Ruthrauff Road to River Road (4LCITR). Due to unforeseen conditions arising during construction the landscape establishment phase was stopped for an extended period of time which extended the contract time resulting in the termination date passing without notice. A bituminous price adjustment is necessary to correctly reflect the fluctuation of oil prices and a final quantity adjustment for asphalt. Funding source: 97 HURF Bond Funds – DOT 20 (1.7%), HURF 12.6% (44.8%), RTA Sales Tax (51.7%), Impact Fees (CDO) (1.8%) Administering Department: Transportation

This amendment extends the contract term to June 30, 2013, increases funding to provide payment for an increase in the quantity of asphalt and a bituminous price adjustment and renumbers the contract from 03-04-E-142583-1109 to CT-TR-10021798-P.

Effective Date: November 17, 2012

Termination Date: June 30, 2013

Original Contract Amount: \$9,582,372.20

Previous Amendment(s): \$78,853.69

Previous Contract Amount: \$9,661,225.89

This Amount this Amendment: \$4,000.00

Revised Contract Amount: \$9,665,225.89

Cont # : CT-TR-10021798-P-03
Effective: 11-17-2012
Term: 06-30-2013
Cost: \$4,000.00
Rev: 0
Tot: \$4,000.00
NTE: \$9,665,225.89
Timex: yes
Renewal:
Term: 06-30-2013

Project Manager:	Thomas Kilargis
Contract Officer:	Mark Koskiniemi, Ext. 3723
	Procurement Department
Vendor is using a Social Security Number:	No
Synergen BC#/PO#	CT-TR-10021798-P

Please return to Harry Lewis.

CLERK OF THE BOARD USE ONLY: BOS MTG.

ITEM No.

Procure Dept 05/20/13 PM03:00

10: CoB - 5.22.13
Agenda 6-4-13
(1)

PIMA COUNTY DEPARTMENT OF TRANSPORTATION

PROJECT: La Cholla Boulevard: Ruthrauff Road to River Road (4LCITR)

CONTRACTOR: Eagle Rock Excavating, LLC
4750 N. La Cholla Blvd.
Tucson, AZ 85705

CONTRACT NO.: 03-04-E-142583-1109

AMENDMENT NO.: Three (03)

FUNDING: 97 HURF Bond Funds – DOT 20 (1.7%),
HURF 12.6% (44.8%), RTA Sales Tax
(51.7%), Impact Fees (CDO) (1.8%)

CONTRACT

NO. *CT-TR-10021798-P*

AMENDMENT NO. *03*

This number must appear on all
invoices, correspondence and
documents pertaining to this
contract.

CONTRACT TERM: 11/17/09 to 11/16/12	ORIGINAL CONTRACT AMOUNT:	\$	9,582,372.20
TERMINATION PRIOR AMENDMENT: 11/16/12	PRIOR AMENDMENT(S):	\$	78,853.69
TERMINATION THIS AMENDMENT: 06/30/13	AMOUNT THIS AMENDMENT:	\$	4,000.00
	REVISED CONTRACT AMOUNT:	\$	9,665,225.89

CONTRACT AMENDMENT

WHEREAS, COUNTY and CONTRACTOR have entered into the Contract referenced above; and

WHEREAS, due to unforeseen conditions arising during the course of construction the parties need to increase the quantity of asphalt; and

WHEREAS, an increase in funding is necessary to provide payment for the additional asphalt; and

WHEREAS, contrary to the intent of both parties the contract was inadvertently allowed to expire; and

WHEREAS, both parties continued to perform as if the contract were in place; and

WHEREAS, COUNTY and CONTRACTOR have agreed to extend the contract termination date to June 30, 2013 to allow for project completion; and

WHEREAS, the Contract number has been changed to CT-TR-10021798-P; and

WHEREAS, COUNTY and CONTRACTOR have agreed to modify the Contract and Bid Schedule to reflect these changes.

NOW, THEREFORE, it is agreed as follows:

CHANGE the Contract number as follows:

From: 03-04-E-142583-1109

To: CT-TR-10021798-P

CHANGE the first paragraph of ARTICLE I – TERM AND EXTENSION/RENEWAL/CHANGES as follows:

From: "This Contract, as approved by the Pima County Board of Supervisors on November 3, 2009, shall commence on November 17, 2009, and shall terminate on November 16, 2012, unless sooner terminated or further extended pursuant to the provisions of this Contract."

To: "This Contract, as approved by the Pima County Board of Supervisors on November 3, 2009, shall commence on November 17, 2009, and shall terminate on June 30, 2013, unless sooner terminated or further extended pursuant to the provisions of this Contract."

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CHANGE the third paragraph of ARTICLE III – COMPENSATION AND PAYMENT as follows:

From: "Total payment for the Contract shall not exceed Nine Million Six Hundred Sixty-one Thousand Two Hundred Twenty-five Dollars and Eighty-nine Cents."

To: "Total payment for the Contract shall not exceed Nine Million Six Hundred Sixty-five Thousand Two Hundred Twenty-five Dollars and Eighty-nine Cents."

CHANGE: Exhibit A - Bid Schedule as follows:

1. **Increase Item #4060500, Bituminous Price Adjustment**, by the quantity of **4,000 FA** at the contract Unit Price of **\$1.00/FA** for an AMOUNT OF **\$4,000.00**.

This Amendment shall be effective on November 17, 2012.

All other provisions of the Contract, not specifically changed by this amendment, shall remain in effect and be binding upon the parties.

IN WITNESS WHEREOF, the parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

CONTRACTOR:

Chair, Board of Supervisors

Matthew T. Hazen
Signature

Date

Matthew T. Hazen, P.M.
Name and Title (Please Print)

ATTEST:

5/20/13
Date

Clerk of the Board

APPROVED AS TO FORM:

Hal Gilbreath
Deputy County Attorney

HAL GILBREATH

Name (Please print)

5/16/13
Date

"CHANGE ORDER /AMENDMENT REQUEST"
From
TRANSPORTATION / FIELD ENGINEERING
REQUEST OF 05/06/2013"EXHIBIT A"

1. Contractor: Eagle Rock Excavating, LLC
4750 N. La Cholla Blvd.
Tucson, AZ 85705
2. Contract No.: 03-04-E-142583-1109
Project No. W.O. 4LCITR~La Cholla Blvd.: Ruthrauff Rd. to River Rd.
3. Change Order/Amendment No.: Three (3)
4. Change in contract working day or calendar day (+/-): (No Change)
5. Termination Date: Nov. 16, 2012
6. Amount of this Change Order/Amendment (+/-): \$4,000.00
7. See detailed description of work and Justification below.

DESCRIPTION of WORK and JUSTIFICATION:

The cost for the work described below includes all mark-ups, overhead, general conditions, tax, and bond.

REQUEST:

1. Extend contract expiration date to May 31, 2013.
2. Increase Item #4060500, Bituminous Price Adjustment, by the quantity of **4,000.00 FA** at the contract Unit Price of **\$1.00/FA** for an AMOUNT of \$4,000.00.

REASON:


1. The Contract Expired on November 16, 2012. The extension of the contract is necessary to process final payment and final balance for the construction project.
2. The quantity overrun was unforeseen due to the fluctuating prices of oil and final quantity of asphalt.

COST ANALYSIS:

<u>Item No.</u>	<u>Item Description</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit Cost (Prime)</u>	<u>Amount</u>
4060500	Bituminous Price Adjustment	FA	4,000	\$1.00	\$4,000.00
				TOTAL:	\$4,000.00

Desired Effective Date: May 10, 2013

Requested by:


Thomas J. Kilgus, P.E., Field Engineering Manager

5-8-13
Date

ANALYSIS:

No cost analysis is needed for this Change Order as the goal of this CO is to increase the budget of an existing contract item.

ATTACHMENTS:

[1] None.