



# Fulton County

## Legislation Text

File #: 22-0346, Version: 1

### Department

Public Works

### Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a change order less than 10% - Public Works, 17RFP031617K-DJ Progressive Design/Build Services for Big Creek Water Reclamation Facility (WRF) Expansion Project Phase 2B in the amount of \$201,545.00 with Archer Western-Brown and Caldwell Joint Venture (Atlanta, GA) to cover the impact of tariffs for material and equipment and to extend the contract term by eleven (11) additional days due to inclement weather so that Final Completion is now 1411 consecutive days from the issuance of the Notice to Proceed or July 5, 2024. Effective upon BOC approval.

**(APPROVED)**

### ITEM REMOVED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION AS REQUESTED BY COMMISSIONER ABDUR-RAHMAN

### Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

In accordance with Purchasing Code Section 102-420, contract modifications within the scope of the contract and necessary for contract completion of the contract, in the specifications, services, time of performance or terms and conditions of the contract shall be forwarded to the Board of Commissioners for approval.

### Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Health and Human Services

### Commission Districts Affected

- All Districts
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

### Is this a purchasing item?

Yes

**Summary & Background:** This request for a change order is to address the impact to cost due to unforeseen tariffs that have been placed on construction materials. The JV team is seeking the ability to utilize the Owner's Contingency to offset the 13% increase to value added taxes (VAT) on various

materials to be used within this project. The total amount requested is \$201,545.00 and will be used to offset the tariffs imposed on ductile iron pipe and other accessories. Based on the contract, the Owner's Contingency can be used to compensate any additional costs due to inclement weather.

Additionally, this request is to extend the existing contract an additional eleven (11) days to complete the project due to inclement weather during the calendar year of 2021. Incurred overhead charges over the duration of the eleven (11) inclement weather days are detailed in attachments to this item.

**Community Impact:** No community issues/concerns have been noted.

**Department Recommendation:** The Department of Public Works recommends approval of this item.

**Project Implications:** The required tasks and associated project schedule to achieve substantial completion of phase 2B of the Big Creek Expansion Project are clearly defined. The 13% increase in VAT has affected negotiated price points for material and equipment related to this upgrade/expansion. This proposed action allows those concerns to be addressed thru utilization of the Owner's Contingency/allowance.

**Community Issues/Concerns:** No community issues/concerns have been noted

**Department Issues/Concerns:** No Department Issues/Concerns noted.

### Contract Modification

Current Contract History	BOC Item	Date	Dollar Amount
Original Award Amount	20-0476	7/8/2020	\$274,768,712.00
1st Renewal			\$.00
2 <sup>nd</sup> Renewal			\$.00
<b>Extension #1</b>	<b>22-</b>	<b>5/18/2022</b>	\$201,545.00
Total Revised Amount			\$274,970,257.00

### Contract & Compliance Information *(Provide Contractor and Subcontractor details.)*

**Contract Value:** \$201,545.00

**Prime Vendor:** Archer Western/Brown and Caldwell (JV Partners 90/10)

**Prime Status:** Non-Minority

**Location:** Atlanta, GA

**County:** Fulton County

**Prime Value:** \$201,545.00 or 100.00%

**Total Contract Value:** \$201,545.00 or 100.00%

**Total M/FBE Value:** -0-

### Exhibits Attached

Exhibit 1: Extension No.1 to Form of Contract

Exhibit 2: Contractor's Performance Report

Exhibit 3: VAT Material

**Contact Information** (Type Name, Title, Agency and Phone)

David Clark, Director of Public Works, 404-612-2804

**Contract Attached**

Yes

**Previous Contracts**

Choose an item.

**Total Contract Value**

Original Approved Amount: \$274,768,712.00  
Previous Adjustments: \$0.00  
This Request: \$201,545.00  
TOTAL: 274,970,257.00

**Grant Information Summary**

Amount Requested:  Cash  
Match Required:  In-Kind  
Start Date:  Approval to Award  
End Date:  Apply & Accept  
Match Account \$:

**Fiscal Impact / Funding Source**

**Funding Line 1:**

235-540-5400-S157: W&S Construction-2020, Public Works, Big Creek Plant Expansion

Key Contract Terms	
Start Date: Upon BOC Approval	End Date: 7/5/2024
Cost Adjustment:	Renewal/Extension Terms:

**Overall Contractor Performance Rating:**  
**Would you select/recommend this vendor again?**  
Choose an item.

**Report Period Start:** 1/1/2022  
**Report Period End:** 3/31/2022