



# Fulton County

## Legislation Details (With Text)

**File #:** 22-0661      **Version:** 1      **Name:**

**Type:** Consent - Health and Human Services      **Status:** Agenda Ready

**File created:** 6/8/2022      **In control:** Board of Commissioners

**On agenda:** 9/21/2022      **Final action:**

**Title:** 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 \$259,128.00 with Archer Western-Brown and Caldwell Joint Venture (Atlanta, GA) to cover the impact of tariffs for material and equipment imports, security camera upgrades to secure sensitive access areas, and extends the contract time, with regards to substantial completion and final completion, by 11 days to June 8 2024 and July 16th, 2024 respectively. The time extensions are the result of 11 approved inclement weather days experienced during the 2021 construction year. Effective upon BOC approval. (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit :1 CHANGE ORDER AGREEMENT 2B, 2. Exhibit 2: Contractor's Performance Report- Archer Western JV, 3. Exhibit 3: Ductile Iron Pipe & Accessories Breakdown, 4. Exhibit 4: Final Camera Coverage Plan, 5. 2022-0661

Date	Ver.	Action By	Action	Result
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### 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 \$259,128.00 with Archer Western-Brown and Caldwell Joint Venture (Atlanta, GA) to cover the impact of tariffs for material and equipment imports, security camera upgrades to secure sensitive access areas, and extends the contract time, with regards to substantial completion and final completion, by 11 days to June 8 2024 and July 16th, 2024 respectively. The time extensions are the result of 11 approved inclement weather days experienced during the 2021 construction year. Effective upon BOC approval. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

**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

**Scope of Work:** This request for a change order is to address the impact to cost due to unforeseen tariffs that have been placed on construction materials since the award of the Guaranteed Maximum Price (GMP) in April 2020. 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. As part of this change order is the authorization to purchase surveillance equipment to secure sensitive access areas throughout the plant. The improved site coverage plan with upgrades to camera equipment have been reviewed and recommended by the plant operators and results in an additional \$57,582.80. Based on the contract, the Owner's Contingency can be used to compensate any additional costs due to both the tariffs and camera upgrades. The project experienced eleven (11) days of inclement weather during the 2021 project year. Inclement weather is defined as a weather event impacting the critical path of the project as documented in monthly schedule updates and a day: (1) having precipitation equal to or greater than one quarter of one inch (0.25"), or (2) with daily high temperature of thirty degrees Fahrenheit (30°F) or less, or (3) a day with snowfall of one inch (1") or more. The 11 calendar days will be added to the previously approved substantial completion date of March 28th, 2024 and results in the new substantial completion date of June 8<sup>th</sup>, 2024. The 11 calendar days added to the final completion date of July 5<sup>th</sup>, 2024 results in a new final completion date of July 16<sup>th</sup>, 2024. Incurred overhead charges over the duration of the eleven (11) inclement weather days are detailed within the attachments of this item. Costs associated with the inclement weather days (\$210,239.86) will be settled thru Owner's contingency when substantial completion is achieved.

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

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

**Project Implications:** Failure to approve this item will result in the Joint Venture's inability to pay expenses associated with the increase in import taxes. The approved contract places the responsibilities of value added taxes on the owner and directs those cost to be addressed thru the Owner's Contingency.

**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
<b>Change Order #1</b>			\$259,128.00
Total Revised Amount			\$275,027,840.00

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

**Contract Value:** \$259,128.00  
**Prime Vendor:** Archer Western/Brown and Caldwell, Joint Venture  
(JV Partners 90/10)

**Prime Status:** Non-Minority  
**Location:** Atlanta, GA  
**County:** Fulton County  
**Prime Value:** \$25,912.80 or 10.00%

**Subcontractor:** Excel Electrical Technologies  
**Subcontractor Status:** Non-Minority  
**Location:** Kennesaw, GA  
**County:** Cobb County  
**Contract Value:** \$57,008.16 or 22.00%

**Subcontractor:** C & B Piping  
**Subcontractor Status:** Non-Minority  
**Location:** Leeds, AL  
**County:** Jefferson County  
**Contract Value:** \$176,207.04 or 68.00%

**Total Contract Value:** \$259,128.00 or 100.00%  
**Total Certified Value:** -0-

## Exhibits Attached

- Exhibit 1: Change Order Agreement
- Exhibit 2: Contractor's Performance Report
- Exhibit 3: Ductile Iron Pipe & Accessories Breakdown
- Exhibit 4: Final Camera Coverage Plan

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

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

## Contract Attached

No

## Previous Contracts

No

**Total Contract Value**

Original Approved Amount: \$274,768,712.00  
Previous Adjustments: \$0.00  
This Request: \$259,128.00  
TOTAL: \$275,027,840.00

**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: 7/16/2024
Cost Adjustment:	Renewal/Extension Terms: No renewal options

**Overall Contractor Performance Rating: 4.0**

**Would you select/recommend this vendor again?**

Yes

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