

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER**

DATE:	January 3, 2022
Contract Modification:	2
CONTRACT #:	274-2019

PROJECT: Jacobson Park Causeway Extension

TO: Bell Engineering 2480 Fortune Drive, Suite 350 Lexington, KY 40509 (859) 278-5412

Original Contract Amount	\$44,150.00
Cumulative Amount of Previous Contract Modifications	\$0.00
Percent Change of Previous Contract Modifications	0%
Existing Contract Amount	\$44,150.00
Net (increase/decrease) in Contract Amount - (From following pages)	\$4,500.00
Percent Change of This Contract Modification	10%
Original Contract Amount	\$44,150.00
Cumulative Amount of all Contract Modifications	\$4,500.00
Percent Change of all Contract Modifications	10%
New Contract Amount Including this Change Order	\$48,650.00
Recommended by <u><i>Jonathan A. Reher</i></u>	(Proj. Engr.) Date <u>1/4/2022</u>
Accepted by _____	(Consultant) Date _____
Accepted by _____	(Contractor) Date _____
Approved by <u><i>Robert A. Dwyer</i></u>	(Director) Date <u>1/4/22</u>
Approved by <u><i>[Signature]</i></u>	(Commissioner) Date <u>1/5/22</u>
Approved by <u><i>[Signature]</i></u>	(Mayor or CAO) Date <u>1/6/22</u>



**TO: LINDA GORTON, MAYOR  
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: FEBRUARY 13, 2020**

**SUBJECT: Increase Contract Amount for Bell Engineering Services for Jacobson Park  
Roadway Widening**

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**Request:** Council authorization to increase contract amount for Bell Engineering Services due to contract modifications for additional Geotechnical testing for Jacobson Park Roadway Widening cost not to exceed \$4,500.

**Purpose of the Request:** On June 21, 2018 (Resolution 400-2018), Council authorized the acceptance of \$1,326,500 in federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2018. Within that budget were funds approved for engineering design work to widen the road over the causeway at Jacobson Park.

The Division of Emergency Management issued RFP 42-2019 accept proposal from Bell Engineering for \$44,150. In contract Section A Paragraph 1 Scope of Work and Consultant Services Agreement Section 2 – Additional Services. The additional \$4,500 funds will be used for Geotechnical testing for precast arch solution. The initial proposal for a precast box culvert did not meet the structural requirements of the roadway. Funds are budgeted.

**The cost in this budget year and future budget years:** Total cost for this FY is \$4,500. No costs are anticipated for future budget years.

**Are the funds budgeted?** Yes.

Fund	Dept ID	Section	Account	Project	Activity	Bud Ref	Amount
3200	505201	0001	91715	CSEPP_2018	18-KY-FAY-478	2018	\$4,500

**File Number:** 0228-20

**Director/Commissioner:** Dugger/Armstrong

# LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER

DATE:	February 4, 2020
Contract Modification:	
CONTRACT #:	274-2019

PROJECT: Engineering Services for Jacobson Park Roadway Widening. RFP#42-2019 Resolution Number 710-2019 PO Number LF00171626

TO: Bell Engineering 2480 Fortune Drive Suite 350 Lexington, KY 40509 (859) 278-5412

Original Contract Amount	\$41,400.00
Cumulative Amount of Previous Contract Modifications	\$0.00
Percent Change of Previous Contract Modifications	0%
Existing Contract Amount	\$41,400.00
Net (increase/decrease) in Contract Amount - (From following pages)	\$4,500.00
Percent Change of This Contract Modification	11%
Original Contract Amount	\$41,400.00
Cumulative Amount of all Contract Modifications	\$4,500.00
Percent Change of all Contract Modifications	11%
New Contract Amount Including this Change Order	\$45,900.00
Recommended by <u>Jonathan A. Weber</u>	(Proj. Engr.) Date <u>2/4/2020</u>
Accepted by _____	(Consultant) Date _____
Accepted by _____	(Contractor) Date _____
Approved by <u>Patricia H. Breyer</u>	(Director) Date <u>2/10/2020</u>
Approved by <u>[Signature]</u>	(Commissioner) Date <u>2/10/20</u>
Approved by <u>[Signature]</u>	(Mayor or CAO) Date <u>3/23/20</u>

RESOLUTION NO. 128 - 2020

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO INCREASE THE CONTRACT AMOUNT FOR BELL ENGINEERING SERVICES DUE TO CONTRACT MODIFICATIONS FOR ADDITIONAL GEOTECHNICAL TESTING FOR JACOBSON PARK ROADWAY WIDENING AT A COST NOT TO EXCEED \$4,500.00.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is increase the contract amount for Bell Engineering Services by \$4,500.00 due to contract modifications for additional Geotechnical testing for Jacobson Park Roadway Widening, pursuant to the Contract terms issued in RFP 42-2019.

Section 2 – That an amount, not to exceed the sum of \$4,500.00, be and hereby is approved for payment to Bell Engineering Services, from account #3200 –505201 – 0001 – 91715, pursuant to the terms of the Contract.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 17, 2020

*Linda Gorton*

MAYOR

ATTEST:

*Alla*

CLERK OF URBAN COUNTY COUNCIL

026-20:MJG:X:\CASES\COMDEV\20-LE0002\LEG\00680954.DOCX

## Causeway Change Order Narrative

It is common practice not to specify the completion of geotechnical testing as part of a Request for Proposal (RFP) for design work for infrastructure improvements of the type described in LFUCG RFP 42-2019. Engineering Services for Jacobson Park roadway widening. It has commonly been found by the LFUCG Parks department that inclusion of this specification in an RFP will often cause the selected vendor to perform the work even if in the opinion of the design team that the work is not required. By not specifying, this work in an RFP LFUCG has often saved money, as the work was not required. When the work is found to be desirable, the cost of that work is outside of the original design contract and is handled as specified in the RFP. In this case, this additional cost, once the need for Geotechnical work was determined to be desirable is handled as specified in the RFP. In this case RFP #42-219 Section A. Paragraph 1 Scope of Work and Consultant Services Agreement Section 2 – Additional Services by Consultant 2.1.

This cost, beyond that specified in Bell Engineering's response to LFUCG RFP 42-2019, is driven by the need for additional testing. This testing was deemed necessary due to the following factors:

Working with the Parks Department and attempting to meet the desired appearance of the finished structure the use of a precast box culvert, which was the expected culvert solution, was determined to not be the best option for this project. The use of a precast arch, which will result in the desired final appearance while maintaining required water flow characteristics.

Due to limitations on adding fill to the existing lake and the prohibitive cost of moving fill material the use of a Precast Box culvert did not meet the structural requirements of the roadway. The precast arch is recommended, as this structure will meet the design requirements of the project considering the limited overburden that can be placed above the top of the arch.

The precast arch solution, while providing a structurally superior solution creates high point loads on the smaller resulting bearing surface. This higher loading requires a foundation, material capable of supporting the higher loads. This requirement necessitates further geotechnical testing that was not initially indicated based on the draft design proposal submitted along with the original RFP.

## Celia Moore

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**From:** Brittany Smith  
**Sent:** Monday, January 3, 2022 9:26 AM  
**To:** Celia Moore  
**Subject:** RE: Jacobson park - Bell Engineering Contract on CSEPP\_2018

The numbers are confusing but it looks like the amount we are seeking to pay Bell Engineering was already approved by council, but the documentation that was signed did not accurately reflect that amount Council approved (and was actually less than was authorized) – correct?

If that is correct, I don't think it's necessary for that to go back to council, council already approved the contract for the correct amount. Further, the contract mod was not incorporated into the resolution, so they can just execute new documentation to fix the error and then bluesheet the request for a contract extension.

**From:** Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>  
**Sent:** Wednesday, December 29, 2021 1:43 PM  
**To:** Brittany Smith <[bsmith@lexingtonky.gov](mailto:bsmith@lexingtonky.gov)>  
**Subject:** FW: Jacobson park - Bell Engineering Contract on CSEPP\_2018

Brittany,

Grants will be blue sheeting the FY17/FY18 CSEPP contract agreement to extend date of performance to 9/30/2022 to pay outstanding invoices for Bell Engineering. I sent you the agreement already to review. Question is the actual contact mod to increase Bell Engineering from \$44,150 (Resolution 710-2019) by \$4,500 (Resolution 125-2020) for a total of \$48,650. The amount in the contact mod is incorrect that the mayor signed. Does this need to be included in the blue sheet with the extension? (Attached) I'm not sure on how to word this, but the remaining expenses need to be paid to Bell Engineering. Director Dugger has explained error below in yellow.

**Celia Moore**  
*Grants Manager*  
Grants & Special Programs

859.258.3070 office  
[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)



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**From:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>  
**Sent:** Thursday, December 23, 2021 8:57 AM  
**To:** Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>; Lori Flaherty <[lflaherty@lexingtonky.gov](mailto:lflaherty@lexingtonky.gov)>; Theresa Reynolds <[teresar2@lexingtonky.gov](mailto:teresar2@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

OK great. Please blue sheet that extension then.

**From:** Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>  
**Sent:** Wednesday, December 22, 2021 4:11 PM  
**To:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>; Lori Flaherty <[lflaherty@lexingtonky.gov](mailto:lflaherty@lexingtonky.gov)>; Theresa Reynolds <[teresar2@lexingtonky.gov](mailto:teresar2@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

Hi All,

CSEPP FY17/FY18 was provided an extension back on September 30, 2021 when I extended FY19 and FY20 to September 30, 2022. Yolanda told me at that time an extension was not needed for FY17/FY18 at the time, so only CSEPP FY19 and FY20 were blue sheeted. (Attached). We do have the FY17/FY18 CSEPP agreement with date to extend until 9/30/2022 if there are no changes to the agreement. I just need the blue sheet information from DEM.

**Celia Moore**  
*Grants Manager*  
Grants & Special Programs

859.258.3070 office  
[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)



**LEXINGTON**

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**From:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>  
**Sent:** Wednesday, December 22, 2021 4:00 PM  
**To:** Lori Flaherty <[lflaherty@lexingtonky.gov](mailto:lflaherty@lexingtonky.gov)>; Theresa Reynolds <[teresar2@lexingtonky.gov](mailto:teresar2@lexingtonky.gov)>; Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

Thanks. I've told Pat we'll need something in writing. Celia, in the meantime, go ahead and prepare to blue sheet the rest.

**From:** Lori Flaherty <[lflaherty@lexingtonky.gov](mailto:lflaherty@lexingtonky.gov)>  
**Sent:** Wednesday, December 22, 2021 3:55 PM  
**To:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>; Theresa Reynolds <[teresar2@lexingtonky.gov](mailto:teresar2@lexingtonky.gov)>; Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

Looking in the Award File.

Last resolution I am locating is #439-2020 – extending the performance period through September 30, 2021.

Thanks,



**Lori Flaherty**  
Financial Coordinator  
Grants & Special Programs

859.258.3069 office  
[lexingtonky.gov](http://lexingtonky.gov)



**LEXINGTON**

**From:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>  
**Sent:** Wednesday, December 22, 2021 3:32 PM  
**To:** Theresa Reynolds <[teresar2@lexingtonky.gov](mailto:teresar2@lexingtonky.gov)>; Lori Flaherty <[lflaherty@lexingtonky.gov](mailto:lflaherty@lexingtonky.gov)>; Celia Moore <[cmoore@lexingtonky.gov](mailto:cmoore@lexingtonky.gov)>  
**Subject:** FW: Jacobson park

This is good news to an extent but do we have anything in writing regarding this extension?

Charlie

**From:** Pat Dugger <[patd@lexingtonky.gov](mailto:patd@lexingtonky.gov)>  
**Sent:** Wednesday, December 22, 2021 1:56 PM  
**To:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>  
**Cc:** Cecily Chan <[cecilyc@lexingtonky.gov](mailto:cecilyc@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

Charlie, Just had a conversation with the state, Wayne Burd stated that the FY 18 grants has been extended ro sept 2022. Let go ahead and proceed with the blue sheet to update the resolution. Pat

**From:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>  
**Sent:** Tuesday, December 21, 2021 2:04 PM  
**To:** Pat Dugger <[patd@lexingtonky.gov](mailto:patd@lexingtonky.gov)>  
**Cc:** Cecily Chan <[cecilyc@lexingtonky.gov](mailto:cecilyc@lexingtonky.gov)>  
**Subject:** RE: Jacobson park

Pat,

You are correct that \$3,412.68 is all that's available and we have outstanding invoices of \$4,660. The only way to make the change and pay the full amount from CSEPP, because the original total is on a Resolution, is to go back to Council for an updated Resolution allowing the higher amount. However, this is on CSEPP FY18 which is ending and we need to have everything, including canceled checks, to Frankfort by the end of this month. Therefore, I don't see how it can be corrected unless you are aware of an ability to get some more time on the grant or would like to request that from them.

Charlie

**From:** Pat Dugger <[patd@lexingtonky.gov](mailto:patd@lexingtonky.gov)>  
**Sent:** Friday, December 17, 2021 12:48 PM  
**To:** Charlie Lanter <[clanter@lexingtonky.gov](mailto:clanter@lexingtonky.gov)>



Cc: Cecily Chan <[cecilyc@lexingtonky.gov](mailto:cecilyc@lexingtonky.gov)>

Subject: Jacobson park

Importance: High

Charlie,

Doreen, Stephen and I have reviewed, all the invoices, the contract and change orders. This one has me baffled. This is what I have been able to piece together.

Contract with Bell	44,150
Council Resolution	44,150
PO	41,400 should have been 44,150
Change order	4,500. Original number on CO listed 41,400 incorrect
Total contract	48,650 Error amount 46,900
Total invoices for bell	48,650 includes the 3 unpaid
Amount remaining on PO when it was closed	1,900 should have 2750 with error fixed
Total of 3 unpaid invoices	4,660
Budget overview	3,412.68

No vendor has been overpaid from, the original contract, so I don't know why the remaining balance is not 4660. Could, something been charged to this line that should not have been?

I know that I do not have in my budget any dollars to cover the difference.

The bottom line is that we need to get Bell paid, so we need to do whatever is necessary to do that.