

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER	DATE:	February 10, 2020
	Contract Modificaiton:	5
	CONTRACT #:	035-2017

PROJECT: Southland Area Stormwater Project

TO: Banks Engineering, Inc.

Original Contract Amount	\$305,000.00
Cumulative Amount of Previous Contract Modifications	\$337,415.00
Percent Change of Previous Contract Modifications	111%
Existing Contract Amount	\$642,415.00
Net (increase/decrease) in Contract Amount - (From following pages)	\$12,400.00
Percent Change of This Contract Modification	4%
Original Contract Amount	\$305,000.00
Cumulative Amount of all Contract Modifications	\$349,815.00
Percent Change of all Contract Modifications	115%
New Contract Amount Including this Change Order	\$654,815.00

Recommended by *Ann S. J...* (Proj. Engr.) Date 2/11/2020

Accepted by *John B. Stein...* (Consultant) Date 2/11/20

Accepted by _____ (Contractor) Date _____

Approved by *Cliff P...* (Director) Date 2/15/20

Approved by *Nancy Albright* (Commissioner) Date 2/18/20

Approved by *Ronda Gorton* (Mayor or CAO) Date 3/20/20

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT MODIFICATION**

DATE: February 10, 2020
 Contract Mod #: 5
 CONTRACT #: 035-2017

Project: Southland Area Stormwater Project

TO: Banks Engineering, Inc.

You are hereby requested to comply with the following changes from the contract plans and specifications;

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
1	ADD	Easement Preparation - 7 Properties at \$3000	LS	1	\$ 21,000.00	\$ -	\$ 21,000.00
2	DEL	Deduct Park Redesign; To be completed by LFUCG	LS	1	\$ 8,600.00	\$ 8,600.00	\$ -
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Total decrease						\$ 8,600.00	
Total increase							\$ 21,000.00
Net (increase) in contract price							\$ 12,400.00

JUSTIFICATION FOR CHANGE

PROJECT: Southland Area Stormwater Project

CONTRACT NO. 035-2017

CHANGE ORDER: 5

1. Necessity for change: **Change Order is for detail design, permitting, and bidding/construction administration assistance of stormwater management facilities in the Southland Park, Yuma Ct., and Tucson Dr. area.**
2. Is proposed change an alternate bid? ___Yes ___X No
3. Will proposed change alter the physical size of the project? ___Yes ___X No
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ___Yes ___X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ___Yes ___X No
If "Yes", will the policies be extended? ___Yes ___No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

Rinda Gordon
Mayor

3/29/2020
Date



February 10, 2020

Mr. Gregory S. Lubeck, PE, CFM
Stormwater Section Manager
Lexington Fayette Urban County Government
Division of Water Quality
125 Lisle Industrial Road
Lexington, KY 40511

RE: Proposal for Additional Services
Southland Park – Yuma- Tucson Stormwater Project

Mr. Lubeck:

As recently discussed with you, Banks Engineering has provided additional services for the project listed above, which is Task Order 5 under our Southland Area Drainage Study contract. The change is related to easement development and a scope reduction since LFUCG Parks & Recreation will perform the redesign of Southland Park in-house.

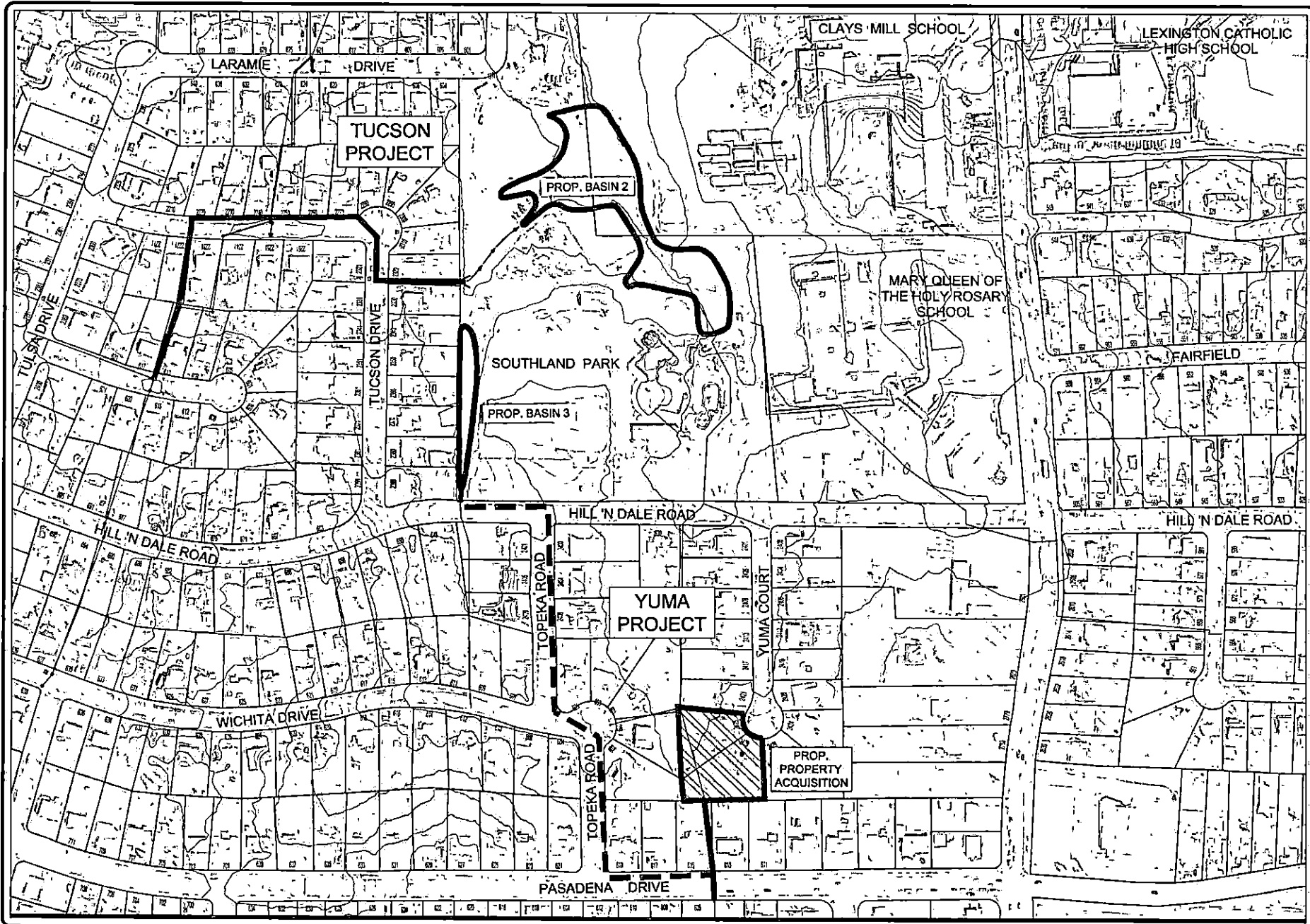
At this time we request additional compensation for the work elements listed below. Unit prices are as listed in our original proposal fee summaries. We will provide easement development services for eight (8) separate parcels; however, we are requesting compensation for only seven parcels since there has been a minor reduction in easement acquisition services since our original unit price was submitted. We have also included a contract deduct item for one work element that is not to be performed.

<u>Southland Park – Yuma - Tucson</u>	<u>Total Fees</u>
Easement Preparation – 7 properties at \$3,000	\$21,000
Deduct for park redesign; to be completed by LFUCG	<u>-\$8,600</u>
Net modification request	\$12,400
Original contract amount	\$305,000
Previous contract modifications	\$337,415
Current contract modification	<u>\$12,400</u>
Total revised contract amount	\$654,815

Thank you for your consideration of this request. If you have any questions or need additional information, please contact me at (859) 881-0020 or jsteinmetz@banksengineering.net.

Very truly yours,
Banks Engineering, Inc.

John B. Steinmetz, P.E.
Senior Engineer



JOB #	1712
DATE	APR 27, 14
DRAWN BY	EVJ
CHECKED BY	AS
DESIGNED BY	
BY	
DATE	
BY	
DATE	
BY	
DATE	
BY	
DATE	

EXHIBIT

SOUTHLAND STORMWATER


BANKS
 Engineering, Inc.
an Equal Opportunity & Affirmative Action Employer
 1311 Lawrence Station Road, Lawrence, KS 66044
 Phone: 785.849.0000

0200-20

LaDonna Roberts

From: Michael Cravens
Sent: Wednesday, February 19, 2020 5:23 PM
To: Charles Martin; LaDonna Roberts
Cc: Commissioner EQ PW Exec Asst; Nancy Albright
Subject: RE: Law Review: Change Order No. 5 Southland Area Stormwater Project

I have reviewed this request for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 5 to the Agreement with Banks Engineering, Inc., for the Southland Area Stormwater Improvement Project, increasing the contract price by the sum of \$12,400.00, from \$642,415.00 to \$654,815.00.

No legal issues. OK to bluesheet. However, as an aside, it occurs to me that the cumulative amount of all contract modifications is now more than the original contract amount (so it appears that the contract has more than doubled). In the past, Council members have picked up on those types of increases and asked about them. I know that there are good reasons for the way that the contract work has evolved here, so you may want to have those in your back pocket if there is a question. Just something that occurred to me while reviewing (not a legal issue, just an unsolicited and perhaps unwelcome observation ☺).

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.

From: Commissioner EQ PW Exec Asst <commeqpw@lexingtonky.gov>
Sent: Tuesday, February 18, 2020 9:39 AM
To: Susan Speckert <sspeckert@lexingtonky.gov>; Nancy Albright <nalbright@lexingtonky.gov>; Michael Cravens <mcravens@lexingtonky.gov>
Cc: Charles Martin <chmartin@lexingtonky.gov>; LaDonna Roberts <lroberts@lexingtonky.gov>
Subject: FW: Law Review: Change Order No. 5 Southland Area Stormwater Project

Susan, another for review prior to input in Legistar.

Sandy
3401

From: LaDonna Roberts
Sent: Tuesday, February 18, 2020 9:32 AM
To: Commisioner EQ PW Exec Asst <commegpwea@lexingtonky.gov>
Cc: Charles Martin <chmartin@lexingtonky.gov>; Nancy Albright <nalbright@lexingtonky.gov>
Subject: Law Review: Change Order No. 5 Southland Area Stormwater Project

Sandy,

Please send the attached documents to law for review prior to Legistar entry. I am sending the original over today interoffice for Nancy's signature.

Thank you,

LaDonna Roberts
Administrative Specialist
Division of Water Quality

859.258.3362 office
lexingtonky.gov





**Lexington-Fayette Urban County
Government
File Summary**

200 E. Main St
Lexington, KY 40507

File Number	Title	Current Status
0280-20	Agenda Item	Agenda Ready

Authorization to execute a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 5 to the Agreement with Banks Engineering, Inc., for the Southland Area Stormwater Improvement Project, increasing the contract price by the sum of \$12,400.00, from \$642,415.00 to \$654,815.00. (L0280-20) (Martin/Albright)

Introduced: 2/21/2020

Controlling Body: Water Quality

Meeting Date: 3/3/2020

Department: Water Quality

Drafter: LaDonna Roberts

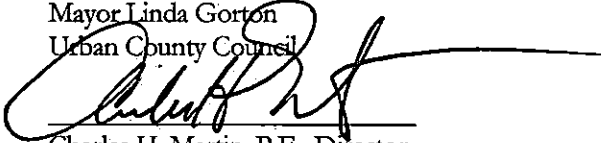
MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: February 11, 2020

SUBJECT: Change Order #5 for Banks Engineering to provide Right of Way acquisition assistance for the Southland Park, Yuma Ct., and Tucson Dr. areas in the Southland Area Stormwater Project.

Request

The purpose of this memorandum is to request approval of Change Order #5 to the Southland Area Stormwater Project agreement with Banks Engineering. This change order is to provide Right of Way acquisition assistance for the Southland Park, Yuma Ct., and Tucson Dr. areas, in accordance with Banks Engineering's Proposal dated February 10, 2020.

Purpose of Request

Banks Engineering is currently performing design and construction administration assistance services for the WGPL portion of the Southland Area Stormwater Project agreement. The next phase of the Southland Area Stormwater Project requiring Right of Way acquisition in the area around Southland Park, Yuma Ct., and Tucson Dr.

Banks Engineering has conducted all of the initial outreach, analysis and mitigation concept development for the Southland Area Stormwater Project improvements, and is very familiar with the issues in this area.

Project Cost in FY20 and in Future Budget Years

Banks Engineering has provided a fee quote of \$12,400 for the proposed work. The total amount of this contract is \$654,815.

Are Funds Budgeted

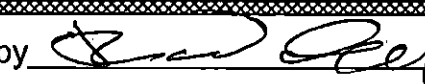
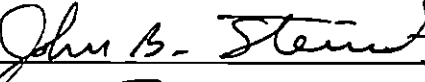

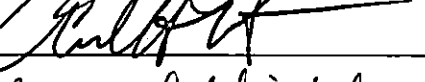

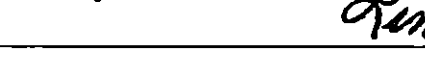
Funds are budgeted in: 4052-303204-3334-92211 WR_SOUTHLAND CONSENT_DE Bud Reference 2019

Director/Commissioner

Martin/Albright

Cc: Gregory S. Lubeck, P.E., Stormwater Section Manager



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER	DATE:	February 4, 2020
	Contract Modificaiton:	No.2 (Final)
	CONTRACT #:	149-2019
PROJECT: WGPL Green Infrastructure Bid No. 60-2019 Resolution No. 382-2019		
TO: Advance Mulching Technologies d/b/a EcoGro PO Box 22273 Lexington, KY 40522		
Original Contract Amount		
		\$159,962.00
Cumulative Amount of Previous Contract Modifications		
Percent Change of Previous Contract Modifications		
		0%
Existing Contract Amount		
		\$159,962.00
Net (increase/decrease) in Contract Amount - (From following pages)		
		\$16,214.63
Percent Change of This Contract Modification		
		10%
Original Contract Amount		
		\$159,962.00
Cumulative Amount of all Contract Modifications		
		\$16,214.63
Percent Change of all Contract Modifications		
		10%
New Contract Amount Including this Change Order		
		\$176,176.63
Recommended by		(Proj. Engr.)
		Date <u>2/4/2020</u>
Accepted by		(Consultant)
		Date <u>2/4/20</u>
Accepted by		(Contractor)
		Date <u>2.4.20</u>
Approved by		(Director)
		Date <u>2-4-20</u>
Approved by		(Commissioner)
		Date <u>2/6/20</u>
Approved by		(Mayor or CAO)
		Date <u>3/20/2020</u>

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT MODIFICATION	DATE:	February 4, 2020
	Contract Mod #:	No.2 (Final)
	CONTRACT #:	149-2019

Project: WGPL Green Infrastructure (Resolution 451-2019)

TO: Advanced Mulching Technologies d/b/a EcoGro

You are hereby requested to comply with the following changes from the contract plans and specifications;

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
1	ADD	Additional excavation	CY	157	\$ 25.00	\$ -	\$ 3,925.00
2	ADD	Removal of 6 trees and planted 6 additional 2" Caliper trees.	EA	6	\$ 650.00	\$ -	\$ 3,900.00
3	ADD	Fill and Grade previously excavated asphalt trail.	CY	60	\$ 25.00	\$ -	\$ 1,500.00
4	ADD	Fill basin an additional one foot to 966.00 elevation with filter media.	CY	45	\$ 80.00	\$ -	\$ 3,600.00
5	ADD	Pumps and pumping down basin to install clay plugs and add additional filter media	Unit	1	\$ 4,199.81	\$ -	\$ 4,199.81
6	ADD	Extra rental on Trachhoe, Bobcat attachments and labor.	LS	1	\$ 8,690.82	\$ -	\$ 8,690.82
7	ADD	Screened end cap added to stream end of 6" outflow pipes.	EA	2	\$ 75.00	\$ -	\$ 150.00
8	ADD	No mow boulders added along vacant lot to North of project and extending around storm sewer outflow pipe at the head of the bioswale.	EA	7	\$ 100.00	\$ -	\$ 700.00
9	ADD	Additional Class II and Class III for pretreatment areas	CY	25	\$ 75.00	\$ -	\$ 1,875.00
10	ADD	Additional 57's added below 6" outflow to achieve 2' of bedding.	TN	20	\$ 25.00	\$ -	\$ 500.00
11	ADD	Additional Coir 700 for bioretention and 900 for bioswale	LS	1	\$ 1,824.00	\$ -	\$ 1,824.00
12	DEL	Smaller rock used for no mow border	EA	1	\$ 250.00	\$ 250.00	\$ -
12	DEL	Dense Graded Aggregate	DAY	100	\$ 60.00	\$ 6,000.00	\$ -
13	DEL	Class 2 Asphalt Surface and Concrete Block	LS	1	\$ 8,400.00	\$ 8,400.00	\$ -
Total decrease						\$ 14,650.00	
Total increase							\$ 30,864.63
Net (increase) in contract price							\$ 16,214.63

JUSTIFICATION FOR CHANGE

PROJECT: WGPL Green Infrastructure

CONTRACT NO. 149-2019

CHANGE ORDER: No. 2

1. Necessity for change:

Adding site Improvements per the attached itemization and deletion of bid items that were not necessary for the project completion.

2. Is proposed change an alternate bid? ___ Yes No3. Will proposed change alter the physical size of the project? ___ Yes No

If "Yes", explain.

4. Effect of this change on other prime contractors: N/A

5. Has consent of surety been obtained? ___ Yes Not Necessary6. Will this change affect expiration or extent of insurance coverage? ___ Yes No

If "Yes", will the policies be extended? ___ Yes ___ No

7. Effect on operation and maintenance costs: N/A

8. Effect on contract completion date: N/A



Mayor



Date

CHANGE ORDER REQUEST

WGPL Green Infrastructure Project

By: JMH
 Date: 2/4/2020
 By:
 Data:
 Company: EcoGro (a DBA of Advanced Mulching Technologies, Inc.)
 Address: PO BOX 22273 Lexington, KY 40522
 Phone: (859) 231-0500 office (859) 621,7461 cell



Change Order Request 1922-CO1 Revised

ITEM	DESCRIPTION OF WORK	# Units	Unit	Unit Price	AMOUNT
1*	Contractor excavated 237 cubic yards of additional excavation at \$25 per cubic yard. 157 cubic yards approved.	157	CY	\$25.00	\$3,925.00
2	Removal of 6 trees @ \$50 per tree.	6	EA	\$50.00	\$300.00
3	Plant 6 additional -2" caliper trees at \$600 each.	6	EA	\$600.00	\$3,600.00
4	Reduction in contract amount for using smaller height rock for no mow border rocks.	1	EA	-\$250.00	-\$250.00
5	Contractor to fill and grade previously excavated asphalt trail location. 60 cubic yards at \$25 per cubic yard.	60	CY	\$25.00	\$1,500.00
6	Fill basin an additional one foot to 966.00 elevation with filter media. 110 cubic yards at \$80.00 per cubic yard. (45 CY of additional filter media requested here as 65 CY of filter media remained unbilled on current contract and was applied to invoice 1922-04).	45	CY	\$80.00	\$3,600.00
7	Work performed pumping down basin, installing clay plugs around 2 - 6" HDPE outlet pipes, capping all 4 ends of the 6" overflow pipes and installing a safety perimeter the week of 10-28-19. See invoice 1922-TM1 previously submitted on 11-1-2019.	1	Unit	\$3,999.81	\$3,999.81
8	Regrading and bringing area back to finish grade elevation upon completion of additional work of adding another 1 foot of filter media in basin. Includes resetting no mow boulders to correct elevation.				
8a	Komatsu PC 138 Trackhoe	6	HR	\$140.00	\$840.00
8b	Superintendent / Grade Man	1	HR	\$75.00	\$75.00
8c	Bobcat T300 with attachments	1	HR	\$105.00	\$105.00
9	General Conditions (For additional work and delay in work). Includes the following:				
9a	Additional insurance, bond, etc.	1	EA	\$400.00	\$400.00
10	One month of extra trackhoe rental time based on delay in project. Includes cost of monthly rental, tax, plus 15%.	1	MO	\$7,045.82	\$7,045.82
11	Screened end cap added to stream end of 6" outflow pipes (incl. install).	2	EA	\$75.00	\$150.00
12	No mow boulders added along vacant lot to North of project and extending around storm sewer outflow pipe at the head of the bioswale as requested in punch list meeting onsite.	7	EA	\$100.00	\$700.00
13	Additional Class II and Class III for pretreatment areas (used ~80 tons)	25	CY	\$75.00	\$1,875.00
14	Additional 57's added below 6" outflow pipes to achieve 2' of bedding	20	TN	\$25.00	\$500.00
15	Additional Coir 700 for bioretention over amount specified in unit prices.	184	SY	\$6.00	\$1,104.00
16	Additional Coir 900 for bioswale over amount specified in unit prices.	90	SY	\$8.00	\$720.00
17	Additional erosion and sediment control (pumping and dewatering, 2's for construction exit, inspections, temporary seed, etc.)				
17a	Pumps for additional pumping of basin. 11.6.19 pumping of basin in order to add the additional filter media to the 966' Elev.	1	DAY	\$200.00	\$200.00
17b	Additional time for Field Superintendent / Labor to set up and breakdown dewatering cells and pump out basin.	3	HR	\$75.00	\$225.00
18	Dense Graded Aggregate (100 @ \$60/ea)	100	DAY	-\$60.00	-\$6,000.00
19	Class 2 Asphalt Surface, 0.38 PG64-22 (32 @ \$200/ea)	32	EA	-\$200.00	-\$6,400.00
20	Articulated Concrete Block (280 @ \$50/ea)	40	EA	-\$50.00	-\$2,000.00

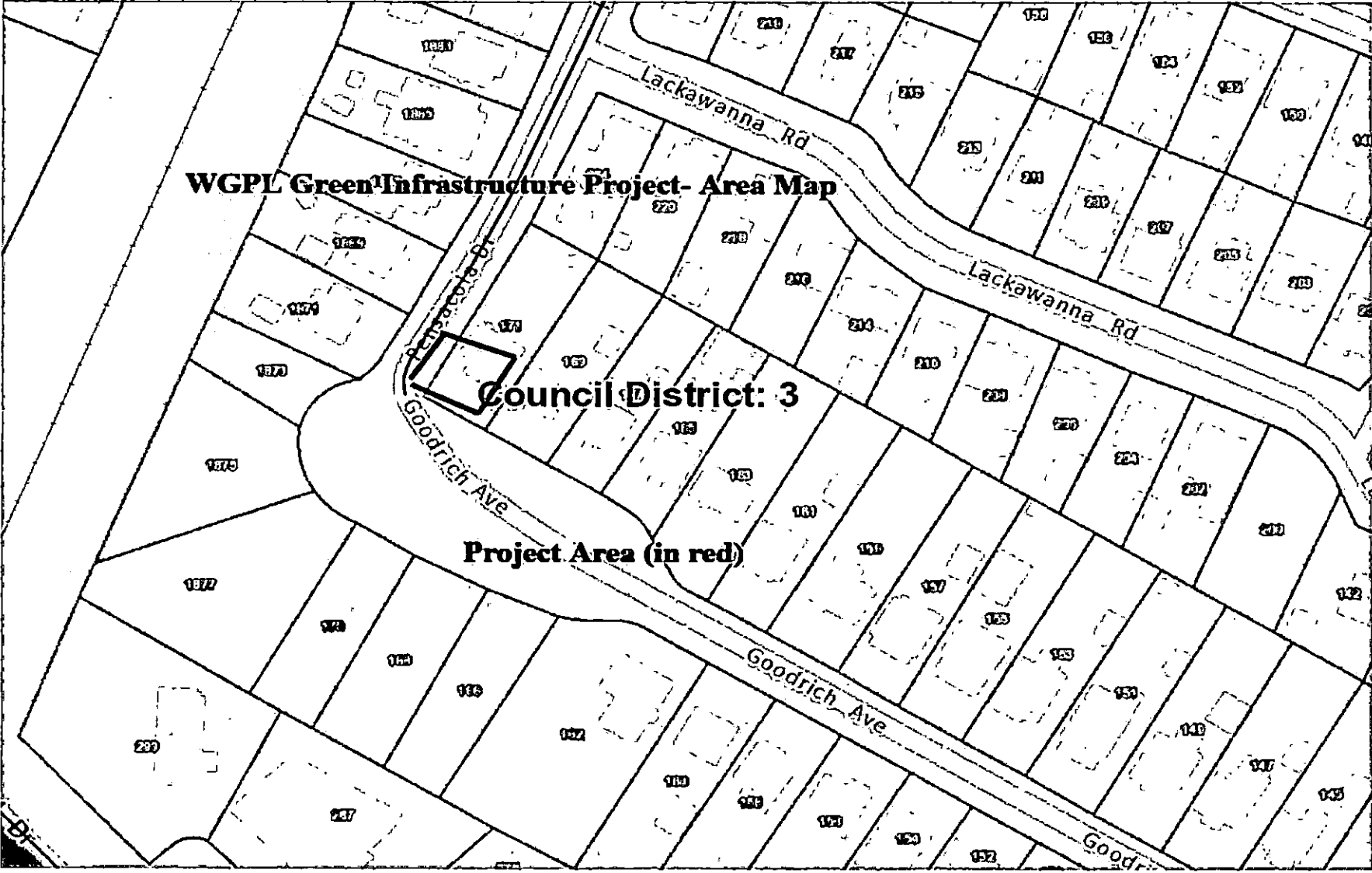
Change Order 1 Total: **\$16,214.63**

Additional Conditions and / or Clarifications:

- No warranty for plant plugs that are planted in basin due to timing and unknown hydrologic conditions.
- 1* Item billed against invoice 1922-03 and paid (\$5925.00) Approved for \$3,925

Jim Hanssen
 President

2/4/2020
 Date:



WGPL Green Infrastructure Project- Area Map

Council District: 3

Project Area (in red)

Lackawanna Rd

Lackawanna Rd

Goodrich Ave

Goodrich Ave

Goodr

LaDonna Roberts

From: Michael Cravens
Sent: Wednesday, February 12, 2020 5:28 PM
To: Commisioner EQ PW Exec Asst; Nancy Albright
Cc: LaDonna Roberts; Charles Martin
Subject: RE: Law Review: Change Order No. 2 (Final) WGPL Green Infrastructure

I have reviewed this request for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 (Final) to the agreement with Advanced Mulching Technology, Inc. d/b/a EcoGro, for the WGPL Green Infrastructure Project, increasing the contract price by the sum of \$16,214.63, from \$159,962.00 to \$176,176.63.

No legal issues. OK to bluesheet.

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



LEXINGTON

NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.

From: Commisioner EQ PW Exec Asst <commeqpwea@lexingtonky.gov>
Sent: Tuesday, February 11, 2020 3:06 PM
To: Susan Speckert <sspeckert@lexingtonky.gov>; Nancy Albright <nalbright@lexingtonky.gov>; Michael Cravens <mcravens@lexingtonky.gov>
Cc: LaDonna Roberts <lroberts@lexingtonky.gov>; Charles Martin <chmartin@lexingtonky.gov>
Subject: FW: Law Review: Change Order No. 2 (Final) WGPL Green Infrastructure

Susan, another one for review prior to input in Legistar.

Sandy
3401

From: LaDonna Roberts
Sent: Tuesday, February 11, 2020 1:56 PM
To: Commisioner EQ PW Exec Asst <commeqpwea@lexingtonky.gov>

Cc: Charles Martin <chmartin@lexingtonky.gov>; Nancy Albright <nalbright@lexingtonky.gov>

Subject: Law Review: Change Order No. 2 (Final) WGPL Green Infrastructure

Sandy,

Please send the attached documents to Law for review prior to entry in Legistar.

Thank you,

LaDonna Roberts
Administrative Specialist
Division of Water Quality

859.258.3362 office
lexingtonky.gov




MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: February 4, 2020

SUBJECT: Change Order No. 2 (Final) – WGPL Green Infrastructure, Contract No. 149-2019

Request

The Division of Water Quality requests authorization to execute Change Order No. 2 (Final) to the agreement with Advance Mulching Technology, Inc. d/b/a EcoGro for the WGPL Green Infrastructure project, increasing the contract price by the sum of \$16,214.63 from \$159,962.00 to \$176,176.63.

Why are you requesting?

The requested change is to add site improvements per the attached itemization and deletion of bid items that were not necessary for the project completion.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$16,214.63
The cost for future FY is: N/A

Are the funds budgeted?

The funds are budgeted in: 4052-303204-3334-92211 2019 LFUCG WR_SOUTHLAND CONSENT_DE

Martin / Albright

