

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

To (Contractor):

Marrillia Design and Construction

794 Manchester St.

Lexington, KY 40508

Date: February 26, 2025

Project: Town Branch Park Access Improvements

Location: Manchester Street - High to Oliver Lewis Way

Contract No.

Original Contract Amt.	\$4,972,312.00
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Cumulative Amount of Previous Change Orders	\$380,777.00
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Percent Change - Previous Change Orders	7.66%
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Total Contract Amount Prior to this Change Order	\$5,353,089.00
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Change Order No. 5

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

Current Change Order

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price	
	Total decrease	\$0.00		
	Total increase		\$129,913.00	
	Net Amount of this Change Order	\$129,913.00		
	New Contract Amount Including this CO	\$5,483,002.00		
	Percent Change - This Change Order			2.61%
	Percent Change - All Change Orders			10.27%

The time for completion will not be adjusted, and remains at 06/30/25.

Recommended by: Robert C. [Signature] (Proj. Engr.)

Accepted by Rob Heine
(Contractor)

Approved by _____
(Director - Div. of Engineering)

Approved by James White (Comissioner - EQPW)

Approved by _____
(Mayor)

Date _____

92-192-20

2/26/25

5/27/25

3/4/25

(Mayor)

**JUSTIFICATION FOR
CHANGE**

PROJECT:	Town Branch Park Access Improvements
CONTRACT NO.	62-2023
CHANGE ORDER:	5

1. Multiple Items. See attached descriptions.

Item No.

- 5-1 A Kentucky Utilities electric duct bank was encountered within the construction zone that was previously unknown to exist. The location of the duct bank conflicted with the roadway design and had to be relocated. This led to a delay as KU relocated the duct bank, incurring extended office and jobsite costs as identified in the contractor's claim.
- 5-2 A second Kentucky Utilities electric duct bank was encountered within the construction zone, the location of which was incorrectly identified on the plans and by a utility location service. The location of the duct bank conflicted with a retaining wall design, but could not be relocated due to its high voltage and related constructability concerns. This led to a delay as solutions for an alternative to a retaining wall were investigated, and as the alternative was built. In the meantime, the contractor incurred extended office and jobsite costs as identified in the contractor's claim.
- 5-3 Construction drawings call for specialized sawcutting of sidewalk joints associated with the pedestrian access walkway from W. High Street through the tunnel, up to the pedestrian bridge. However, the plans did not include sawcutting joints on the pedestrian bridge deck, which was requested by the landscape architect. This item covers the cost of that work.
- 5-4 As a section of W. High Street, was milled in preparation for the construction of two speed tables, two base failures were encountered that had to be repaired. This item covers the cost for these repairs.

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: None

Mayor_____
Date

CONTRACT HISTORY FORM

CO #5

Page 3

Project Name Town Branch Park Access Improvements
Contractor: Marrillia Design and Construction
Contract Number and Date: 62-2023, 07/19/23
Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	\$	<u>4,972,312.00</u>	
Next Lowest Bid Amount:			
<u>\$5,524,757.77</u>			
B. Amount of Selected Alternate or Phase:	\$	<u>0.00</u>	
C. Cumulative Amount of All Previous Alternates or Phases:	\$	<u>4,972,312.00</u>	
D. Amended Contract Amount:	\$	<u>4,972,312.00</u>	
E. Cumulative Amount of All Previous Change Orders:	\$	<u>380,777.00</u>	<u>7.7%</u> (Line E / Line D)
F. Amount of This Change Order:	\$	<u>129,913.00</u>	<u>2.6%</u> (Line F / Line D)
G. Total Contract Amount:	\$	<u>5,483,002.00</u>	

SIGNATURES

Project Manager:

Date: 02/26/25

Reviewed by:

Date: 02/26/25

Division Director:

Date: 2/27/25

Change Order No. 5
Supporting Documents

Marrillia		
Item No.	Item No.	Description
5-1	PR-03	Delay 1 due to KU duct bank interference
5-2	PR-04	Delay 2 due to KU duct bank interference
5-3	PR-08	Bridge Deck Scoring
5-4	PR-11	High Street Roadway Base Failure Repair



Alternates
Town Branch Park Access Improvements
Lexington, KY

Item 5-1

3/25/2024
2:41 PM

Pending Owner Approval

PR-03 Marrillia Extended General Conditions Costs for Relocation of Unforeseen KU Electric Ductbank (KU WR#7364581)

Marrillia Extended General Conditions Costs for Relocation of Unforeseen KU Electric Ductbank (KU WR#7364581)

Total Calendar Day Duration of Schedule Delay Due to Unforeseen Ductbank Relocation =

53 days

Marrillia Extended General Conditions Costs

Extended Marrillia Site Supervision and Field Office Costs per Calendar Day

53 days

522.83

27,710

Extended Maintenance of Traffic Costs

Type III Barricade @ \$1.75 / day

4 ea

92.75

371

Windmaster @ \$1.75 / day

16 ea

92.75

1,484

Gr I Sign @ \$1.50 / day

10 ea

79.50

795

Gr II Sign @ \$.75 / day

26 ea

39.75

1,034

Lin. Ft of Water Barrier @ \$.25 / Lin Ft Per Day

319 lf

13.25

4,227

Message Board @ \$700 / month

3 ea

1,219.73

3,659

0

0

39,279

39,279

Cost of In-Place Construction (Labor, Materials and Equipment) =

39,279

Marrillia Design and Construction Overhead Percentage =

10.0%

Overhead - Marrillia Design and Construction =

3,928

Marrillia Design and Construction Profit Percentage =

5.0%

Profit - Marrillia Design and Construction =

1,964

General Liability Insurance (Construction) =

273

Builder's Risk Insurance =

75

Performance and Payment Bond (Rate 0.90% of Cost for \$0 - \$100,000) =

N/A

Performance and Payment Bond (Rate 0.72% of Cost for \$100,000 - \$500,000) =

N/A

Performance and Payment Bond (Rate 0.63% of Cost for \$500,000 - \$2,500,000) =

N/A

Performance and Payment Bond (Rate 0.54% of Cost for \$2,500,000 - \$5,000,000) =

246

Performance and Payment Bond (Rate 0.45% of Cost for \$5,000,000 - \$7,500,000) =

N/A

Performance and Payment Bond (Rate 0.405% of Cost for \$7,500,000 and up) =

N/A

KY Surcharge on Project Bonds (1.8% of Bond Cost) =

4

Local Municipality Tax on Project Bonds (5% of Bond Cost) =

12

Total Construction Cost =

45,782

Josh Marrillia

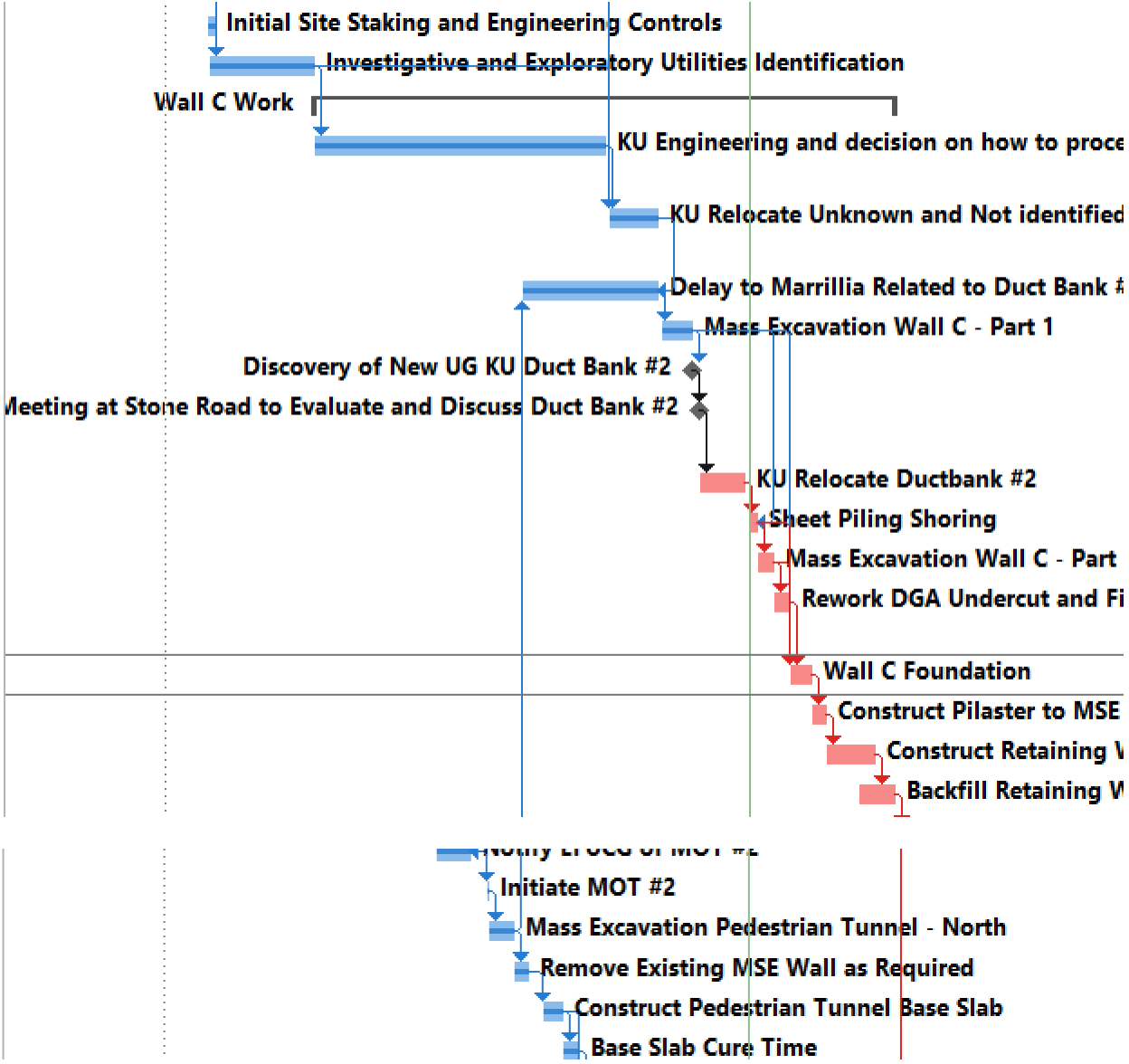
From: David Hastings
Sent: Monday, March 25, 2024 1:32 PM
To: Josh Marrillia; Brian Stakelin
Subject: Town Branch Delays - Duct Bank #1

Josh, Brian

The delay due to Duct Bank #1 is in effect 53 calendar days.

- 1. Exploratory Utilities work completed and Duct Bank #1 identified 10/02/2023
- 2. KU decision making process on how to proceed 10/03/23 to 01/26/2024
- 3. KU Relocate Duct Bank #1 – 01/29/2024 to 02/16/2024
- 4. The Delay was realized once the mass excavation of the tunnel was complete.

19	Initial Site Staking and Engineering Controls	3 days	Mon 8/21/23	Wed 8/23/23	
20	Investigative and Exploratory Utilities Identification	30 days	Tue 8/22/23	Mon 10/2/23	18,
21	Wall C Work	166 days	Tue 10/3/23	Tue 5/21/24	
22	KU Engineering and decision on how to proceed with Relocation of Duct Bank #1	84 days	Tue 10/3/23	Fri 1/26/24	20
23	KU Relocate Unknown and Not identified Ductbank at Substation - Retaining Wall C is DEPENDENT ON THIS WORK	15 days	Mon 1/29/24	Fri 2/16/24	15,
24	Delay to Marrillia Related to Duct Bank #1	40 days	Mon 12/25/23	Fri 2/16/24	46,
25	Mass Excavation Wall C - Part 1	10 days	Mon 2/19/24	Fri 3/1/24	24
26	Discovery of New UG KU Duct Bank #2	0 days	Fri 3/1/24	Fri 3/1/24	25
27	KU Meeting at Stone Road to Evaluate and Discuss Duct Bank #2	0 days	Tue 3/5/24	Tue 3/5/24	26
28	KU Relocate Ductbank #2	14 days	Tue 3/5/24	Fri 3/22/24	27
29	Sheet Piling Shoring	3 days	Mon 3/25/24	Wed 3/27/24	25F
30	Mass Excavation Wall C - Part 2	5 days	Thu 3/28/24	Wed 4/3/24	29
31	Rework DGA Undercut and Fill - Result of Delay of Work - DGA washed out	4 days	Thu 4/4/24	Tue 4/9/24	30
32	Wall C Foundation	7 days	Wed 4/10/24	Thu 4/18/24	25,
33	Construct Pilaster to MSE Wall - See Detail S6B	4 days	Fri 4/19/24	Wed 4/24/24	32
34	Construct Retaining Wall C -TOW 945	13 days	Thu 4/25/24	Mon 5/13/24	33
35	Backfill Retaining Wall C	10 days	Wed 5/8/24	Tue 5/21/24	34F
44	Notify EPOC of MOT #2	10 days	Tue 11/21/23	Mon 12/4/23	43F
45	Initiate MOT #2	1 day	Mon 12/11/23	Mon 12/11/23	44
46	Mass Excavation Pedestrian Tunnel - North	8 days	Tue 12/12/23	Thu 12/21/23	45
47	Remove Existing MSE Wall as Required	4 days	Fri 12/22/23	Wed 12/27/23	46
48	Construct Pedestrian Tunnel Base Slab	6 days	Wed 1/3/24	Wed 1/10/24	47
49	Base Slab Cure Time	4 days	Thu 1/11/24	Tue 1/16/24	48





Pending Owner Approval

PR-04 Marrillia Extended General Conditions Costs for Relocation of Unforeseen KU Electric Ductbank (Second Instance, Costs Currently Accruing)

Marrillia Extended General Conditions Costs for Relocation of Unforeseen KU Electric Ductbank (Second Instance, Costs Currently Accruing)

Total Current* Calendar Day Duration of Schedule Delay Due to Unforeseen Ductbank Relocation = 78 days

*Current Delay Began on 2/29/2024 and is Calculated Through 5/17/2024. Costs Will Continue to Increase Daily.

Marrillia Extended General Conditions Costs

	Quantity	Units	Hr.	Rate	Labor	U/P	Materials	Equipment/Labor	Total
Extended Marrillia Site Supervision and Field Office Costs per Calendar Day	78	days					\$22.83		40,781

Extended Maintenance of Traffic Costs

Type III Barricade @ \$1.75 / day	4	ea					\$2.75		371
Windmaster @ \$1.75 / day	16	ea					\$2.75		1,484
Gr I Sign @ \$1.50 / day	10	ea					\$7.50		795
Gr II Sign @ \$.75 / day	26	ea					\$3.75		1,034
Lin. Ft of Water Barrier @ \$.25 / Lin Ft Per Day	319	lf					\$19.50		6,221
Message Board @ \$700 / month	3	ea					\$1,795.07		5,385

RAM Engineering & Construction Remobilization Costs to Compete the Temporary Shoring

1	ls						TBD		TBD
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0	0	56,070	56,070
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The costs associated with the change order are current as of 5/17/2024 and will continue to increase with each calendar day the KU electrical duct bank is not relocated. Once the KU electrical duct bank relocation is completed and the overall, final duration of the schedule delay can be calculated, this change order will be adjusted accordingly. In addition, the RAM Engineering & Construction remobilization costs is not yet included.

Cost of In-Place Construction (Labor, Materials and Equipment) =	56,070
Marrillia Design and Construction Overhead Percentage =	10.0%
Overhead - Marrillia Design and Construction =	5,607
Marrillia Design and Construction Profit Percentage =	5.0%
Profit - Marrillia Design and Construction =	2,803
General Liability Insurance (Construction) =	390
Builder's Risk Insurance =	106
Performance and Payment Bond (Rate 0.90% of Cost for \$0 - \$100,000) =	N/A
Performance and Payment Bond (Rate 0.72% of Cost for \$100,000 - \$500,000) =	N/A
Performance and Payment Bond (Rate 0.63% of Cost for \$500,000 - \$2,500,000) =	N/A
Performance and Payment Bond (Rate 0.54% of Cost for \$2,500,000 - \$5,000,000) =	351
Performance and Payment Bond (Rate 0.45% of Cost for \$5,000,000 - \$7,500,000) =	N/A
Performance and Payment Bond (Rate 0.405% of Cost for \$7,500,000 and up) =	N/A
KY Surcharge on Project Bonds (1.8% of Bond Cost) =	6
Local Municipality Tax on Project Bonds (5% of Bond Cost) =	18

Total Construction Cost = 65,352



Alternates
Town Branch Park Access Improvements
Lexington, KY

Item 5-3

1/22/2025
10:19 AM

Pending Owner Approval

PR-08 Sawcut the Bridge Deck

Sawcut the Bridge Deck

Quantity	Units	Hr.	Rate	Labor	UP	Materials	Subcontractor	Total
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Saw cut the scoring pattern on the bridge deck per Engineer's direction	1				3,595.00			3,595
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Excluded Items

0	0	3,595	3,595
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Cost of In-Place Construction (Labor, Materials and Equipment) =	3,595
Marrillia Design and Construction Overhead Percentage =	10.0%
Overhead - Marrillia Design and Construction =	360
Marrillia Design and Construction Profit Percentage =	5.0%
Profit - Marrillia Design and Construction =	180
General Liability Insurance (Construction) =	25
Builder's Risk Insurance =	7
Performance and Payment Bond (Rate 0.90% of Cost for \$0 - \$100,000) =	N/A
Performance and Payment Bond (Rate 0.72% of Cost for \$100,000 - \$500,000) =	N/A
Performance and Payment Bond (Rate 0.63% of Cost for \$500,000 - \$2,500,000) =	N/A
Performance and Payment Bond (Rate 0.54% of Cost for \$2,500,000 - \$5,000,000) =	22
Performance and Payment Bond (Rate 0.45% of Cost for \$5,000,000 - \$7,500,000) =	N/A
Performance and Payment Bond (Rate 0.405% of Cost for \$7,500,000 and up) =	N/A
KY Surcharge on Project Bonds (1.8% of Bond Cost) =	0
Local Municipality Tax on Project Bonds (5% of Bond Cost) =	1
Total Construction Cost =	4,190



Alternates
Town Branch Park Access Improvements
Lexington, KY

Pending Owner Approval

PR-11 High Street Roadway Base Failure Repair

Repair High Street Base

Repair of High Street Base per LFUCG Direction

Quantity	Units	Hr.	Rate	Labor	U/P	Materials	Subcontractor	Total
	1				12,500.00		12,500	

Excluded Items

0012,50012,500

Cost of In-Place Construction (Labor, Materials and Equipment) =	12,500
Marrillia Design and Construction Overhead Percentage =	10.0%
Overhead - Marrillia Design and Construction =	1,250
Marrillia Design and Construction Profit Percentage =	5.0%
Profit - Marrillia Design and Construction =	625
General Liability Insurance (Construction) =	87
Builder's Risk Insurance =	24
Performance and Payment Bond (Rate 0.90% of Cost for \$0 - \$100,000) =	N/A
Performance and Payment Bond (Rate 0.72% of Cost for \$100,000 - \$500,000) =	N/A
Performance and Payment Bond (Rate 0.63% of Cost for \$500,000 - \$2,500,000) =	N/A
Performance and Payment Bond (Rate 0.54% of Cost for \$2,500,000 - \$5,000,000) =	78
Performance and Payment Bond (Rate 0.45% of Cost for \$5,000,000 - \$7,500,000) =	N/A
Performance and Payment Bond (Rate 0.405% of Cost for \$7,500,000 and up) =	N/A
KY Surcharge on Project Bonds (1.8% of Bond Cost) =	1
Local Municipality Tax on Project Bonds (5% of Bond Cost) =	4

Total Construction Cost = 14,569



Fw: EW PRICING FOR HIGH STREET EMERGENCY WORK

From Tyler Walton <twalton@atsconstruction.com>

Date Wed 1/22/2025 10:17 AM

To Chris Poynter <cpoynter@marrillia.com>

You don't often get email from twalton@atsconstruction.com. [Learn why this is important](#)

See below

Get [Outlook for iOS](#)

From: David Hastings <dastings@marrillia.com>

Sent: Tuesday, December 17, 2024 11:27 AM

To: Tyler Walton <twalton@atsconstruction.com>; Ben McKinney <BMcKinney@atsconstruction.com>

Cc: Todd McDaniel <TMcDaniel@atsconstruction.com>; Ben McKinney <BMcKinney@atsconstruction.com>; Brian Billings <BBillings@atsconstruction.com>

Subject: RE: EW PRICING FOR HIGH STREET EMERGENCY WORK

Tyler,
Just received word from Mark. Please proceed with the \$12,500 Lump Sum.

Thanks

David Hastings

Vice President of Construction Operations

O 859.685.0414 x226

C 859.629.5001

F 859.685.0418

E dastings@marrillia.com

MARRILLIA DESIGN & CONSTRUCTION

794 Manchester Street, Lexington, KY 40508 | marrillia.com



From: Tyler Walton <twalton@atsconstruction.com>

Sent: Tuesday, December 17, 2024 11:15 AM

To: David Hastings <dastings@marrillia.com>; Ben McKinney <BMcKinney@atsconstruction.com>

Cc: Todd McDaniel <TMcDaniel@atsconstruction.com>; Ben McKinney <BMcKinney@atsconstruction.com>; Brian Billings <BBillings@atsconstruction.com>

Subject: RE: EW PRICING FOR HIGH STREET EMERGENCY WORK

Thank you David, ATS greatly appreciates you all working well with us to address this uncontrollable situation. Thanks to BEN for stepping up last night and coordinating a few guys to give a temp fix to the emergency situation.

We will keep the original speed tables plan in place for January the 6th.

Thank you
TW

From: David Hastings <dhastings@marrillia.com>

Sent: Tuesday, December 17, 2024 11:07 AM

To: Tyler Walton <twalton@atsconstruction.com>

Cc: Todd McDaniel <TMcDaniel@atsconstruction.com>; Ben McKinney <BMcKinney@atsconstruction.com>; Brian Billings <BBillings@atsconstruction.com>

Subject: RE: EW PRICING FOR HIGH STREET EMERGENCY WORK

Tyler, Thank you. I have forwarded to Mark.

Also, Mark advised we were to proceed with the speed tables per the contract documents.

Again, thank you for ATS's work last evening to mitigate the road hazards.

David Hastings

Vice President of Construction Operations

O [859.685.0414](tel:859.685.0414) x226

C [859.629.5001](tel:859.629.5001)

F 859.685.0418

E dhastings@marrillia.com

MARRILLIA DESIGN & CONSTRUCTION

794 Manchester Street, Lexington, KY 40508 | marrillia.com



From: Tyler Walton <twalton@atsconstruction.com>

Sent: Tuesday, December 17, 2024 10:48 AM

To: David Hastings <dhastings@marrillia.com>

Cc: Todd McDaniel <TMcDaniel@atsconstruction.com>; Ben McKinney <BMcKinney@atsconstruction.com>; Brian Billings <BBillings@atsconstruction.com>

Subject: EW PRICING FOR HIGH STREET EMERGENCY WORK

David,

I spoke with Mark on my way out after sending my initial email. ATS can offer a lump sum (LS) price of \$12,500.00 for the current planned scope of work, with the understanding that unforeseen additional work may arise after milling. Based on our core samples, which showed 5–6 inches of concrete underneath the flowable fill/aggregate layer, it seems unlikely that we will encounter additional work, though I cannot guarantee that.

Alternatively, we can proceed with time and materials (T&M) pricing, plus 15% for overhead and profit, with a not-to-exceed amount of \$16,000.00. This not to exceed amount applies strictly to the current planned scope of work and does not account for any unforeseen issues that as previously stated could arise after milling or during trench paving construction.

Please let me know how you'd like to proceed or if you need additional details. I have directed our crews to begin the removal process but wait for approval in writing from LFUCG or yourself before proceeding with laying the additional material.

Thank you,

Tyler Walton
ATS Construction
Project & Contracting Engineer
Cell: 859-644-0608

[External Email: Please use caution when opening attachments and links from external senders.]

[External Email: Please use caution when opening attachments and links from external senders.]