



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 10, 2020

Department Administration

Director Approval Kelly Passauer

AGENDA ITEM Consider Change Order 11 with Hofer and Hofer extending the contract schedule 126 days for the 1916 City Hall project; and consider an agreement with TreanorHL for additional professional fees related to this time extension.

SUMMARY RECOMMENDATION If the Commission agrees that the additional construction administration fees should be absorbed solely by the City, then it is recommended that the change order and proposal be approved as presented. If the Commission does not agree, then an alternative would be to negotiate a deduct value with Hofer and Hofer for the change order.

BACKGROUND The City Commission on January 9, 2020 approved Change Order 3; on April 23, 2020 approved Change Orders 1, 2, 4, 6, and 7; and on August 27, 2020 approved Change Orders 8, 9, and 10 for the 1916 City Hall Phase I project. The previously approved change orders are summarized as follows:

#	Description	Add/Deduct
1	Add for windows not identified on plans. Material Only.	\$24,829.00
2	Credit for demo work in basement completed by remediation subcontractor.	-\$12,000.00
3	Additional roof repairs to roof parapet wall and lower roof.	\$20,610.70
4	Time & Material estimate for all labor, material and equipment to: (1) Demo damaged wood window frames; and (2) Repair or replace wood window frames with blocking for installation of replacement windows.	\$43,297.50
6	Lintel repairs for basement windows. Includes all labor, material and equipment.	\$24,702.00
7	Deletion of east roof.	-\$2,750.00
8	Credit for east roof flashing and parapet cap (material and labor)	-\$3,415.50
9	Credit for roof parapet wall repairs (1) lower roof (material and labor)	-\$4,849.90
10	Eliminating windows on the east side (materials and labor)	-\$21,872.40

The City has received Change Order 11 in the amount of \$0 which extends Hofer and Hofer's contract schedule an additional 126 days starting September 28, 2020 through January 31, 2021. This change order has been recommended for approval by TreanorHL and is described in more detail in the attached documentation.

In addition, the City has received a request from TreanorHL to be compensated for their additional construction administration services beginning August 1, 2020 through January 31, 2021 in the amount of \$11,000.

BUDGET IMPACT If the change order and proposal are approved as presented, \$11,000 for the additional construction administration fees for TreanorHL will be funded from Special Use Sales Tax for Buildings and Facilities.

SUGGESTED MOTIONS

I move to approve Change Order 11 with Hofer and Hofer in the amount of \$0 as recommended by TreanorHL to extend the contract schedule an additional 126 days starting September 28, 2020 through January 31, 2021 for the 1916 City Hall Phase I project.

OR

I move to approve Change Order 11 with Hofer and Hofer in the deduct amount of \$_____ to extend the contract schedule an additional 126 days starting September 28, 2020 through January 31, 2021 for the 1916 City Hall Phase I project.

AND

I move to approve a proposal from TreanorHL in the amount of \$11,000 for additional construction administration services beginning August 1, 2020 through January 31, 2021 primarily due to the extended contract schedule.

SUPPORTING DOCUMENTS

1. Change Order 11 with Hofer and Hofer
2. Recommendation from TreanorHL
3. Proposal from TreanorHL for additional construction administration fees



AIA[®] Document G701[™] – 2017

Change Order

PROJECT: <i>(Name and address)</i> Independence City Hall - Phase 1 120 N. 6 th St. Independence, KS 67301	CONTRACT INFORMATION: Contract For: Renovation Date: 5/7/2019	CHANGE ORDER INFORMATION: Change Order Number: 11 Date: 9/3/2020
OWNER: <i>(Name and address)</i> City of Independence 811 W. Laurel St. Independence, KS 67301	ARCHITECT: <i>(Name and address)</i> TreanorHL 719 SW Van Buren St. Ste. 200 Topeka, KS 66603	CONTRACTOR: <i>(Name and address)</i> Hofer & Hofer & Associates, Inc. 1201 N. 10 th St. Humboldt, KS 66748

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Extension of contract time due to delays in ordering and delivery of windows. Reference attached contractor's proposed change order (Exhibit A) and TreanorHL recommendation letter (Exhibit B) for additional information.

The original Contract Sum was	\$	1,077,900.00
The net change by previously authorized Change Orders	\$	68,551.40
The Contract Sum prior to this Change Order was	\$	1,146,451.40
The Contract Sum will be unchanged by this Change Order in the amount of	\$	0.00
The new Contract Sum including this Change Order will be	\$	1,146,451.40

The Contract Time will be increased by one hundred and twenty six (126) days.
The new date of Substantial Completion will be 1/31/2021

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

TreanorHL ARCHITECT	Hofer & Hofer & Associates, Inc. CONTRACTOR <i>(Firm name)</i>	City of Independence OWNER <i>(Firm name)</i>
<i>K. Vance Kelley</i>		
SIGNATURE	SIGNATURE	SIGNATURE
<u>K. Vance Kelley, Principal</u> PRINTED NAME AND TITLE		
<u>9/3/2020</u> DATE		

August 28, 2020

TO: Ian Pitts
TreasorHL
719 SW Van Buren St., Suite 200
Topeka, KS 66603

RE: Independence City Hall

CHANGE ORDER NO. 11

DESCRIPTION: We hereby agree to make the changes as specified below:

Add 126 calendar days to the contract making date of completion January 31, 2021

To accept Change Order No. 11, please sign and date where indicated below and return the document to our office for execution. We will execute the changes and return a signed copy of the document to you for your records.

OWNER/OWNER'S REPRESENTATIVE

Hofer & Hofer & Associates, Inc.

By: _____

By: _____

Dated: _____

Dated: _____

TREANORHL

September 3, 2020

Kelly Passauer, Assistant City Manager
City of Independence
811 West Laurel Street
Independence, KS 67301

Re: Independence City Hall – Phase 1 – Change Order No. 11

Dear Ms. Passauer,

The contractor has experienced a series of delays with ordering windows for the 1916 City Hall project, and because the previously bid and agreed contract time of 427 days ends on September 28, 2020, they are requesting additional contract time be added to the project with this change order with no associated cost change.

The efficiency of the contractor's schedule has been affected by several factors over the course of the project, beginning with a review period for the Part 2 tax credit application that was longer than the 30 days typically set by statute, causing the project start to be delayed by approximately three months from the end of the bid period. This led to some necessary reordering of the contractor's schedule due to subcontractor availability and conflicts with other projects.

Once the project began in July of 2019, final direction for the Phase 2 of the project was believed to be on track to be finalized by September. TreanorHL met with City staff in June for review and updating of the Phase 2 program. The result of this work was preliminary program layouts that showed additions to the 1916 City Hall potentially being necessary to accommodate the Police Department in the building if that option were taken, of the three options developed. TreanorHL and City staff became concerned in August 2019 that if window installation went ahead as planned for Phase 1 without finalized direction on Phase 2, the City would potentially pay for windows installed on the South and East elevations that would not be needed due to the potential future Phase 2 addition. At that time, the window subcontractor believed there would be no issues with the project schedule if a direction was finalized by the end of September as expected.

In September, TreanorHL was asked by the City Commission to provide an additional services proposal for developing preliminary plans that would enable City staff and the City Commission to better visualize the spaces laid out by the program. At the December 19, 2020 City Commission meeting this proposal was tabled for revisions to only focus on the option combining City administrative offices and the Police Department in the historic 1916 City Hall. When presented again to the City Commission in February, this additional services proposal was tabled until the Commission could agree to a total Phase 2 project budget they were comfortable with having the program modified to fit.

Meanwhile, the City, through TreanorHL, directed Hofer & Hofer to hold on the East and South elevation windows potentially affected by a future addition, and to prioritize ordering the remainder of the building's windows. Shop drawings were reviewed by TreanorHL on April 13, 2020.

A delay in the order for the basement windows was incurred, as the final measurements were required to be taken after installation of replacement lintels. This installation was delayed due to several factors, including discovery of unforeseen lintel deterioration in January 2020, revision of the initially proposed complete lintel replacement Change Order #6 to provide cost savings to the City, and an unexplained delay by the stainless



steel material supplier in delivery of the material to the site. Final measurements for the order of these basement windows were taken the week of August 14, 2020, once the masons completed the lintel installation.

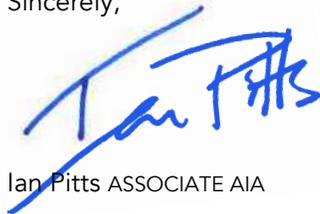
Currently, the first windows ordered in April 2020 with delivery delayed to September 2, 2020, are expected by the contractor to be largely installed by the end of the contract time on September 28, 2020. The delay beyond the original contract time to January 31, 2021 is reported to be largely due to the extended lead times now being quoted by the window manufacturer, with the COVID-19 pandemic being cited by the window manufacturer as the cause.

Therefore, the contractor has requested a new final completion date of January 31, 2021, adding 126 calendar days to the contract time.

Change Order No. 11 proposes no change to the total contract amount. See Change Order No. 11 for the contractor's request for additional time.

TreanorHL recommends approval of this change order.

Sincerely,



Ian Pitts ASSOCIATE AIA

719 SW Van Buren Street, Suite 200
Topeka, KS 66603

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c 785.221.3748

o 785.235.0012

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Cc: file



September 3, 2020

Kelly Passauer, Assistant City Manager
City of Independence
811 West Laurel Street
Independence, KS 67301

Re: Proposal for Additional Construction Administration - 2
Exterior Building Repair Historic City Hall

Dear Ms. Passauer,

As discussed, our contract amendment for the Additional Construction Administration (CA) scope of work for the above referenced project ended July 31, 2020. Hofer & Hofer & Associates, Inc estimated it would take 427 days or 14 months to complete the construction project and are now requesting an additional six-month extension through January 31, 2021 to complete the project.

In the previous amendment for additional construction administration we originally estimated \$18,200 of time would be needed through July 31, 2020. At the request of the City Commission, we reduced this to \$14,200. The actual accounting for those services totaled \$22,330.

While we are not requesting the City cover the \$8,130 shortfall, we are requesting compensation for additional construction administration services from August 1, 2020 through January 31, 2021 in the amount of \$11,000. This amendment includes the reduced hourly rates included in the previous amendment. Based on the remaining outstanding construction activity, monthly pay applications and monthly progress meetings, we believe three site visits may be required. As previously discussed, the additional construction administration services can be handled on an hourly/monthly basis with the estimated maximum additional fee as noted below. (Reference Attachment A: Time/Task Labor Analysis for estimated monthly hours.)

SCOPE OF SERVICES

A. ADDITIONAL CONTRACT ADMINISTRATION

1. Provide not more than three site visits with site visit reports during construction.
2. Review and respond to questions and attend virtual progress meetings.
3. Review not more than six general contractor's pay application requests.

Estimated Maximum Architectural Fee: \$ 11,000



REIMBURSIBLE COSTS:

Estimated costs for mileage, rental car and lodging are not included in the fees and will be handled as a reimbursable expense.

EXCLUSIONS:

Structural, civil, mechanical, electrical and plumbing engineering, hazardous material abatement, surveying, material sampling and testing.

If there are questions regarding the scope described or included, or if changes to the scope are requested please contact us to revise the proposal. Upon receipt of acceptance we will prepare the appropriate amendment to the current AIA Owner-Architect Agreement.

Sincerely,



K. Vance Kelley AIA
PRINCIPAL

719 SW Van Buren Street, Suite 200
Topeka, KS 66603

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Cc: file



TREANORHL ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES

Time/Task Labor Analysis

11/11/2019

2019	Project Lead I 2019 Hourly Rate \$170		Senior Principal 2019 Hourly Rate \$330		
	Office	Field	Office	Field	
December	8	2.5	1	2.5	
2020					
January	8	2.5	1		
February	8	2.5	1	2.5	
March	8	2.5	1		
April	4	2.5	1		
May	4	2.5	1		
June	4	2.5	1	2.5	
July	8	8	1		Project Closeout
	52	25.5	8	7.5	
	\$8,840	\$4,335	\$2,640	\$2,475	Total \$18,290
					\$18,200

TREANORHL ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES - Revised

Time/Task Labor Analysis

2/20/2020

2019	Project Lead I Reduced Rate \$170		Senior Principal Reduced Rate \$300		
	Office	Field	Office	Field	
December	8	2.5	1	2.5	
2020					
January	8	2.5	0.5		
February	8	2.5	1	2.5	
March	4	2	0.5		
April	2	2	0.5		
May	2	2	0.5		
June	2	2	0.5	2	
July	8	4	1		Project Closeout
	42	19.5	5.5	7	
	\$7,140	\$3,315	\$1,650	\$2,100	Total \$14,205
					\$14,200

TREANORHL ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES - **Actual Hours**

Time/Task Labor Analysis

8/1/2020

	Project Lead I Reduced Rate \$170		Senior Principal Reduced Rate \$300		
	Office	Field	Office	Field	
2019					
December	8	2.5	1	2.5	\$2,835
2020					
January	8	2.5	0.5		\$1,935
February	8	2.5	1	2.5	\$2,835
March	13.5		2		\$2,895
April	35.5		4		\$7,235
May	3.5	7			\$1,785
June	4		1		\$980
July	9		1		\$1,830
	89.5	14.5	10.5	5	
	\$15,215	\$2,465	\$3,150	\$1,500	Total \$22,330
					\$22,330

TREANORHL ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES - **Proposed**

Time/Task Labor Analysis

9/1/2020

	Project Lead I Reduced Rate \$170		Senior Principal Reduced Rate \$300		
	Office	Field	Office	Field	
2020					
August	7.5		1		
September	8	2.5	0.5	2.5	
October	4		0.5		
November	8	2.5	1		
December	4		0.5		
2021					
January	8	2.5	1	2.5	Project Closeout
	39.5	7.5	4.5	5	
	\$6,715	\$1,275	\$1,350	\$1,500	Total \$10,840
					\$11,000