

ITEM #: 27  
DATE: 04-11-23  
DEPT: Fleet/P&R

**COUNCIL ACTION FORM**

**SUBJECT: CHANGE ORDER # 5 FOR STEVEN L. SCHAIKER PLAZA**

**BACKGROUND:**

On May 24, 2022, City Council approved a contract with Henkel Construction Company for the construction of the Steven L. Schainker Plaza. As part of the approval, a change order of value engineering items was accepted that resulted in a deduction of \$159,900 from the contract. Since that time construction has begun and Change Orders #2-4 have been approved by staff. A full breakdown of the project's finances and change orders is shown in the table below. A more detailed breakdown of the change orders is included in Attachment A.

A fifth change order has now been prepared. According to the City's Purchasing Policies, City Council approval is required for this change order. **This change order is for upsizing the water line to the garage area for the ice resurfer, a frost prevention system for the ice ribbon, removing the drop curb for the existing driveway on Clark Avenue and replacing it with full curb and gutter, and for sidewalk replacement due to utility work by the City.**

**This change order totals \$37,285.03, with the largest portion being for the frost prevention system for the ice loop at \$32,060.13. The frost prevention system is piping that uses glycol to keep the concrete from heaving due to the frost under the ice ribbon.**

This system was proposed by the subcontractor that will be installing the ice ribbon for Henkel. After the construction contract was awarded, the ice designer for Confluence was replaced with a new firm to review shop drawings and move the ice component forward. This change of ice design firms was done at no cost to the City. After discussions with the subcontractor and new ice designer, it was determined that the frost prevention system would be needed, since there is a high clay content in the soils on the site. The high clay content is likely due to the fill dirt that was placed at the site when the buildings that previously existed were demolished.

**Due to the site conditions being known during the design, the City should not be responsible for the costs associated with the change for the frost prevention system. City staff will formally notify the design consultant that due to their inadequate design, they should reimburse the City for this additional cost. However, the contractor cannot proceed with work on the ice ribbon until direction to proceed with the change order is provided.**

Table 1: Funding and Expenses

<b>Description</b>	<b>Funding</b>	<b>Expenses</b>	<b>Comments</b>
2021/22 GO Bonds	700,000.00		
2021/22 General Fund	1,484,624.00		
2022/23 GO Bonds	700,000.00		
2020/21 Local Option Sales Tax	200,000.00		
2020/21 Council Priorities Fund	1,000,000.00		
American Rescue Plan	450,497.00		
2021/22 Council Priorities Fund	739,579.00		
Engineering & Design		377,250.00	
Geotechnical/Survey		12,800.00	
3rd Party Testing Estimate		36,000.00	
FF&E Remaining		158,304.00	Estimated
Fiber, Security and Sound Project		51,696.00	
Remaining Contingency		88,641.53	Remaining - Started at \$164,650
Construction Contract		4,633,000.00	
Change Order #1 - Approved with Award of Contract To Allow Project To Meet Budget		(159,000.00)	Value Engineering Deductions
Change Order #2 - Administrative Approval		3,002.60	Investigating Fiber Duct that was not located originally
Change Order #3 - Administrative Approval		6,983.79	Intake changes due to fiber, deduct for light fixture types, and utility changes due fiber and foundations on site
Change Order #4 - Administrative Approval		28,737.05	Additional street light feeds (per Electric), removal of rubble buried on site, IDPH changes to the aquatics portion, a layout of traffic lines
<b>Changer Order #5 - Pending Council Approval</b>		<b>37,285.03</b>	<b>Modify water line for ice resurfacer, frost prevention under ice, remove driveway curb and gutter on Clark Ave., additional sidewalk due to City work</b>
<b>TOTALS</b>	<b><u>5,274,700.00</u></b>	<b><u>5,274,700.00</u></b>	

**ALTERNATIVES:**

1. Approve Change Order #5 in the amount of \$37,285.03 to Henkel Construction Company bringing the total contract cost to \$4,549,108.47, and direct staff to seek reimbursement from Confluence.
2. Do not approve the change order and proceed with an ice ribbon without frost prevention system. This alternative will could result in heaving of the concrete which will require very expensive repairs in the future.
3. Do not approve the change order until Confluence agrees to reimburse the City.

**CITY MANAGER'S RECOMMENDED ACTION:**

Construction at the Downtown Plaza cannot proceed in a timely manner without instructing the contractor as to whether this change order is approved. The items in the change order, including the frost prevention system, are necessary modifications in staff's opinion.

Therefore, rather than cause an excessive delay in the completion of the Plaza and potential for increased costs from the contractor, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 thereby approving Change Order #5 in the amount of \$37,285.03 to Henkel Construction Company, bringing the total contract cost to \$4,549,108.47, and directing staff to seek reimbursement from Confluence.

## ATTACHMENT A: Change Order Summary

Description	Items	Cost	Total
Change Order #1	Item 1 – Delete Moonstones	\$ (159,900.00)	<b>\$ (159,900.00)</b>
	Item 2 – Delete Cast Stone Wall Cap		
	Item 3 – Delete Paver Chessboard		
	Item 4 – Delete Art Wall		
	Item 5 – Convert Custom Pavers to Stock Brand & Color		
	Item 6 – Extend Metal Roof in Lieu of Separate Canopy		
	Item 7 – Add conduit for future light column installation/move transformer		
Change Order #2	Labor and material to investigate and removed abandoned concrete encasement	\$ 3,002.60	<b>\$ 3,002.60</b>
Change Order #3	Item 1 -South Intake Changes and 6 ft Duct Bank Hand Dig & Backfill per RFI #16	\$ 6,293.45	<b>\$ 6,983.79</b>
	Item 2 - Revise light fixture types per ASI #2	\$ (1,595.00)	
	Item 3 - Miscellaneous Utility Changes per CE #008 to include removing storm sewer for the art wall, cutting the top of an intake, and adding new adjustment rings to the existing sanitary manhole	\$ 2,285.34	
Changer Order #4	Item 1 - PCO 8 – Additional street light feeds on the east side of Clark Ave per RFI 17	\$ 1,996.09	<b>\$ 28,737.05</b>
	Item 2 - PCO 9 – Removal of rubble that was encountered on the site under building footprint per RFI 15 & 18	\$ 15,776.91	
	PCO 10 – Item 2 - IDPH Changes to the aquatic portion of the work per ASI 3	\$ 10,541.00	
	Item 4 - PCO 11 – Layout of traffic lines	\$ 423.05	
Change Order #5	Item 1 - PCO 12 – Modify water line for ice resurfacer in garage area per ASI 5	\$ 1,428.71	<b>\$ 37,285.03</b>
	Item 2 - PCO 14 – Add frost prevention system under ice	\$ 32,060.13	
	Item 3 - PCO 15 – Remove existing curb for the driveway on Clark and adding full curb and gutter per RFI 21	\$ 1,991.81	
	Item 4 - PCO 16 – Additional sidewalk that was replaced due to City work per RFI 21	\$ 1,804.38	