



REQUEST FOR BOARD ACTION

ITEM NO. 6

DATE OF MEETING: April 18, 2016

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution Authorizing a Contract Amendment and Budget Ordinance Amendment to the Original McKim & Creed Pender Commerce Park Wastewater Treatment Plant Contract for the Additional Construction Administration and Inspections Services Required to Accommodate the Unforeseen Phase I Project Delays.

BACKGROUND: In 2013, the Board authorized a professional engineering services agreement to McKim & Creed (MCE) for the design, permitting, and construction observation and construction inspections for the Pender County Wastewater Treatment Facilities (WWTP). The basis of the MCE fee amount for their professional engineering services contract was prefaced by the following scope conditions:

- A single construction contract/contractor would be retained to complete the WWTP.
- The construction timeline to complete the WWTP would be 15 months.

Both of these critical scope conditions were derailed when the WWTP project was redefined into two phases requiring two designs, two contractors and two timelines in order to be able to accept wastewater from Acme Smoked Fish as scheduled in their Incentive Agreement. Phase 1 entailed construction of a wastewater pump station and equalization basin and Phase 2 was essentially the remainder of the WWTP. On August 10, 2105, the Board approved a Contract Amendment # 1 to McKim & Creed in the amount of \$96,500 for the additional design, contract documents, contract administration and construction inspections required to complete both Phases.

Phase 1 was scheduled to be completed on Sept. 27, 2014 but experienced unforeseen contractor delays, through no fault of MCE. Phase 1 was issued a Substantial Completion on Sept. 15, 2015. The resultant construction timeline for Phase 1 was actually 23 months during which time MCE provided ongoing construction administration and inspections services for which they are due compensation.

The additional funding to pay McKim & Creed for the additional Construction Administration services provided through the protracted Phase I construction period will be recovered through Liquidated Damages withheld from the Phase I contractor.

SPECIFIC ACTION REQUESTED: To approve a \$142,425 Contract Amendment and budget ordinance amendment to the original McKim & Creed Pender Commerce Park Wastewater Treatment Plant contract for the additional construction administration and inspections services required to accommodate the unforeseen Phase I project delays.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

Contract Amendment # 2 in the amount of \$142,425 to the original McKim & Creed Pender Commerce Park Wastewater Treatment Plant Contract for the additional construction administration and inspections services required to accommodate the unforeseen Phase I project delays is approved and the Budget Ordinance Amendment is authorized.

The Chairman/County Manager/Project Manager is authorized to execute any document necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Keith ___ Piepmeyer ___ Williams ___

George R. Brown, Chairman 04/18/16
Date

ATTEST 04/18/16
Date



ENGINEERS

SURVEYORS

PLANNERS

January 29, 2016

160154

Mr. Michael Mack, PE, Director
Pender County Utilities
PO Box 995
Burgaw, NC 28425

Re: Pender County Wastewater Treatment Facilities
Amendment No. 2 – Additional Construction Administration and
Construction Observation Services

Dear Mr. Mack:

We are pleased to submit this Amendment No. 2 to our original Engineering Services Agreement, dated September 16, 2013. This Amendment will entail professional services for additional Construction Administration and Construction Observation for Phase I of the referenced project. Our scope of work for this Amendment is detailed as follows:

I. AMENDMENT NO. 2 JUSTIFICATION

The scope of services detailed in the original Engineering Services Agreement was based upon providing Construction Administration (CA) and Construction Observation (CO) services for a single construction contract with a duration of 15 calendar months. Following execution of that Agreement, the project timeline was accelerated and the project approach was revised to bid and construct the treatment plant as two separate projects, identified as Phase I and Phase II. The scope of Phase I entailed construction of a wastewater pump station and equalization basin designated for use as a pump & haul facility. Phase II includes the remainder of the treatment plant and incorporation of the Phase I infrastructure as part of the overall facility.

Phase I began construction on April 1, 2014 and was schedule for completion September 27, 2014. Amendment No. 1 to the Agreement was previously approved by Pender County to provide for the additional fees associated with the Phase I CA and CO efforts. However, the Phase I contractor has failed to complete the project within the contract timeline, which has required significant

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additional effort on the part of McKim & Creed to continue to provide CA and CO services on the project. The contractual timeline and actual dates of completion for the Phase I project are as follows:

Task	Contract Date	Actual Completion Date	Days Beyond Contract Date
Substantial Completion	August 28, 2014	September 15, 2015	383
Final Completion	September 27, 2014	Not Completed	TBD

As a result of the contractor delays in completion, McKim & Creed has provided CA and CO services for an additional 17 months (as of January 2016) beyond the original contract dates. Therefore, we respectfully request an amendment to our contract for the efforts associated with the contractor delays.

II. SCOPE OF SERVICES PROVIDED

Construction Administration Phase Services

1. Scheduled and conducted regular monthly construction meetings with the owner and contractor. Prepared and distributed construction meeting minutes to document discussions and responsibilities.
2. Received, logged, tracked, & responded to contractor's written requests for information or clarification of the contract documents.
3. Provided clarification of requirements as indicated on the construction plans and specifications if/when questions arose during construction.
4. Received, logged, tracked, & responded to notifications from contractor of changes to work conditions and requests for change orders.
5. Reviewed materials testing for conformance to the specifications.
6. Received, logged, tracked, & reviewed contractor's monthly invoices and make recommendations for payment.
7. Conducted site visits with the Resident Construction Observer to review project status.

8. Schedule and conducted the substantial completion evaluation. Prepare the substantial completion punch-list and work with the contractor to insure outstanding work is completed.
9. Prepare final certifications as required by NCDEQ.

Resident Project Representative Phase Services

1. Provided a Resident Project Representative experienced in constructing wastewater treatment facilities.
2. Prepared reports for each day on-site and submitted them to the Project Engineer for review on a weekly basis.
3. Maintained a photographic record during construction to document aspects of the construction process.
4. Immediately called the Contractor's attention to work that was completed that did not comply with the approved plans and specifications.
5. Documented field conditions and maintained a record as to the weather, contractor's personnel on-site, contractor's equipment on-site and the specific work completed since the last site visit.
6. Reviewed the Contractor's monthly pay requests to confirm that all quantities are accurate prior to payment recommendation.
7. Participated in construction meetings and represented the County in responding to technical questions.

III. COMPENSATION

The following table provides the fixed fees for Amendment No. 2 as detailed in this proposal.

Task	Proposed Amendment No. 2 Fees
Additional Construction Phase Services (CO and CA)	\$142,425

If you have any questions or comments regarding this proposal or any other McKim & Creed services, do not hesitate to contact me. Thank you for the

Mr. Michael Mack
January 29, 2016
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opportunity to provide this Amendment and we look forward to assisting
Pender County in completing this significant project.

Sincerely,

McKIM & CREED, INC.



Tony Boahn, PE
Vice-President

APPROVED BY: PENDER COUNTY

Michael Mack, Director, Pender County Utilities

Date

BUDGET ORDINANCE AMENDMENT TITLE: Contract Amendment # 2 to McKim & Creed for PCP-WWTP

Introduced by: Randell Woodruff, County Manager Date: 2016-04-18 Item #: _____

Fund: 84 & 88 - WWTP Department: PCU Division: PCP-WWTP



PENDER COUNTY, NORTH CAROLINA

FY 2015-2016 Budget Amendment # _____ Date Approved: _____
 Appropriations

REVENUES		EXPENDITURES	
Increase: <input type="checkbox"/>	Decrease: <input type="checkbox"/>	Increase: <input checked="" type="checkbox"/>	Decrease: <input checked="" type="checkbox"/>
Account # and Title	Amount	Account # and Title	Amount (leave off \$ sign)
		84-407491	
		WWTP - Phase II Construction (Contingency)	\$-142,425.00
		88-404505	
		Contract Services - Engineer	\$142,425.00
Total:		Total: \$0.00	

Reason and Justification for Request:
 BOA to transfer project funds from Fund # 84 - Pender Commerce Park WWTP to Fund # 88 - Pender Commerce Park WWTP Engineering

Dept Mgr. Approval: Michael G. Mack	Date: 2016-04-18	Finance Officer Approval:	Date:	Budget Officer Approval:	Date:
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Board Approval (When Applicable) Item # _____ Date of Minutes _____