

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)
THE EXECUTIVE OFFICER TO EXECUTE)
CHANGE ORDER NO. 4 TO)
THE LONIGAN CONSTRUCTION)
COMPANY CONTRACT FOR)
REMODEL OF THE RESEARCH BLDG.)
AT THE METRO WASHINGTON PARK)
ZOO)

RESOLUTION NO. 95-2086

Introduced by
Mike Burton,
Executive Officer

WHEREAS, In February 1994, Metro entered into Contract No. 903491 with Lonigan Construction Company for remodel of the Research Building at the Metro Washington Park Zoo; and

WHEREAS, Lonigan was awarded the contract as a result of a competitive bidding process; and

WHEREAS, Change Orders Nos. 1 through 3 have been executed previously totaling \$22,946.00, or 6.3% of the initial contract amount of \$361,150; and

WHEREAS, Change Order No. 4 for \$30,839 has been received and reviewed by the Project Construction Manager and determined to be an equitable cost for the work included; and

WHEREAS, Funds to cover the cost of Change Order No. 4 are available in the project contingency funds; and

WHEREAS, Metro Code was amended in September of 1994 to require Council approval of change orders in excess of 5% of the initial contract amount rather than the previous 10%; now, therefore;

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute Change Order No. 4 to the Lonigan Construction Contract No. 903491 which is attached as Exhibit A.

ADOPTED by the Metro Council this 2 day of February 1995.


J. Ruth McFarland
Presiding Officer

CHANGE ORDER

AIA DOCUMENT G701

EXHIBIT A

(Distribution to:

- OWNER
- ARCHITECT
- CONTRACTOR
- FIELD
- OTHER

- Mr. Glen Taylor, Metro
- Mr. Fred Herbold, M&N Smith Gordon
- Mr. Wm. L. Lonigan, WLLGC
-
-

CHANGE ORDER NO. 4, PAGE 1 OF 2

PROJECT: Metro Washington Park Zoo
 name address) Research Building Remodel
 4001 SW Canyon Rd, Ptd, OR 97232

CHANGE ORDER NUMBER: 4

INITIATION DATE: January 10, 1995

(C) (Contractor):

Wm. L. Lonigan Gen Contractors, Inc.
 4000 S.W. 114th.
 Beaverton, Oregon 97005

ARCHITECT'S PROJECT NO: 93921.00

CONTRACT FOR: #903491

Metro Park Zoo
 Research Bldg Remodel

CONTRACT DATE: February 25, 1994

You are directed to make the following changes in this Contract:

| | | | |
|-----|--|---------------------|-------------|
| 1. | M&N Change Order Proposal No. 4, WLLGC No. 12. | Add. . . . | \$ 1,585.00 |
| 2. | Change Order Proposal No. 26, WLLGC No. 31 | Add. . . . | 1,126.00 |
| 3. | Change Order Proposal No. 27, WLLGC No. 32 | Add. . . . | 3,074.00 |
| 4. | Change Order Proposal No. 27A, WLLGC No. 42 | Add. . . . | 296.00 |
| 5. | Change Order Proposal No. 28, WLLGC No. 28 | Add. . . . | 1,046.00 |
| 6. | Change Order Proposal No. 29, WLLGC No. 35 | Add. . . . | 443.00 |
| 7. | Change Order Proposal No. 31, WLLGC No. 33 | Add. . . . | 788.00 |
| 8. | Change Order Proposal No. 35, WLLGC No. 36 | Add. . . . | 455.00 |
| 9. | Change Order Proposal No. 36, WLLGC No. 37 | Add. . . . | 1,616.00 |
| 10. | Change Order Proposal No. 37, WLLGC No. 38 | Add. . . . | 1,072.00 |
| 11. | Change Order Proposal No. 38, WLLGC No. 39 | Add. . . . | 1,079.00 |
| 12. | Change Order Proposal No. 39, WLLGC No. 40 | Add. . . . | 650.00 |
| 13. | Change Order Proposal No. 39A, WLLGC No. 41 | Add. . . . | 200.00 |
| 14. | Change Order Proposal No. 22, WLLGC No. 22 | Add. . . . | 8,403.00 |
| 15. | Change Order Proposal No. 42, WLLGC No. 43 | Add. . . . | 340.00 |
| 16. | Change Order Proposal No. 40, WLLGC No. 46 | Add. . . . | 3,496.00 |
| 17. | Change Order Proposal No. 41, WLLGC No. 48 | Ded. . . . | (850.00) |
| 18. | Change Order Proposal No. 45, WLLGC No. 47 | Ded. . . . | (130.00) |

Subtotal Items 1. through 18. \$ 24,689.00

(Continued on Page 2)

Not valid until signed by both the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original (Contract Sum) ~~(Guaranteed Maximum Price)~~ was \$ 361,150.00
 Net change by previously authorized Change Orders \$ 22,946.00
 The (Contract Sum) ~~(Contract Sum)~~ prior to this Change Order was \$ 384,096.00
 The (Contract Sum) ~~(Contract Sum)~~ will be (increased) ~~(decreased)~~ (unchanged) by this Change Order \$ 30,839.00
 The new (Contract Sum) ~~(Contract Sum)~~ including this Change Order will be ... \$ 414,935.00
 The Contract Time will be (increased) ~~(decreased)~~ (unchanged) by (0) Day
 The Date of Substantial Completion as of the date of this Change Order therefore is October 7, 1994

Mahlum & Nordfors Smith Gordon

Wm L Lonigan G.C., Inc.

Authorized:
Metro

ARCHITECT

CONTRACTOR

OWNER

Address

Address

Address

BY

BY

BY

DATE

DATE 1.12.94

DATE

CHANGE ORDER

AIA DOCUMENT G701

Distribution to:

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

Mr. Glen Taylor
 Mr. Fred Herbold
 Mr. Wm. L. Lonigan

CHANGE ORDER NO. 4, PAGE 2 OF 2

PROJECT: Metro Washington Park Zoo
(name, address)

CHANGE ORDER NUMBER: 4

TO (Contractor):

INITIATION DATE: January 10, 1995

Wm. L. Lonigan General Contractors

ARCHITECT'S PROJECT NO: 93921.00

CONTRACT FOR: #903491
Metro Park Zoo
Research Bldg Remodel

CONTRACT DATE: February 25, 1994

You are directed to make the following changes in this Contract:

19. M&N Change Order Proposal No. ~~4373~~, WLLGC No. 32A. . . . Add. . . \$ 1,000.00
(Install OF gas sub-meter and valve to gas system)

20. M&N Change Order Proposal No. 46, WLLGC No. 25A. . . . Add. . . \$ 5,150.00
Metro and Lonigan agree to settle the delay claim for 27 calendar days for the lump sum amount of \$5,150.00.

Subtotal items 19. and 20. \$ 6,150.00

TOTAL CHANGE ORDER NUMBER 4. \$ 30,839.00

Not valid until signed by both the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original (Contract Sum) (Guaranteed Maximum Cost) was \$

Net change by previously authorized Change Orders \$ Reference Page 1

The (Contract Sum) (Guaranteed Maximum Cost) prior to this Change Order was \$

The (Contract Sum) (Guaranteed Maximum Cost) will be (increased) (decreased) (unchanged) by this Change Order \$

The new (Contract Sum) (Guaranteed Maximum Cost) including this Change Order will be . . . \$

The Contract Time will be (increased) (decreased) (unchanged) by () Day

The Date of Substantial Completion as of the date of this Change Order therefore is

Mahlum & Nordfors Smith Gordon

Wm L. Lonigan G.C., Inc.

Authorized:
Metro

ARCHITECT

CONTRACTOR

OWNER

Address

Address

Address

BY

BY

BY

DATE

DATE 1.12.95

DATE

Staff Report

CONSIDERATION OF RESOLUTION NO. 95-2086 FOR THE PURPOSE OF AUTHORIZING EXECUTION OF CHANGE ORDER NO. 4 TO THE LONIGAN CONSTRUCTION CONTRACT FOR THE REMODEL OF THE RESEARCH BUILDING AT THE METRO WASHINGTON PARK ZOO

Date: January 20, 1995

Presented by: Glenn Taylor

Background and Analysis

Metro entered into Contract No. 903491 with Lonigan Construction Company to remodel the Research Building at the Zoo in February 1994. The Lonigan contract had an initial contract amount of \$361,150 and was let by competitive bidding. In May, August and September of 1994, Change Orders 1, 2 and 3 were negotiated and executed, totaling \$22,946 or 6.3% of the initial contract amount.

Change Order No. 4 has been recently submitted by Lonigan for execution. The Change Order contains 20 separate items which total \$30,839.00. These items have been characterized as either scope changes requested by the Zoo, changes necessitated by differing site conditions or "other" which is primarily defined as code required changes, design flaw or technical changes. This characterization can be found in a Memorandum dated January 19, 1995 which is included as an attachment.

The project was substantially completed on October 17, 1994. All the work related to Change Order No. 4 has been completed. Negotiations between Metro's Construction Manager and Lonigan regarding the specific items included in the Change Order and their dollar amounts occurred from the summer of 1994 until mid January 1995.

On September 22 of 1994, the Metro Council amended the Metro Code provisions related to Public Contract Amendments (including change orders, extra work and contract renewals). This amendment lowered the change order threshold amount at which Metro Council approval is required from 10% to 5% of the initial contract amount. Change Order No. 3 was processed and executed on September 13, 1994 and therefore was properly executed. Execution of Change Order No. 4, however will require Council approval due to its dollar amount exceeding the new 5% limit.

Work related to Change Order No. 4 was performed prior to seeking Council approval due to the demands of the construction project. In order to complete the work in a timely, orderly and cost effective fashion, it is necessary to allow the contractor to continue without the interruption of seeking Council approval for each change.

Budget Impact

Funds to cover the cost of Change Order No. 4 are available in the Project's contingency fund which is budgeted in Zoo Capital Fund.

METRC WASHINGTON PARK ZOO

MEMORANDUM

Date: January 19, 1995

To: Sherry Sheng, Zoo Director

From: Glenn Taylor, Construction Projects Manager



Subject: Research Building Remodel, Change Order #4

All phases of the Research Building Remodel project were substantially completed on October 17, 1994. We have successfully negotiated a fair cost settlement of all changes and delay claims with the contractor. Attached is a copy of Change Order #4 totaling \$30,839.00 reflecting the cost of all issues. This change includes the following twenty (20) items:

1. This Change (COP #4) relocated a conduit to the gate control that was not shown on the plans. This was a differing site condition to the contractor and added \$1,585.00 to the project cost.
2. This change (COP #26) added a food grade panel (FRP) in the necropsy room which was required but not included in the plans and specifications. This falls in the "other" category as a technical issue that was not discovered until after the bid documents were issued and the contract signed. This added \$1,126.00 to the project cost.
3. This change (COP #27) moved the location of the necropsy dock which required plumbing and electrical changes as well as other work. This was an owner scope change to make the room more functional and work better with existing conditions. This added \$3,074.00 to the project cost.
4. This change (COP #27A) added a light switch next to the door in the necropsy room (the other door had been eliminated) which is a code requirement not included in the original contract documents. This added \$296.00 to the project cost.
5. This change (COP #28) was to reconnect the plumbing to the relocated lab sink. The plumbing and electrical connections were inadvertently left off the contract documents. This added \$1,046.00 to the contract cost.
6. This change (COP #29) carpenter ants were observed around an existing wall so holes were cut in the wall to determine the extent of any infestation. This required treatment for ants and patching the holes. This differing site condition added \$443.00 to the cost of the project.
7. This change (COP #31) changed the design in the surgery room which added a leaf to an existing door instead of taking out the whole wall. This required modifying the existing opening, moving electrical and HVAC controls, and refinishing. This was an owner requested change to increase flexibility and efficiency that added \$788.00 to the project cost.
8. This change (COP #35) added more light in the corridors by using extra existing light fixtures. This is considered a technical issue that added \$455.00 to the project cost.

9. This change (COP #36) was to add a fireproofing barrier above the existing ceiling grid (which was being replaced). This was a city required change that added \$1,616.00 to the project cost.
10. This change (COP #37) was required to remove and replace a piece of an existing concrete slab that was badly damaged due to the old fill underneath not being compacted properly when the original building was built. This differing site condition added \$1,072.00 to the project cost.
11. This change (COP #38) added seismic bracing to the existing ceiling grid as required by City building inspectors. This technical change added \$1,079 to the project cost.
12. This change (COP #39) was required to replace water damaged drywall not previously identified on contract drawings. Water damage apparently occurred previously when roof was leaking and replaced. This differing site conditions added \$650.00 to the project cost.
13. This change (COP #39A) was required to cut, patch and treat wood sill plates to arrest dry rot found when wall was being modified. This differing site condition added \$200.00 to the project cost.
14. This change (COP #22) was required due to the discovery that the HVAC system would not function properly as designed. At the time this was determined, all materials were on site and could not be returned due to being custom designed. This technical design issue added \$8,403.00 to the project cost and caused a delay in the project that was addressed in COP #45>
15. This change (COP #42) was to reimburse the contractor for temporary occupancy permits required to move the offices to the lower floor while construction took place on the upper floor. This was caused by the design flaws (i.e., shower that could not meet code requirements) in the lower bathroom. This "other" type change added \$340.00 to the project cost.
16. This change (COP #40) added a motorized damper in the HVAC duct system for the downstairs and changed out all the HVAC diffusers due to air stratification caused by the height of the ceilings and mezzanine level. This technical change added \$3,496.00 to the project cost.
17. This change (COP #41) was due to the inadvertent substitution by the supplier to a DBE contractor of a lower grade carpet than specified. The contractor agreed to a credit rather than replace the carpet. This "other" type change credited the project \$850.00.
18. This change (COP #45) deleted replacing a faucet in room 117. This owner scope change credited the project \$130.00.
19. This change (COP #44) added a gas meter to the building as required by the gas company. This technical change added \$1,000 to the project cost.

20. This change (COP #45) was a settlement for a contractor delay claim due to changes the HVAC system (COP #22), city required changes (COP #36 & 38), and differing site conditions issues (COP #13, 37, & 39). There was also a delay at the beginning of the project due to access to the site being blocked by the contractor for the Center for Species Survival project. The settlement of this claim added \$5,150.00 to the project cost.

This brings the total project Change Orders to \$53,785.00. This is 14.89% of the total contract amount. The Zoo requested changes represent 2.87%; differing site conditions represent 4.17%; and other issues such as design changes, technical issues, and city required changes represent 7.85% of the total.

The project budget is \$475,000 of which we will have spent all but \$4,489.00 with the above Change Orders included. We had originally budgeted a 15% contingency since this was a remodel project that typically has many unknown factors such as those encountered during this project.

The project architect (Mahlum, Nordfors, Smith, Gordon has filed a claim for additional services for \$14,397.00 which if agreed to and paid would cause the project to be over budget by \$9,908.00. After a cursory review of this claim, I think it should be denied due to the many design issues related to the HVAC on this project.

Attached for your review are copies of the Change Order Request Summary, a Change Order Summary, my Change Order Proposal Log showing all changes and costs incurred to the project, the proposed Change Order #4, Mahlum & Nordfors Smith Gordon claim letter, Mahlum & Nordfors Contract, and Mahlum & Nordfors Proposal.

With your concurrence, I will prepare a Resolution for Council approval of this Change Order. I would like to expedite it as quickly as possible so the contractor can be paid for this work.

cc: Dennis Pate