



City Council Meeting - Final

August 21, 2023
7:00 PM

-
- I. **CHOR2023-004** Authorization of change orders to the approved contracts and budgets for the Downtown Redevelopment projects for a reduction of \$229,507.00 to Ohmshiv Construction LLC. (805 Progress Court, Suite A, Lawrenceville, GA 30043) and an increase of \$229,507 to The Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, GA. 30341) based on scope performed and authorize the Mayor to sign and execute all related documents.



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: CHOR2023-04

Agenda Date: 8/21/2023

In Control: City Council

File Type: Change Order

Agenda Section:
Consent Agenda

Agenda Number: I.

Department: Public Works

Agenda Title:

Authorization of change orders to the approved contracts and budgets for the Downtown Redevelopment projects for a reduction of \$229,507.00 to Ohmshiv Construction LLC. (805 Progress Court, Suite A, Lawrenceville, GA 30043) and an increase of \$229,507 to The Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, GA. 30341) based on scope performed and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

Purchase orders PO22004208 and PO 23002392, for Ohmshiv Construction LLC and The Winter Construction Company respectively, were each prepared based on separate competitive bidding processes with scopes and fees defined for each project. Much of the grading and drainage work was to be performed by in the work area that Winter Construction was to perform the majority of their contract scope. During the turnover period, part of the work necessary for Winter Construction to mobilize was unreasonably delayed, and the scope to be complete was removed from Ohmshiv's scope for Winter Construction to complete as a field change. Winter Construction has provided the attached proposed Change Order in the amount of \$229,507.00 to be deducted from PO22004208.

RECOMMENDATION / REQUESTED ACTION:

Public Works and Finance Staff recommend authorization of change orders to the approved contracts and budgets for the Downtown Redevelopment projects for a reduction of \$229,507.00 to Ohmshiv Construction LLC. (805 Progress Court, Suite A, Lawrenceville, GA 30043) and an increase of \$229,507 to The Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, GA. 30341) based on scope performed and authorize the Mayor to sign and execute all related documents.

AIA® Document G701 - 2017

Change Order

PROJECT: *(Name and address)*

Smyrna Downtown Improvements - Public Greenspace
200 Village Green Circle
Smyrna, GA 30080

CONTRACT INFORMATION:

Contract For: Smyrna Downtown Improvements - Public Greenspace
Date: 04/13/2022

CHANGE ORDER INFORMATION:

Change Order Number: 1
Date: 06/03/2022

OWNER: *(Name and address)*

City of Smyrna
2800 King Street
Smyrna, GA 30080

ARCHITECT: *(Name and address)*

POND & Company
55 Ivan Allen Jr. Boulevard, Suite 850
Atlanta, GA 30308

CONTRACTOR: *(Name and address)*

The Winter Construction Company
5616 Peachtree Road, Suite 100
Chamblee, GA 30341

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.)

<u>IOC #</u>	<u>Description</u>	<u>Approved Price</u>
2	Ohmshiv Incomplete Work	\$ 229,507.00
Total Change Order Amount:		\$ 229,507.00

The original Guaranteed Maximum Cost was	\$	<u>3,700,000.00</u>
The net change by previously authorized Change Orders	\$	<u>0.00</u>
The Guaranteed Maximum Cost prior to this Change Order was	\$	<u>3,700,000.00</u>
The Guaranteed Maximum Cost will be increased by this Change Order in the amount of	\$	<u>229,507.00</u>
The new Guaranteed Maximum Cost including this Change Order will be	\$	<u>3,929,507.00</u>

The Contract Time will be increased by 85 days
The new date of Substantial Completion will be 08/22/2023

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.

The Winter Construction Company

CONTRACTOR *(Firm Name)*



SIGNATURE

Carrie Campbell - Director

PRINTED NAME AND TITLE

August 11, 2023

DATE

City of Smyrna

OWNER *(Firm Name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE

FAX TO: () - Derek Norton
() - Zach Strickland



The Winter Construction Company
5616 Peachtree Road, Suite 100
Atlanta, GA 30341
Phone: 404-588-3300
Fax: 404-223-1146

PROPOSAL

for Item of Change #2

Smyrna Downtown Improvements - Public Greenspace

Project No: 22-093

To: Derek Norton
City of Smyrna
2800 King Street
Smyrna, GA 30080

Submit Date: 08/02/2023

Item of Change Date: 08/02/2023

Project Location: Smyrna, GA

Submit Amount: \$229,507.00

In accordance with the above-referenced Item of Change, we propose to perform the following:

This item of change includes costs for Winter to perform incomplete work not completed by enabling work contractor as required to start Winter's contracted scope of work. Costs include completing remaining storm sewer work, final grading, sanitary sewer adjustments, demolition of landscaping, and existing pond remediation that occurred between March 6, 2023 and April 25, 2023. Costs also include additional General Conditions in the amount of \$98,000 for the seven weeks required to perform the work (\$14,000 / week).

1. In order to incorporate this change, we estimate that we will require additional time for completion and have based our proposal upon receiving ____calendar days extension.
2. This Proposal is firm for acceptance within 7 days.
3. This Proposal is based solely on the usual cost elements such as labor, material, and normal mark-ups and does not include any amount for additional changes in the sequence of work, delays, disruptions, rescheduling, extended overhead, acceleration and/or impact costs, and the right is expressly reserved to make claim for any and all of these and related items of cost prior to any final settlement of this contract.
4. Since an itemized quotation is being submitted for your review, we reserve the right to add to this quotation items that may have been inadvertently missed.

By:

Title: Senior Project Manager


Brian Clark

Approved By: POND & Company

By:

Sydney Thompson

Title:

Date:

**Smyrna Downtown Improvements - Public Greenspace
Proposal for Item of Change #2**



Approved By: City of Smyrna

By: _____
Derek Norton

Title: _____

Date: _____

Distribution: Zach Strickland

Recapitulation Worksheet (Owner) for Item of Change #2



August 07, 2023

Project: 22093 - Smyrna Downtown Improvements - Public Greenspace

Location: Smyrna, GA

Architect: POND & Company

Summary By: Brian Clark

Description: Ohmshiv Incomplete Work

Work by Subcontractor:

Subcontractor	Amount Req by Sub	Comments

Subcontractor Subtotal: % \$
0

:
Subcontractor Total: 0

Work by TWCC:

Work Description	Quantity	Units	Unit Price	Cost
Complete Ohmshiv remaining work	1.00	LS	113,723.00	113,723
Additional GCs for completing Ohmshiv remaining work	7.00	Weeks	14,000.00	98,000

TWCC Subtotal: % \$
211,723
Change Order Fee: 4.5 9,528
G.C. Bond: .95 2,011
GL Insurance: .95 2,011
SDI: 2 4,234
TWCC Total: 229,507

Grand Total: 229,507

Smyrna Downtown Greenspace**Date: 05.25.23****Cost Tracker - Impact Costs from Remaining Ohmshiv Work**

#	Date	Short Description	Cost	Notes
1	03/06/23 thru 04/12/23	Complete Ohmshiv remaining work items	\$ 95,703.31	Includes remaining storm line work installation, demo of existing storm structure, final grading, adjustments to sanitary sewer lids, and modifications to inlet for Library scored concrete due to lack of tee in storm line.
2		Complete landscaping demo	\$ 8,020.00	Landscaping against Community Center and a section near old transformer to the south of the Library was not demo'd by Ohmshiv.
3	04/25/23	Pond sediment treatment	\$ 10,000.00	Winter attempted to assist in settlement of dirt in existing retention pond that was impacted by Ohmshiv due to inadequate erosion controls.
4				
5				
6				
7				

TOTAL \$ 113,723.31