

Meeting Date: March 10, 2010

**CHANGE ORDER NO. 5 WITH LILLARD & CLARK CONSTRUCTION CO.
CONDUIT NOS. 12 AND 18 - 48-INCH AND 54-INCH STEEL
PIPE RELOCATION AT THE SOUTH PLATTE RIVER
CONTRACT 12019A**

Action by Consent

Action

Information

On August 12, 2009, the Board approved Contact 12019A with Lillard & Clark Construction Company, Inc. for the relocation of Conduit Nos. 12 & 18 at the South Platte River. The work includes relocation of 500 linear feet of 48-inch and 54-inch pipe under the South Platte River and is necessary due to the City & County of Denver's (City) South Platte River project which will lower the river bed in the area of the conduits. The City has agreed to reimburse costs for the conduit relocations under Agreement 11986A.

During the process of obtaining the Colorado Discharge Permit for dewatering operations, higher than acceptable levels of lead, arsenic and uranium were discovered in the groundwater. In order to discharge the groundwater back to the river and meet the requirements of the permit, the water has to be treated and tested. The original contract did not include costs to treat and test contaminated groundwater.

Change Order No. 5 addresses delays to the Contractor from December 15, 2009 through January 29, 2010 associated with idle equipment, labor force and testing of contaminated groundwater to determine an effective method to treat the water in the amount of \$84,345.72. The Contractor was unable to perform work during this period due to the work being located in the river and not being able to dewater until the treatment process was in place.

These costs were not identified in the existing IGA between the City and the Board. The City has reviewed the costs and agreed to reimburse the Board for all but \$7,143.90 which represents a 50% cost share on disputed items.

The 2010 Capital Improvement Plan (MPC 2DD0278) does not include funds for this Change Order. Funds will be provided via variance and reimbursed by the City. In the February 24th Board Meeting, a variance of \$564,364.67 was approved, so the year-to-date variance will total \$648,710.39. Another change order is under negotiation to pay for Contractor down time.

RECOMMENDATION

It is recommended that the Board approve Change Order No. 5 to Contract 12019A with Lillard & Clark Construction Company, Inc. not to exceed \$84,345.72 with a completion date of May 28, 2010.

Budget Considerations

Master Plan Code(s): 2DD0278

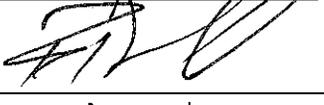
Budgeted Item Unbudgeted Item Funds transferred from another project:

Budget Information

2010 Budget	\$850,000.00
Amount Requested This Item	\$84,345.72
YTD Expenditures	\$11,336.13
Additional Expenditures Anticipated	\$1,403,028.54
2010 Estimate	\$1,498,710.39
Variance Required	\$648,710.39

Approvals:


Robert J. Mahoney
Director of Engineering



Manager Approval
for MS Barry