

**PUBLIC WORKS MEMORANDUM
#5-2024**

DATE: Jan. 22, 2024

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*
Jason Loveland, Interim Deputy City Manager *AL2*

FROM: Kent Kisselman, PE – Director of Public Works *CHK*

SUBJECT: CR-12 – 120th Avenue Construction Administration Addendum #1

PURPOSE

To consider CR-12, a resolution approving an addendum to the professional services agreement with Rocksol Consulting Group, Inc. for construction administration services for the 120th Avenue Corridor Improvements Project.

BACKGROUND

On April 25, 2022, Council entered into an agreement with Rocksol to provide construction administration for the improvements on 120th Avenue between Washington St. and Claude Court. Rocksol acted on behalf of the City to observe the contractor’s daily work, evaluate the quality of the work, keep the work proceeding in accordance with the contract documents, and prepare and review construction-related documents, changer orders, pay applications, etc. in accordance with Federal guidelines.

Addendum #1 to the agreement with Rocksol would cover costs for work continuing into 2024, several unforeseen contract modification orders, and increased working hours. Although principal construction is finished, paperwork with CDOT still needs to be filed and some landscaping has been pushed back to the spring due to weather.

BUDGET/TIME IMPLICATIONS

| | Amount |
|--|---------------------|
| Project Funds Available | \$740,337.76 |
| Rocksol Consulting Group, Inc. Addendum #1 | (\$80,524.61) |
| Budget Remaining | \$659,813.15 |

STAFF RECOMMENDATION

Attached is CR-12, a resolution that, if approved, would authorize the Mayor to execute Addendum #1 to the agreement between the City and Rocksol Consulting Group, Inc., for construction administration services for the 120th Avenue Corridor Improvements Project in an amount not to exceed \$80,524.61. Staff recommends approval of CR-12.

STAFF REFERENCE

If Council Members have any questions, please contact Kent Kisselman, Director of Public Works, at kkisselman@northglenn.org or 303.450.4005.

CR-12 – 120th Avenue Construction Administration Addendum #

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-12
Series of 2024

Series of 2024

A RESOLUTION APPROVING ADDENDUM NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND ROCKSOL CONSULTING GROUP, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE 120TH AVENUE CORRIDOR IMPROVEMENTS PROJECT

WHEREAS, the City of Northglenn entered into a Professional Services Agreement dated April 25, 2022 with RockSol Consulting Group, Inc. for an amount not to exceed \$341,616.00 for construction management services for the 120th Avenue Corridor Improvements Project; and

WHEREAS, the City desires to supplement the Agreement with Addendum No. 1 to allow for an additional scope of services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Addendum No. 1 to the Professional Services Agreement between the City of Northglenn and Rocksol Consulting Group, Inc., attached hereto, in the amount of \$80,524.61 for construction management services for the 120th Avenue Corridor Improvements Project, for a total amount for construction management services not to exceed \$422,140.61, is hereby approved and the Mayor is authorized to execute same on behalf of the City of Northglenn.

DATED, at Northglenn, Colorado, this _____ day of _____, 2024.

MEREDITH LEIGHTY
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, MMC
City Clerk

COREY Y. HOFFMANN
City Attorney

ADDENDUM #1 TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS FIRST ADDENDUM TO AGREEMENT FOR PROFESSIONAL SERVICES is made and entered into this ____ day of _____, 20____, by and between the CITY OF NORTHGLENN, State of Colorado (hereinafter referred to as the "City") and RockSol Consulting Group, Inc. (hereinafter referred to as "Consultant").

RECITALS:

A. On April 25, 2022 the City and Consultant entered into an Agreement for Professional Services for Construction Management services (the "Agreement") for a contract amount of \$341,616.

AGREEMENT

NOW, THEREFORE, it is hereby agreed that for the consideration hereinafter set forth, that Consultant shall provide to the City, professional services as needed in the manner provided in the Agreement.

1. The Scope of Services in the Agreement is hereby amended to include scope changes for services attached hereto as **Exhibit A**, and incorporated herein by this reference (the "Additional Scope of Services"). Compensation for the Additional Scope of Services will be for an amount not to exceed eighty thousand five hundred twenty-four and 61/100 dollars (\$80,524.61) as provided in **Exhibit B**.

2. Subparagraph A. of Article IV entitled "Compensation" is hereby amended to provide as follows:

A. Compensation shall not exceed four hundred twenty-two thousand one hundred forty and 61/100 dollars (\$422,140.61) for the work performed under the original contract and work authorized by this Addendum #1.

3. The original Agreement is in full force and effect and is hereby ratified by the City and the Consultant. The original Agreement and this Addendum #1 constitute all of the agreements between the City and the Consultant.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe to the same in duplicate.

CITY OF NORTHGLENN, COLORADO

By: _____

Meredith Leighty

Print Name

Mayor

Title

Date

ATTEST:

Johanna Small, CMC, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

CONSULTANT

By: 

President 12, 19, 23

Title

Date

ATTEST:



Controller 12/19/2023

Title

Date



November 30, 2023

City of Northglenn
Transportation Public Works
12301 Claude Ct.
Northglenn, CO 80241

Attention: Daniel Martinez

Subject: Request for approval of CMO #1 - 120th Avenue Construction Management Scope Changes - Increases due to delayed project start and increased working time and tasks.

Dear Mr. Martinez:

RockSol Consulting Group, Inc. has been grateful for the opportunity to assist with construction management and inspection on the City of Northglenn's 120th Ave Improvements project. We are very happy with how this project has turned out and the relationship of the project team throughout the project. And we hope the City of Northglenn feels the same.

This letter is to request approval for CMO #1 for the 120th Street Construction Management scope changes. Due to several factors, our scope has changed from the original proposal submitted on 2/28/2022 and the contract is dated 4/28/2022. We are requesting additional fees to cover the changes in scope and to allow for the smooth completion of the project including the remaining field tasks and the documentation closeout with CDOT oversight that is required due to the federal and state funding sources.

The original proposal for RockSol's construction management tasks was submitted in 2022 with the assumption that work would be completed that year, but due to delays in bidding and awarding the contract, construction work mainly took place in 2023 and will extend into 2024. The increased hourly rates due to the project delay were discussed previously with Kiran Bhusal at the start of the project, and RockSol was instructed to use the 2023 rates and request additional funding if the budget was exceeded. Additionally, the project required some added staffing for the contractor's weekend and overtime activities that were not included in the original scope. And the project has gone beyond the project contract time and the contractor is being allowed to continue work after the project time expired and Substantial Completion was issued – requiring additional field inspection that was not anticipated. Further descriptions are listed below.

Increased Hourly Rates Description:

- RockSol included 2022 rates in the original proposal and contract that anticipated a Notice to Proceed date of Spring 2022. We assumed in the original scope that the project would start in 2022 but due to bid, award and contracting delays, the Contractor started work in January 2023. Changing the rates from 2022 to 2023

RockSol Consulting Group, Inc.

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results in a cost increase of \$33,641.31. This issue and request were sent to Kiran Bhusal and Daniel Martinez on January 2nd, 2023, and agreed upon that RockSol could use the 2023 rates throughout the project and follow up at the end of the project for overages. The breakdown of adjusted rates submitted in January 2023 from the original request is attached (Attachment A) and is included in the summary chart on the last page of this letter. Note: There was also a request in this table for additional Project Management, but this task was covered by FHU, the project designer of record, and can be disregarded.

Increased Project Time:

- **City Approval of the Contractor Working Increased Hours and Days** - The original proposal stated a full-time inspector would be utilized Monday through Friday for 20 to 60 HRS/Week – or an average of 40 HRS/Week. The Calendar Day contract that was executed for construction allows the contractor to work any, and all hours approved by the City of Northglenn. As Construction was starting, the Contractor received approval to work every Saturday, occasional Sundays, and an occasional night shift. The approval for added work time increased the contractors' hours to approximately 70 - 80 HRS/Week, including project documentation.

Notification regarding RockSol's concerns about added CM and inspection time to cover the increased working hours was sent to Kiran Bhusal and Daniel Martinez of Northglenn on January 4th, 2023, via E-mail. To provide full-time inspection for the entire project with a Contractor working 12 HR shifts, 6 Days per week and several operations occurring at once on site a backup inspector was added to minimize overtime. This added staff person kept the full-time inspector from working over 60 hours a week and potential 24-hour shifts (day and night work),

Estimated increase of 100 hours for Andrew and Kevan.

- **Added Calendar Days due to Weather Days exceeding number in Contract** - Due to weather conditions in the spring, the allotted adverse weather days allowed in the contract were exceeded during several months. Additional contract time was added.

Estimated increase of 10 hours for Alex and 20 hours for Andrew.

- **Large Number and Complexity of CMO's** - Several unpredictable Contract Modification Orders (CMO's) were needed throughout the project, mostly due to unforeseen utility issues. These CMO's added both time and cost to the project. Several of these CMO's required several days of added work to be explained and the project management team worked closely with CDOT to get these approved. In total, there are 15 CMO's, some of which have yet to be approved by CDOT. Drafting, negotiating and working with CDOT took increased time due to the number and complexity of the change orders on the project.

Estimated increase of 100 hours for Alex and 40 hours for Andrew.

- **Increased Work Continuing after Contract Calendar Time Elapsed** - Although substantial completion was issued, the Contractor still has several outstanding items remaining to complete. All of these items appear on the list from the Punchlist walk that occurred on November 16th. There are 50+ items listed on the Punchlist, some of which will need to be inspected – including Landscaping installation which will take place in Spring 2024. Other inspection items will require documentation such as daily logs and time counts, The original scope was written using the number of calendar days. This continued work will result in added hours and documentation.

Estimated increase of 20 hours for Alex and 60 hours for Andrew.

Total Estimated increase in hours:

- Alex DeWitt – 130 hours
- Andrew Schmidt and Kevan O'Connell – 220 hours
- Stephany Westhusin – 5 hours
- Admin - 5 hours

PROPOSED COST OF ADDED WORK

Below is a comparison of the increased project hours listed above broken down by the remaining projected work tasks post substantial completion and to close out the project. This breakdown uses 2024 rates.

| 2024 RATE/HR: | \$147.48 | \$116.77 | \$125.54 | \$237.30 | \$105.61 |
|------------------------------------|-------------|----------------|-----------------|--------------------|----------|
| | Alex DeWitt | Andrew Schmidt | Kevan O'Connell | Stephany Westhusin | Admin |
| Punchlist & Inspection: | 35 | 65 | | | |
| Pay Apps, Qty Forms, CMO's: | 50 | 50 | 30 | 2 | |
| Materials Book and Review: | 20 | 45 | | | |
| Closeout and Meetings | 25 | 20 | 5 | 3 | |
| Admin | | 5 | | | 5 |
| TOTAL HRS | 130 | 185 | 35 | 5 | 5 |

Additional Hours Requested in CMO #1: 360

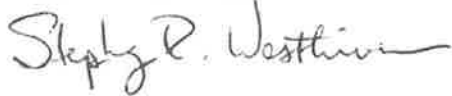
Cost for Added Project Time: \$46,883.30
Cost for Increase in Hourly Rates: \$33,641.31

* See calculation in Attachment #1
– excerpt from email dated 1/2/23

Combined/Total Cost: \$80,524.61

As mentioned, RockSol Staff has appreciated the teamwork on this project and is proud of the result. We look forward to working with you through the end of the project. Please contact us if you have any questions.

Respectfully submitted,



Stephany Westhusin, P.E.
Senior Transportation Engineer

Attachment A – 2022 vs 2023 Rates – Increased hourly fees – excerpt from 1/2/23 email

Rocksol Consulting City of Northglenn 120th Avenue - 2023 Additional Costs Proposal

2022 to 2023 Hourly Rate Cost Increase:

| | Prop Hours | 2022 Rates | Hours used | Rem. Hours | Rem hours x 22 Rates | 2023 Rates | Rem hours x 2023 Rates |
|------------------|------------|------------|------------|------------|-------------------------------|------------|------------------------|
| Abe/Stephany | 40 | \$ 237.30 | 16.25 | 23.75 | \$ 5,635.88 | \$ 237.30 | \$ 5,635.88 |
| Alex DeWitt | 1120 | \$ 111.30 | 69.5 | 1050.5 | \$ 116,920.65 | \$ 112.02 | \$ 117,677.01 |
| Andrew Schmidt | 2240 | \$ 90.80 | 33 | 2207 | \$ 200,395.60 | \$ 105.60 | \$ 233,059.20 |
| Carol Hoisington | 20 | \$ 111.30 | 0 | 20 | \$ 2,226.00 | \$ 117.33 | \$ 2,346.60 |
| Admin | 20 | \$ 92.50 | 3.75 | 16.25 | \$ 1,503.13 | \$ 98.70 | \$ 1,603.88 |
| | | | | | \$ 326,681.25 | | \$ 360,322.56 |
| | | | | | Increase to 2023 Rates | \$ | 33,641.31 |

Additional Project Mangement Hours Proposal

| | | | | | | | |
|--------------|-----|--|--|-----|------|--|---------------------|
| Abe/Stephany | 100 | | | 100 | \$ - | \$ 237.30 | \$ 23,730.00 |
| | | | | | | Added time for Project Management | \$ 23,730.00 |
| | | | | | | Total 2023 Additional Proposal: | \$ 57,371.31 |