



City Council

Agenda Item

Subject: Approval of Final Change Order No. 3 for the Watertown Regional Landfill Cell No. 7, Project No. 2112 with Dan Hart Patrol Service, LLC, for an increase of \$13,724.35, bringing the contract amount to \$2,193,325.75.

Meeting: City Council - Jul 17 2023

From: Heath VonEye, Public Works Director

BACKGROUND INFORMATION:

Construction of landfill disposal Cell No. 7 including approximately 150,350 CY of excavation, 20,480 CY of recompacted soil barrier layer placement, 10,590 CY of sand drainage layer placement, installation of 1,980 LF of leachate collection piping, 1,650 LF of perimeter fence installation, 10,122 tons of gravel surfacing, installation of 1,668 LF of storm piping (various sizes), bituminous restoration (removal & replacement) of 8,700 SY of existing pavement and 21 acres of seeding/vegetative restoration.

The lowest bidder for the project was Dan Hart Patrol Services, LLC with a bid of \$1,793,334.80. This bid was lower than the Engineer Estimate by 18%. Previously approved Change Order No. 1 increased the contract amount to \$2,233,941.38 due to a high quantity of inadequate soils and an underground spring and extra quantities to repair the compost pad.

Change Order No 2 adjusted quantities and accounted for liquidated damages. Change Order No 2 reduced the contract price by \$53,894.99.

Change Order No. 3 adjusts the erosion control quantities and added 4" gravel on the landfill roads at the request of the City, which increased the contract amount by \$13,729.35 for a final contract amount of \$2,193,325.79.

FINANCIAL IMPACT:

The funding for this project was budgeted in the CIP fund, accounts 605-43240-43958 and 605-43245-43817, in the amount of \$2,119,900.00. The City was also awarded a Solid Waste Management grant for \$400,000 for this project and has received a \$1,428,000 CWSRF loan and \$212,000 ARPA grant, totaling \$2.04M in additional funding.

Original Contract= \$1,793,334.82

Change Order No. 1= +\$440,156.56

New Contract Amount= \$2,233,491.38

Change Order No. 2= -\$53,894.99

New Contract Amount= \$2,179,596.40

Change Order No 3 (Final)= +\$13,729.35

Final Contract Amount= \$2,193,325.75

The current construction costs are \$2,193,325.75, for an overall project cost (including engineering) of \$2,399,825.75. After the loan and grants of \$2.04M are expended, the additional \$400,000 is proposed to come from the \$2.12M CIP fund budgeted for this project. Net effect is project remains within budget. Staff recommends approval of Change Order #3.

SUGGESTED MOTION:

I move to approve Final Change Order No. 3 for the Watertown Regional Landfill Cell No. 7, Project No. 2112 with Dan Hart Patrol Service, LLC, for an increase of \$13,724.35, bringing the contract amount to \$2,193,325.75.

STAFF REFERENCE(S):

Craig Mitchell, Justin Petersen

ATTACHMENT(S):

[2112 Change Order 3 \(Final\)](#)

CHANGE ORDER NO.: 3 – Project Closeout (FINAL)

Owner:	City of Watertown	Owner's Project No.:	2112
Engineer:	Houston Engineering Inc.	Engineer's Project No.:	7716-0020
Contractor:	Dan Hart Patrol Service, LLC.	Contractor's Project No.:	
Project:	WRLF Cell 7 Construction		

Date Issued: July 12, 2023 Effective Date of Change Order
(pending applicable approvals): July 12, 2023

The Contract is modified as follows upon execution of this Change Order:

Description:

A. Contract Resolution Items:

Modifications to the amount/quantity of various materials and associated construction operations were necessary to complete the project. The listing below accounts for the overages/deducts for contract items approximated with Change Order #2:

Silt Fence = -860 LF @ \$3.46/LF = -\$2,975.60
Erosion Control Blanket – Straw = -250 SY @ \$4.83/SY = -\$1,207.50
12" Wattles = -55 LF @ \$8.21/LF = -\$451.55
Seeding, Mulch, Fertilizer & Disk Anchoring (Original Contract) = -4 AC @ \$1,300.00/AC = -\$5,200.00
Seeding, Mulch, Fertilizer & Disk Anchoring (Change Order #2) = -10 AC @ \$1,300.00/AC = -\$13,000
Additional Gravel Surfacing (Contractor provided/Facility placed in 2023) = 2,200 TON @
\$16.62/TON = \$36,564.00

The contract will be amended to accommodate for minor changes to the quantities for the above work = \$13,729.35

Change Order No. 2 Total = **\$13,729.35**

Attachments:

Project Closeout Cost Breakout Summary

Change in Contract Times
[State Contract Times as either a specific date or a number of days]

Change in Contract Price	
Original Contract Price:	Original Contract Times:
\$ <u>1,793,334.82</u>	Substantial Completion: <u>9/2/22</u>
	Ready for final payment: <u>10/31/22</u>
Change from previously approved Change Orders	Change from previously approved Change Orders
\$ <u>386,261.58</u>	Substantial Completion: <u>None</u>
	Ready for final payment: <u>None</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ <u>2,179,596.40</u>	Substantial Completion: <u>9/2/22</u>
	Ready for final payment: <u>5/31/2023</u>
Increase per this Change Order:	Change per this Change Order:
\$ <u>13,729.35</u>	Substantial Completion: <u>NA</u>
	Ready for final payment: <u>7/12/2023</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ <u>2,193,325.75</u>	Substantial Completion: <u>NA</u>
	Ready for final payment: <u>7/12/23</u>

Recommended by Engineer (if required)

By: Dennis McAlpine

Title: Houston Engineering Inc Project Manager

Date: July 12, 2023

Digitally signed by Dennis McAlpine
 DN: C=US,
 E=dmc Alpine@houstoneng.com,
 O=Houston Engineering, Inc.,
 CN=Dennis McAlpine
 Date: 2023.07.12 09:20:03-0500'

Accepted by Contractor

 Steven Gerber

Dan Hart Patrol Service, LLC, Managing Member

7/12/2023

Authorized by Owner

By: _____

Title: _____

Date: _____

Approved by Funding Agency (if applicable)

CITY OF WATERTOWN
Cell 7 Construction Project
Watertown Regional Landfill
Watertown, South Dakota

HEI PROJECT NO: 7716-0020

Dan Hart Patrol Service, LLC

FINAL PAYMENT / CO#2
Work Thru 7/12/2023

Item No.	Item Description	Unit	Contract	Unit Price	Extension	Quantity	Extension	Total Complete	% Complete
1	Mobilization	LS	1	\$271,000.00	\$271,000.00	0.05	\$13,550.00	\$271,000.00	100%
2	Water for Dust Control	Mgal	2,500	\$2.00	\$5,000.00			\$5,000.00	100%
3	Clearing and Grubbing	LS	1	\$11,000.00	\$11,000.00			\$11,000.00	100%
4	Demolition and Removals	LS	1	\$30,000.00	\$30,000.00			\$30,000.00	100%
5	Dewatering & Control of Water	LS	1	\$12,000.00	\$12,000.00			\$12,000.00	100%
6	Test Pit Excavation	HR	80	\$250.00	\$20,000.00			\$20,000.00	100%
7	Common Excavation (CV) (P)	CY	122,622	\$1.61	\$197,421.42			\$197,421.42	100%
8	Common Excavation (CV) (P) Cell 7/Cell 1 (Phase 2) Boundary	CY	27,732	\$2.10	\$58,237.20			\$58,237.20	100%
9	Subgrade Correction (CV)	CY	3,000	\$6.52	\$19,560.00			\$19,560.00	100%
10	Waste Excavation (LV)	CY	1,000	\$22.80	\$22,800.00	-200.00	-\$4,560.00	\$22,800.00	100%
11	Leachate Collection Trench	LF	1,030	\$59.63	\$61,418.90			\$61,418.90	100%
12	Leachate Relief Trench (Cell 7/Cell 1 Boundary)	LF	954	\$63.14	\$60,235.56	954.00	\$60,235.56	\$60,235.56	100%
13	Leachate Sideslope Cleanout w/Support Structure	EA	1	\$17,000.00	\$17,000.00			\$17,000.00	100%
14	Re-Compacted Soil Barrier Layer (CV) (P)	CY	15,257	\$2.27	\$34,633.39	342.00	\$776.34	\$34,633.39	100%
15	Re-Compacted Soil Barrier Layer (CV) (Cell 7/Cell 1 Boundary)	CY	5,224	\$1.75	\$9,142.00	97.00	\$169.75	\$9,142.00	100%
16	Sand Drainage Layer (In-Place) (P)	CY	7,231	\$22.87	\$165,372.97	331.00	\$7,569.97	\$165,372.97	100%
17	Sand Drainage Layer (In-Place) (Cell 7/Cell 1 Boundary)	CY	3,360	\$25.40	\$85,344.00	49.00	\$1,244.60	\$85,344.00	100%
18	Phase Delineation Berm (CV)	CY	5,314	\$4.00	\$21,256.00			\$21,256.00	100%
19	18" RCP Culvert/Stormsewer	LF	536	\$59.33	\$31,800.88			\$31,800.88	100%
20	24" RCP Culvert/Stormsewer	LF	250	\$72.19	\$18,047.50			\$18,047.50	100%
21	30" RCP Culvert/Stormsewer	LF	250	\$106.96	\$26,740.00			\$26,740.00	100%
22	36" RCP Culvert/Stormsewer	LF	725	\$130.57	\$94,663.25			\$94,663.25	100%
23	18" RCP Flared End	EA	3	\$1,588.12	\$4,764.36			\$4,764.36	100%
24	36" RCP Flared End	EA	1	\$2,596.70	\$2,596.70			\$2,596.70	100%
25	2'x3' Catch Basin	EA	1	\$3,346.85	\$3,346.85			\$3,346.85	100%
26	48" Stormwater CB/MH w/casting	EA	1	\$4,031.68	\$4,031.68			\$4,031.68	100%
27	60" Stormwater CB/MH w/casting	EA	4	\$5,964.58	\$23,858.32			\$23,858.32	100%
28	Gravel Surfacing - Landfill Access Road (Cell 5/6 interior = 4")	TON	533	\$13.36	\$7,120.88			\$7,120.88	100%
29	Gravel Surfacing - Landfill Access Road (Cell 7 Pad exterior = 10")	TON	1,492	\$13.36	\$19,933.12			\$19,933.12	100%
30	Gravel Surfacing - Perimeter Access Road (Cell 1 & 2 perimeter = 10")	TON	2,975	\$13.36	\$39,746.00	2034.67	\$27,183.19	\$39,746.00	100%
31	Gravel Surfacing - Misc Perimeter Improvements	TON	1,000	\$13.41	\$13,410.00			\$13,410.00	100%
32	Gravel Surfacing - Compost Pad	TON	4,122	\$13.70	\$56,471.40			\$56,471.40	100%
33	Salvage Existing Gravel Surfacing (CV) (12" over existing access road)	CY	1,366	\$1.00	\$1,366.00			\$1,366.00	100%
34	Containment Fence, 10'	LF	1,648	\$42.50	\$70,040.00			\$70,040.00	100%
35	Silt Fence	LF	3,500	\$3.46	\$12,110.00	1273.00	\$4,404.58	\$12,110.00	100%
36	Erosion Control Blanket - Straw	SY	250	\$4.83	\$1,207.50	250.00	\$1,207.50	\$1,207.50	100%
37	12" wattles	LF	250	\$8.21	\$2,052.50	175.00	\$1,436.75	\$2,052.50	100%
38	Rip-rap (SDDOT Class B)	CY	50	\$85.00	\$4,250.00			\$4,250.00	100%
39	Seeding, Mulch, Fertilizer & Disk Anchoring	AC	21	\$1,300.00	\$27,300.00	21.00	\$27,300.00	\$27,300.00	100%
40	Sawcutting Bituminous Pavement (Full Depth)	LF	3,072	\$1.46	\$4,485.12			\$4,485.12	100%
41	Bituminous removals	SY	8,742	\$0.80	\$6,993.60			\$6,993.60	100%
42	Bituminous paving	SY	8,742	\$24.66	\$215,577.72			\$215,577.72	100%
Total of All Unit Price Bid Items					\$1,793,334.82			\$1,793,334.82	
Change Order #1									
	Compost Pad Alterations								
1	Additional sawcutting of bituminous pavement	LF	708.0	\$1.46	\$1,033.68			\$1,033.68	100%
2	Bituminous removals	SY	1301.0	\$0.80	\$1,040.80			\$1,040.80	100%
3	Additonal gravel surfacing	TON	1125.0	\$13.70	\$15,412.50	1005.00	\$13,768.50	\$15,412.50	100%
4	Additional bituminous paving	SY	3575.0	\$24.66	\$88,159.50	712.00	\$17,557.92	\$88,159.50	100%
	Cell 7 Grade Changes								
1	Additional subgrade correction	CY	21,542	\$9.59	\$206,587.78			\$206,587.78	100%
2	Additional fill along eastern edge	CY	14,904.5	\$9.59	\$142,934.16			\$142,934.16	100%
3	Buffer layer placement	CY	3,313	\$2.27	\$7,520.51			\$7,520.51	100%
4	Common Excavation (CV) (P) Deduct #1 (subgrade removal area to the north)	CY	4,800.592592593	-\$1.61	-\$7,728.95	4800.59	-\$7,728.95	-\$7,728.95	100%
5	Common Excavation (CV) (P) Deduct #2 (south of subgrade removal area)	CY	9,194.666666667	-\$1.61	-\$14,803.41	9194.67	-\$14,803.41	-\$14,803.41	100%
Change Order #2 - Project Closeout (APPROXIMATED)									
1	Waste Excavation (LV)	CY	1,018	\$22.80	\$23,210.40	1018.00	\$23,210.40	\$23,210.40	100%
2	Leachate Relief Trench (Cell 7/Cell 1 Boundary)	LF	-954	\$63.14	-\$60,235.56	-954.00	-\$60,235.56	-\$60,235.56	100%
3	Re-Compacted Soil Barrier Layer (CV) (P)	CY	-342	\$2.27	-\$776.34	-342.00	-\$776.34	-\$776.34	100%
4	Re-Compacted Soil Barrier Layer (CV) (Cell 7/Cell 1 Boundary)	CY	-97	\$1.75	-\$169.75	-97.00	-\$169.75	-\$169.75	100%
5	Sand Drainage Layer (In-Place) (P)	CY	-331	\$22.87	-\$7,569.97	-331.00	-\$7,569.97	-\$7,569.97	100%
6	Sand Drainage Layer (In-Place) (Cell 7/Cell 1 Boundary)	CY	-49	\$25.40	-\$1,244.60	-49.00	-\$1,244.60	-\$1,244.60	100%
7	Seeding, Mulch, Fertilizer & Disk Anchoring	AC	10	\$1,300.00	\$13,000.00	10.00	\$13,000.00	\$13,000.00	100%
8	Additional gravel surfacing	TON	-1005.0	\$13.70	-\$13,768.50	-1005.00	-\$13,768.50	-\$13,768.50	100%
9	Additional bituminous paving	SY	-712	\$24.66	-\$17,557.92	-712.00	-\$17,557.92	-\$17,557.92	100%
10	Furnish and install geotextile blanket	SY	1200.0	\$4.00	\$4,800.00	1200.00	\$4,800.00	\$4,800.00	100%
11	Additional subgrade correction	CY	162	\$9.59	\$1,553.58	162.00	\$1,553.58	\$1,553.58	100%

		Work Thru 7/12/2023							
Item No.	Item Description	Unit	Contract	Unit Price	Extension	Quantity	Extension	Total Complete	% Complete
12	Additional Buffer layer placement	CY	162	\$2.27	\$367.74	162.00	\$367.74	\$367.74	100%
13	Cleanout Modification	LS	1.0	\$2,100.00	\$2,100.00	1.00	\$2,100.00	\$2,100.00	100%
14	Gravel Surfacing - Perimeter Access Road (Cell 1 & 2 perimeter = 10")	TON	-1,542.22	\$13.36	-\$20,604.06	-1542.22	-\$20,604.06	-\$20,604.06	100%
15	Additional containment fence	LF	1,000.0	\$50.00	\$50,000.00	1000.00	\$50,000.00	\$50,000.00	100%
20	Liquidated Damages	DAY	60.0	-\$450.00	-\$27,000.00	60.00	-\$27,000.00	-\$27,000.00	100%
Change Order #3 - Project Closeout (FINAL)									
1	Silt Fence	LF	-860	\$3.46	-\$2,975.60	-860.00	-\$2,975.60	-\$2,975.60	100%
2	Erosion Control Blanket - Straw	SY	-250	\$4.83	-\$1,207.50	-250.00	-\$1,207.50	-\$1,207.50	100%
3	12" wattles	LF	-55	\$8.21	-\$451.55	-55.00	-\$451.55	-\$451.55	100%
4	Seeding, Mulch, Fertilizer & Disk Anchoring (reduction from Original Contract)	AC	-4	\$1,300.00	-\$5,200.00	-4.00	-\$5,200.00	-\$5,200.00	100%
5	Seeding, Mulch, Fertilizer & Disk Anchoring (reduction from Change Order #2)	AC	-10.0	\$1,300.00	-\$13,000.00	-10.00	-\$13,000.00	-\$13,000.00	100%
19	Additional Gravel Surfacing (Contractor provided / Facility placed in 2023)	TON	2,200.0	\$16.62	\$36,564.00	2200.00	\$36,564.00	\$36,564.00	100%
Subtotal					\$399,990.93			\$399,990.93	
Grand Total					\$2,193,325.75			\$2,193,325.75	

Previous Payments	
1	\$158,521.88
2	\$281,125.68
3	\$655,894.38
4	\$609,963.07
5	\$196,969.10
6	\$70,040.00
7	\$40,000.00
sum \$2,012,514.11	

Work Completed to Date =	\$2,193,325.75	
Less Previous Payments =	\$2,012,514.11	
Less Retainage =	\$0.00	
Amount Due this Period =	\$180,811.64	
		Difference
Original Contract Amount =	\$1,793,334.82	
Contract per Change Order #1 =	\$2,233,491.38	\$440,156.56
Contract per Change Order #2 =	\$2,179,596.40	-\$53,894.99
Contract per Change Order #3 =	\$2,193,325.75	\$13,729.35

FINAL PAYMENT CERTIFICATION

OWNER: City of Watertown, South Dakota
ENGINEER: Houston Engineering Inc.

PROJECT: Watertown Regional Landfill Cell 7
Construction Project

CONTRACTOR: Dan Hart Patrol Service, LLC

FINAL PAYMENT
PERIOD OF ESTIMATE: Work thru 7/12/2023

CONTRACT CHANGE ORDER SUMMARY

No.	Deduction	Additions
1		\$440,156.56
2	\$53,894.99	
3		\$13,729.36
Totals	\$53,894.99	\$453,885.92
Net Change to Contract		\$399,990.93

CONTRACT TIME:

Original Days:	COMPLETE
Revisions:	2
Days Remaining:	0
On Schedule (y/n):	COMPLETE
Starting Date:	4/25/2022
Projected Completion:	COMPLETE

ESTIMATE

Original Contract Amount.....	\$ 1,793,334.82
Change Orders.....	\$ 399,990.93
Revised Contract Amount.....	\$ 2,193,325.75
Completed to Date Amount.....	\$ 2,193,325.75
Materials On-Site.....	\$ 0.00
Subtotal.....	\$ 2,193,325.75
Retainage.....	\$ 0.00
Previous Payments.....	\$ 2,012,514.11
Amount Due This Payment.....	\$ 180,811.64

(see attached breakdown)

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of their knowledge, information and belief, the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the Contractor for work for which previous payment estimates were issued and for which payments were received from the Owner, and that current payment shown herein is now due.

RELEASE OF CLAIMS AND WAIVER OF LIEN: NOW THEREFORE, upon receipt of the above payment amount, the undersigned does hereby irrevocably releases and waives any and all claims for payment of any type for any work up through and including the date of this application, and irrevocably releases and waives all bond claims, construction liens, mechanic's liens, and/or other liens, or right to claim any against the above project or any part thereof.

Contractor:  Dan Hart Patrol Service, LLC

By: Steven Gerber, Managing Member

Date: 7/12/2023

ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: Houston Engineering, Inc.

Digitally signed by Dennis
McAlpine
DN: C=US,
E=dmc Alpine@houstoneng.com,
O="Houston Engineering, Inc.",
CN=Dennis McAlpine
Date: 2023.07.12 09:20:28-0500

By: Dennis McAlpine

Date: 7/12/2023

OWNER'S APPROVAL

Owner: _____

By: _____

Date: _____