



MEMORANDUM

TO: Carl E. Geffken, City Administrator

CC: Jeff Dingman, Deputy City Administrator

FROM: Lance A. McAvoy, Director of Water Utilities

DATE: December 1, 2023

SUBJECT: Riverfront Drive Utilities Extension Project 20-21-C1 Change Order No.2

SUMMARY

On September 7, 2021 the Board of Directors approved the bid of Goodwin & Goodwin Inc. in the amount of \$1,941,825.00. The scope of this project consists of extending a 12-inch water line along Riverfront Drive (State Hwy 255) from P Street to Spradling Avenue and installing a sewer pump station and approximately 600 feet of sewer force main to service a proposed RV Park that is approximately 500 feet north of the Riverfront Drive and P Street intersection.

Change Order One was approved November 1, 2022 adding 45 days to Schedule 1 and \$17,300.00 to the contract price, adjusting the time for substantial completion to 195 days and the contract amount to \$1,959,125.00

Change Order Two and the final payment are being submitted without the Contractor's signature due to a dispute over liquidated damages. The contract was 62 days over the substantial completion period and 3 days over the final completion period. The resulting Liquidated Damages totaled \$31,750.00 which is shown as a deduction on the final pay request..

Change Order Two is a reconciliation change order that adjusts contract quantities to actual quantities which results in a contract price decrease of \$9,290.00 and adds an additional 60 days to the contract time. The new adjusted contract substantial completion date for Schedule 1 will be March 2, 2023.

A Resolution authorizing the Mayor to execute a Change Order Number Two reducing the contract in the amount of \$9,290.00. and 60 additional days to the contract time is attached.

The funding for this project is available through 2018 Revenue Bonds.

Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

- Resolution_approving_reconciliation_CO (1).pdf
 20-21-C1 Change Order No. 2.pdf
- 3. 20-21-C1 Board Exhibit.pdf

Deductive Change Order FISCAL IMPACT:

RESOLUTION NO.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 2 WITH GOODWIN & GOODWIN, INC., FOR THE RIVERFRONT DRIVE UTILITIES EXTENSION PROJECT 20-21-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Change Order Number Two with Goodwin & Goodwin, Inc. for the construction of Riverfront Drive Utilities Extension, Project 20-21-C1, is hereby approved.

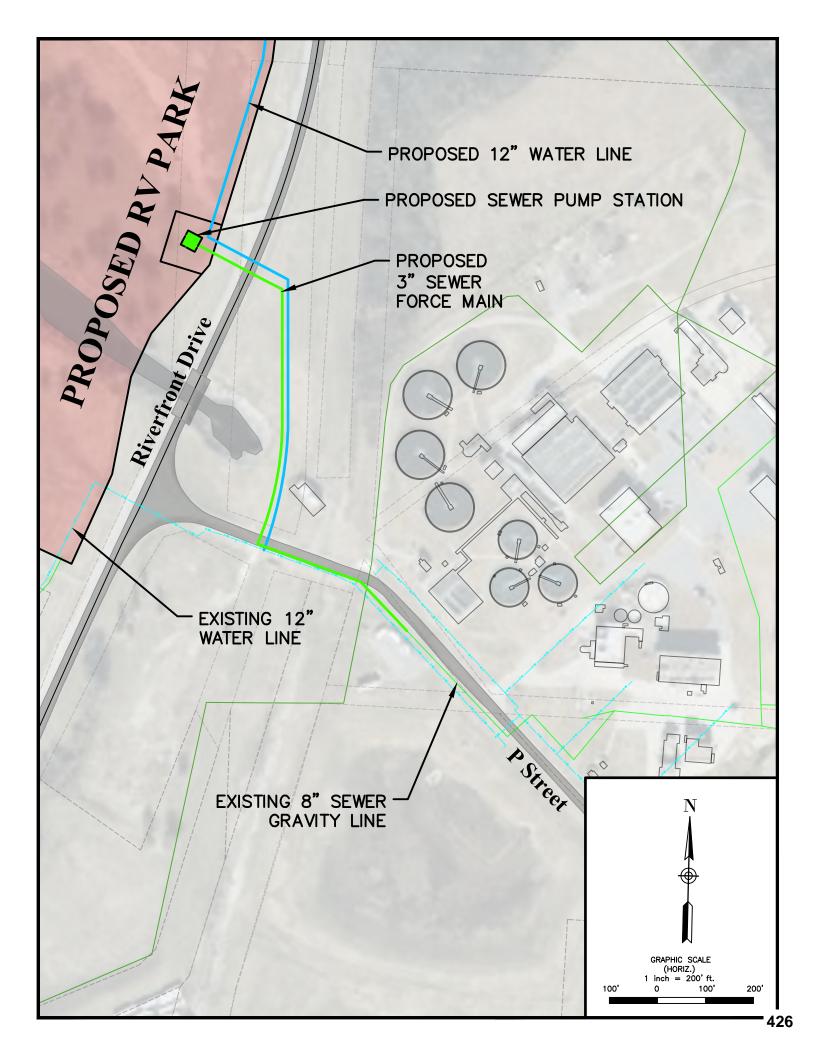
SECTION 2: The Mayor is hereby authorized to execute Change Order Number Two with Goodwin & Goodwin reducing the contract amount by \$9,290.00 and adding 60 days, adjusting the total contract amount to \$1,941,825.00 and 285 days for Final completion.

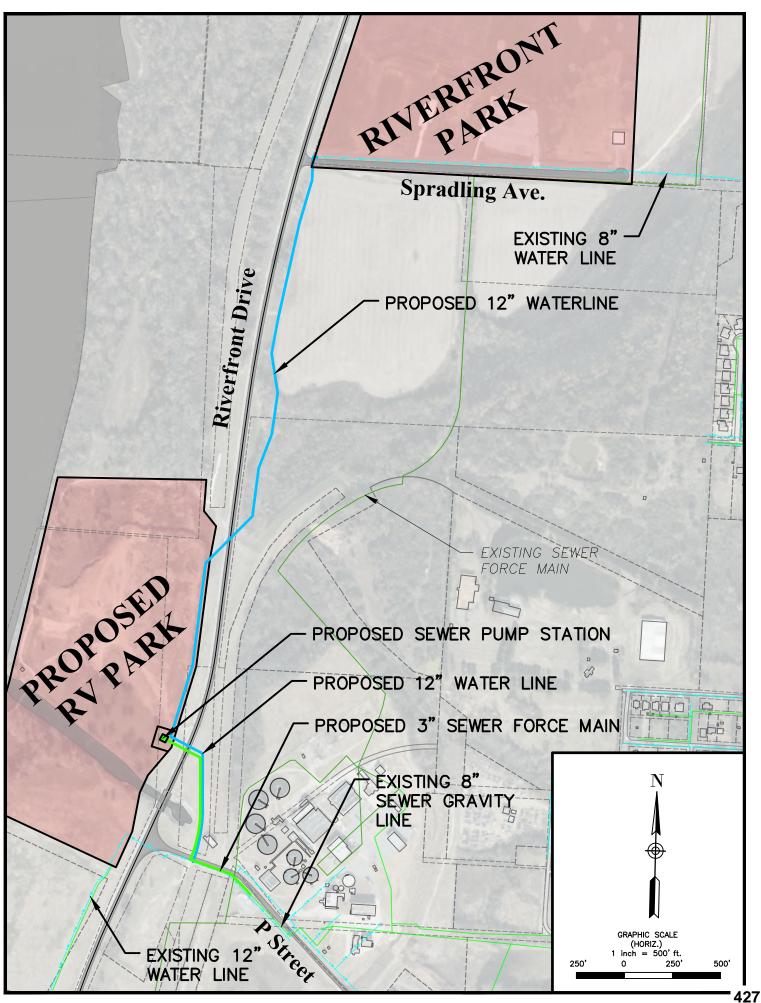
This Resolution adopted this	day of December 2023.
	APPROVED:
	Mayor
ATTEST:	
City Clerk	
	APPROVED AS TO FORM:
	Jen Confill
	nni



CHANGE ORDER RIVERFRONT DRIVE UTILITIES EXTENSION

Project:	Riverfront Drive Utilities Extension			Order No.:	2
Project No.:	20-21-C1			Date:	10/13/2023
Owner:	City of Fort Smith, Arkansas			Contract Date:	9/7/2021
Contractor:	Goodwin & Goodwin, Inc.				
THE FOLLO	WING CHANGES ARE HEREBY MADE TO THE CO	NTRACT DOCUM	IENTS:		
Schedule I					
Item No.	Description	Quanity	Unit	Unit Price	Amount of Bid
9.	Rock Excavation (Trenches)	(15)	CY	\$125.00	-\$1,875
26.	Move & Reconstruct Fence (4' Tall Welded Pipe)	(40)	LF	\$50.00	-\$2,000
a				Total Sch I	-\$3,875
Schedule II	Description	Quanity	Unit	Unit Price	Amount of Did
Item No. 9.	Description Rock Excavation (Trenches)	Quanity (35)	Unit CY	Unit Price \$125.00	Amount of Bid -\$4,375
13.	Solid Sod	(130)	SY	\$8.00	-\$1,040
15.	Solid Sod	(130)	51	Total Sch II	-\$5,415
			Total of	=	
			Total of	Sch I and Sch II	-\$9,290
1) Schedule I	Additional Contract Time - Generator Delivery Delay			_	
	Total Number	of Days	(ADD) (DELETE)	
JUSTIFICAT This change of	CION: order is processed to reconcile quantities and adjust the c	ontract time.			
CHANGE TO	O CONTRACT PRICE:				
	dule I and II Original Contract Price				\$ 1,941,825.
	ract Price Adjusted by Previous Change Orders			_	\$ 1,959,125.
	Price Due to this Change Order will be (Increased) (Dec	creased) by		_	-\$9,290
The New Cor	ntract Price for Schedule I and II Including this Change C	Order will be			\$ 1,949,835.
CHANGE TO	O CONTRACT TIME:				
The Contract	Time for Schedule I will be (Increased) (Decreased) by	60 Calendar Days			
The revised S	Substantial Completion date for Schedule I is March 2, 20	023.			
The revised F	Final Completion date for Schedule I is June 2, 2023.				
The Contract	Period for Schedule I Including this Change Order shall	be <u>255</u> Calendar D	ays		
The Contract	Time for Schedule II will be (Increased) (Decreased) by	0 Calendar Days			
The Substant	ial Completion date for Schedule II is November 8, 2022				
The Final Co	mpletion date for Schedule II is December 8, 2022.				
The Contract	Period for Schedule II Including this Change Order shall	l be <u>150</u> Calendar I	Days		
APPROVAL					
b	Y Engineer: Hawkins-Weir Engineers, Inc.	date	e		
b	Contractor: Goodwin & Goodwin, Inc.	date	e		
	Comractor: Goodwin & Goodwin, Inc.				
b	y	date	e		
	Owner: City of Fort Smith, Arkansas				









MEMORANDUM

TO: Carl E. Geffken, City Administrator

CC: Jeff Dingman, Deputy City Administrator

FROM: Lance A. McAvoy, Director of Water Utilities

DATE: December 1, 2023

SUBJECT: Riverfront Drive Utilities Extension Project 20-21-C1 Final Pay

SUMMARY

On September 7, 2021 the Board of Directors approved the bid of Goodwin & Goodwin Inc. in the amount of \$1,941,825.00. The scope of this project consists of extending a 12-inch water line along Riverfront Drive (State Hwy 255) from P Street to Spradling Avenue and installing a sewer pump station and approximately 600 feet of sewer force main to service a proposed RV Park that is approximately 500 feet north of the Riverfront Drive and P Street intersection.

Change Order One was approved November 1, 2022 adding 45 days to Schedule 1 and \$17,300.00 to the contract price, adjusting the time for substantial completion to 195 days and the contract amount to \$1,959,125.00.

Change Order Two and the final payment are being submitted without the Contractor's signature due to a dispute over liquidated damages. The contract was 62 days over the substantial completion period and 3 days over the final completion period. The resulting Liquidated Damages totaled \$31,750.00 which is shown as a deduction on the final pay request.

Change Order Two is a reconciliation change order that adjusts contract quantities to actual quantities which results in a contract price decrease of \$9,290.00 and adds an additional 60 days to the contract time. The new adjusted contract substantial completion date for Schedule 1 will be March 2, 2023.

Attached is a resolution accepting the project as complete and authorizing the final payment in the amount of \$159,269.25 to Goodwin & Goodwin Inc. The funding for this project is available through 2018 Revenue Bonds. Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

- 1. 20-21-C1_Resolution_accept_project_as_complete_and_auth_final_pymt_to_GG_Inc (1).pdf
- 2. 20-21-C1 Pay Request No. 7 (Final).pdf

3. 20-21-C1 Board Exhibit.pdf

FISCAL IMPACT: \$159,269.25

BUDGET INFORMATION: Budgeted / Water Utilities - 2018 Revenue Bonds

RESOLUT	ΓΙΟΝ ΝΟ
RESOLUTION ACCEPTING THE PROJECT A PAYMENT TO GOODWIN & GOODWIN RIVERFRONT DRIVE UTILITIES EXTE	N, INC., FOR CONSTRUCTION OF THE
BE IT RESOLVED BY THE BOARD O	F DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:	
SECTION 1: The construction of the R	iverfront Drive Utilities Extension, Project
Number 20-21-C1, is accepted as complete.	
SECTION 2: Final payment to Goodwi	n & Goodwin, Inc., in the amount of
\$159,269.25, is hereby approved.	
This Resolution adopted this	day of December 2023.
	APPROVED:
	Mayor
ATTEST:	
City Clerk	

APPROVED AS TO FORM:

npr

PERIODIC PAYMENT REQUEST NO. 7 (FINAL) RIVERFRONT DRIVE UTILITIES EXTENSION PROJECT NUMBER 20-21-C1

DATE: 10/13/2023 PERIOD: 3/1/23 to 6/5/23

OWNER: CITY OF FORT SMITH, ARKANSAS 801 CARNALL AVENUE, SUITE 500 FORT SMITH, ARKANSAS 72901 479.494.3900 CONTRACTOR: GOODWIN & GOODWIN, INC. 3503 FREE FERRY ROAD FORT SMITH, AR 72903 479.783.7333 ENGINEER: HAWKINS-WEIR ENGINEERS, INC. P.O. BOX 648 VAN BUREN, ARKANSAS 72957 479.474.1227

SCHEDULE I

ITEM		QUAN/	UNIT	AMOUNT			AMOUNT	UNUSED
NO.	DESCRIPTION	UNIT	PRICE	OF BID	PERIOD	TO DATE	EARNED	BALANCE
1.	Performance & Payment Bond	1 LS	\$17,000.00	\$17,000.00	0	1	\$17,000.00	\$0.0
2.	Maintenance of Traffic and Traffic Control	1 LS	\$5,000.00	\$5,000.00	0	1.00	\$5,000.00	\$0.0
3.	Construction Erosion Control	1 LS	\$5,000.00	\$5,000.00	0.10	1.00	\$5,000.00	\$0.0
4.	Site Preparation	1 LS	\$15,000.00	\$15,000.00	0	1.00	\$15,000.00	\$0.0
5.	Clearing and Grubbing	1 LS	\$15,000.00	\$15,000.00	0	1.00	\$15,000.00	\$0.0
6.	Trench or Excavation Safety System	1 LS	\$20,000.00	\$20,000.00	0	1.00	\$20,000.00	\$0.0
7.	Select Backfill (Trenches)	325 CY	\$30.00	\$9,750.00	0	325	\$9,750.00	\$0.0
8.	Granular Backfill (Trenches)	20 CY	\$45.00	\$900.00	0	20	\$900.00	\$0.0
9.	Rock Excavation (Trenches)	15 CY	\$125.00	\$1,875.00	0	0	\$1,875.00	\$0.0
10.	Pipe Casing – 8" Steel (Bored)	270 LF	\$400.00	\$108,000.00	0	270	\$108,000.00	\$0.0
11.	Pipe Casing – 17" to 24" Steel (Bored)	110 LF	\$600.00	\$66,000.00	0	110	\$66,000.00	\$0.0
12.	Flowable Fill	80 CY	\$125.00	\$10,000.00	0	80	\$10,000.00	\$0.0
13.	Seeding, Fertilizing, & Mulching	2,900 SY	\$3.00	\$8,700.00	500	2,900	\$8,700.00	\$0.0
14.	Gravel Base Course for Driveway (4" Thickness)	15 SY	\$15.00	\$225.00	0	15	\$225.00	\$0.0
15.	Surface Patch	70 SY	\$25.00	\$1,750.00	0	70	\$1,750.00	\$0.0
16.	Deep Patch	70 SY	\$65.00	\$4,550.00	0	70	\$4,550.00	\$0.0
17.	Water Pipe (12-Inch, Ductile Iron, Class 350, Zinc Coating) Open Cut	1,050 LF	\$95.00	\$99,750.00	0	1,050	\$99,750.00	\$0.0
18.	Ductile Iron Fittings	650 LBS	\$15.00	\$9,750.00	0	650	\$9,750.00	\$0.0
19.	Gate Valve with Box (12-Inch)	1 EA	\$4,000.00	\$4,000.00	0	1	\$4,000.00	\$0.0
20.	Tapping Sleeve and Valve with Box (12-Inch x 12-Inch)	1 EA	\$10,000.00	\$10,000.00	0	1	\$10,000.00	\$0.0
21.	Fire Hydrant Assembly (Regular)	2 EA	\$6,000.00	\$12,000.00	0	2	\$12,000.00	\$0.0
22.	Polyethylene Wrap (12-Inch)	1,050 LF	\$3.00	\$3,150.00	0	1,050	\$3,150.00	\$0.0
23.	Underground Air Valve System (Complete per detail)	2 EA	\$22,000.00	\$44,000.00	0	2	\$44,000.00	\$0.0
24.	3-Inch HDPE DR-11 Force Main, including Fittings	1,095 LF	\$23.00	\$25,185.00	0	1,095	\$25,185.00	\$0.0
25.	Connect Sewer Main Pipe to Existing Manhole	1 EA	\$2,000.00	\$2,000.00	0	1	\$2,000.00	\$0.0
26.	Move & Reconstruct Fence (4' Tall Welded Pipe)	40 LF	\$50.00	\$2,000.00	0	0	\$2,000.00	\$0.0
27.	Duplex Grinder Pump Station	1 LS	\$575,000.00	\$575,000.00	0.15	1.00	\$575,000.00	\$0.0
28.	Over Excavation and Backfill with Oversized Rock	30 CY	\$85.00	\$2,550.00	0	30	\$2,550.00	\$0.0
OTAL				\$1,078,135.00			\$1,078,135.00	\$0.0

SCHEDULE II

CHEDULE	= II							
ITEM	DECORIDEION	QUAN/	UNIT	AMOUNT	DEDIOD	TO DATE	AMOUNT	UNUSED
NO.	DESCRIPTION Part	UNIT	PRICE	OF BID		TO DATE	EARNED	BALANCE
1.	Performance & Payment Bond	1 LS	\$15,000.00	\$15,000.00	0	1	\$15,000.00	\$0.00
2.	Maintenance of Traffic and Traffic Control	1 LS	\$5,000.00	\$5,000.00	0.0	1	\$5,000.00	\$0.00
3.	Construction Erosion Control	1 LS	\$5,000.00	\$5,000.00	0	1	\$5,000.00	\$0.00
4.	Site Preparation	1 LS	\$20,000.00	\$20,000.00	0	1	\$20,000.00	\$0.00
5.	R&D of Storm Drain Pipe (up to 24")	17 LF	\$20.00	\$340.00	0	17	\$340.00	\$0.00
6.	Clearing and Grubbing	1 LS	\$15,000.00	\$15,000.00	0	1	\$15,000.00	\$0.00
7.	Trench or Excavation Safety System	1 LS	\$20,000.00	\$20,000.00	0	1	\$20,000.00	\$0.00
8.	Select Backfill (Trenches)	425 CY	\$30.00	\$12,750.00	0	425	\$12,750.00	\$0.00
9.	Rock Excavation (Trenches)	35 CY	\$125.00	\$4,375.00	0	0	\$4,375.00	\$0.00
10.	Pipe Casing – 17" to 24" Steel (Bored)	489 LF	\$600.00	\$293,400.00	0	489	\$293,400.00	\$0.00
11.	Flowable Fill	25 CY	\$125.00	\$3,125.00	0	25	\$3,125.00	\$0.00
12.	Seeding, Fertilizing, & Mulching	6,900 SY	\$3.00	\$20,700.00	3,400	6,900	\$20,700.00	\$0.00
13.	Solid Sodding	130 SY	\$8.00	\$1,040.00	0	0	\$1,040.00	\$0.00
14.	Aggregate Base Course for Driveways (4" Thickness)	15 SY	\$15.00	\$225.00	0	15	\$225.00	\$0.00
15.	24" RCP Class III	17 LF	\$80.00	\$1,360.00	0	17	\$1,360.00	\$0.00
16.	Water Pipe (8-Inch, Ductile Iron, Class 350, Zinc Coating) Open Cut	25 LF	\$90.00	\$2,250.00	0	25	\$2,250.00	\$0.00
17.	Water Pipe (12-Inch, Ductile Iron, Class 350, Zinc Coating) Open Cut	2,950 LF	\$95.00	\$280,250.00	0	2,950	\$280,250.00	\$0.00
18.	Ductile Iron Fittings	2,180 LBS	\$15.00	\$32,700.00	0	2,180	\$32,700.00	\$0.00
19.	Gate Valve with Box (12-Inch)	4 EA	\$4,000.00	\$16,000.00	0	4	\$16,000.00	\$0.00
20.	Fire Hydrant Assembly (Regular)	6 EA	\$6,000.00	\$36,000.00	0	6	\$36,000.00	\$0.00
21.	Connection to Existing Water Line (8-Inch)	1 EA	\$3,000.00	\$3,000.00	0	1	\$3,000.00	\$0.00
22.	Polyethylene Wrap (8-Inch)	25 LF	\$3.00	\$75.00	0	25	\$75.00	\$0.00
23.	Polyethylene Wrap (12-Inch)	2,950 LF	\$3.00	\$8,850.00	0	2,950	\$8,850.00	\$0.00
24.	Air Release Valve with Vault	3 EA	\$22,000.00	\$66,000.00	0	3.0	\$66,000.00	\$0.00
25.	Move & Reconstruct Fence (4' Tall Barbed Wire)	25 LF	\$50.00	\$1,250.00	0	25	\$1,250.00	\$0.00
TOTAL				\$863,690.00			\$863,690.00	\$0.00

PERIODIC PAYMENT REQUEST NO. 7 (FINAL) RIVERFRONT DRIVE UTILITIES EXTENSION PROJECT NUMBER 20-21-C1

TOTAL OF SCHEDULE I AND II TOTAL CHANGE ORDERS TO DATE ADJUSTED CONTRACT AMOUNT COST OF CONTRACT PERFORMED TO DATE COST OF CHANGE ORDERS PERFORMED TO DATE TOTAL WORK TO DATE MATERIALS STORED RETAINAGE, 5% OF WORK COMPLETED TOTAL DUE TO DATE LESS PREVIOUS PAYMENTS LESS LIQUIDATED DAMAGES TO DATE	******	*****	***************************************	*******	**********	*******	*****	\$1,941,825.00 \$8,010.00 \$1,949,835.00 \$1,941,825.00 \$8,010.00 \$1,949,835.00 \$0.00 \$1,949,835.00 \$1,758,815.75 (\$31,750.00)
BALANCE DUE THIS ESTIMATE	***** *******	*****	**********	******	******	******	******	\$159,269.25
PERCENT OF CONTRACT COMPLETE PERCENT OF TIME EXPENDED TO DATE - SCHEDULE I PERCENT OF TIME EXPENDED TO DATE - SCHEDULE II								100% 111% 63%
RECOMMENDED BY: ENGINEER	HAWKIN	NS-W	EIR ENGINEER	S, INC.				DATE
APPROVED BY: CONTRACTOR	GOODV	VIN &	GOODWIN, INC	D.				DATE
APPROVED BY: OWNER	CITY OF	FOR	RT SMITH, ARKA	ANSAS				DATE
CHANGE ORDERS CHANGE ORDER NO. 1								
The following items are added to the Project: ITEM NO DESCRIPTION	QUAN	UNIT	UNIT PRICE	AMOUNT BID	PERIOD	TO DATE	AMOUNT	UNUSED
Item 1 Revise 3-inch Diameter DIP to Stainless Steel	1	LS	\$17,300.00	\$17,300.00	0%	100%	EARNED \$17,300.00	BALANCE \$0.00
SUB-TOTAL CHANGE ORDER NO. 1	ADD			\$17,300.00			\$17,300.00	\$0.00
CHANGE ORDERS								
CHANGE ORDER NO. 2								
The following items are added to the Project: ITEM NO DESCRIPTION	QUAN	UNIT	UNIT PRICE	AMOUNT BID	PERIOD	TO DATE	AMOUNT EARNED	UNUSED BALANCE
Sch I								
 Rock Excavation (Trenches) Move & Reconstruct Fence (4' Tall Welded Pipe) 	15 40	CY LF	\$125.00 \$50.00	\$1,875.00 \$2,000.00	0	0	-\$1,875.00 -\$2,000.00	-\$1,875.00 -\$2,000.00
			,	, ,			Subtotal	-\$3,875.00
Sch II 9. Rock Excavation (Trenches)	35	CY	\$125.00	\$4,375.00	0	0	-\$4,375.00	-\$4,375.00
13. Solid Sod	130	SY	\$8.00	\$1,040.00	0	0	-\$1,040.00 Subtotal	-\$1,040.00 -\$5,415.00
Add 60 Additional Days to Schedule I								60 Days
SUB-TOTAL CHANGE ORDER NO. 2	DELETE	Ē					TOTAL	-\$9,290.00
SCHEDULE I								
WORK ORDER DATE DATE OF THIS PAY ESTIMATE OR SUBSTANTIAL COMPLETI DAYS UTILIZED TO DATE DAYS ALLOWED, CONTRACT PLUS EXTENSIONS UNTIL SUI DAYS ALLOWED, CONTRACT PLUS EXTENSIONS UNTIL FUR PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTR PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTR	BSTANTIAL C AL COMPLET ACT UNTIL SU	OMPL ION JBST	LETION (C.O. N	_	s) (C.O. No	o. 2 Add 60 E	Days)	6/20/2022 5/3/2023 317 255 285 \$500.00

PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTRACT UNTIL SUBSTANTIAL COMP PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTRACT UNTIL FINAL COMPLETION DAYS REMAINING OR DAYS OVER (-) SUBSTANTIAL COMPLETION DAYS REMAINING OVER (-) FINAL COMPLETION LIQUIDATED DAMAGES TO DATE

\$250.00 -62

-\$31,750.00

PERIODIC PAYMENT REQUEST NO. 7 (FINAL) RIVERFRONT DRIVE UTILITIES EXTENSION PROJECT NUMBER 20-21-C1

SCHEDULE II

WORK ORDER DATE	7/11/2022
DATE OF THIS PAY ESTIMATE OR SUBSTANTIAL COMPLETION DATE IF ESTABLISHED	11/2/2022
DAYS UTILIZED TO DATE	114
DAYS ALLOWED, CONTRACT PLUS EXTENSIONS UNTIL SUBSTANTIAL COMPLETION	150
DAYS ALLOWED, CONTRACT PLUS EXTENSIONS UNTIL FINAL COMPLETION	180
PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTRACT UNTIL SUBSTANTIAL COMPLETION	\$500.00
PER DAY LIQUIDATED DAMAGES ESTABLISHED BY CONTRACT UNTIL FINAL COMPLETION	\$250.00
DAYS REMAINING OR DAYS OVER (-)	36
LIQUIDATED DAMAGES TO DATE	0

In consideration of the payment of the sum of \$159,269.25 which sum represents the full amount of retainage and the balance of the contract price owed by the Owner to the Contractor, the Contractor does hereby:

- 1 Certify to the Owner that the firm, persons, corporations, or other entities which have furnished labor, equipment, or materials to the project have been paid in full for the labor, equipment or materials provided.
- 2 Release, waive, and forever quit claim unto the Owner, its successors and assigns, any and all manner of liens of any nature against the property of the Owner which the Contractor has or may have by virtue of the labor or materials furnished by the Contractor under this contract.
- 3 Agree to indemnify and hold the Owner harmless against any loss, damage, claim, or cost, including reasonable attorney's fees, incurred by the Owner due to any lien asserted by a party who alleges to have furnished labor or materials to the project.
- 4 Agree to be responsible for repairs on any of the improvements covered within the contract agreement due to faulty workmanship and/or materials for a period of one year beginning May 3, 2023, and thus ending on May 2, 2024.

Witness:	Goodwin & Goodwin, Inc.

