

Change Order No.: Change Order 2
Date: August 25, 2022
Company: GoodLand Construction, Inc.
Project: Erie Parkway Reuse Waterline Improvements
Project Number: P21-287
Agreement Date: September 30, 2021



PO#: 014599

You are hereby requested to comply with the following changes to the Agreement.

Description of Changes:		Decrease	Increase
Contract Close-out Change Order:		<u>Contract Price</u>	<u>Contract Price</u>
Bid Item No.	See attached e-mail dated August 18, 2022.		
19	Imported Backfill - Item not used, zero cost.	\$ 8,000.00	\$ -
20	Aggregate Base Course - Additional base constructed.		\$ 871.00
21	Hot Mix Asphalt - Additional asphalt constructed.	\$ -	\$ 112,996.00
This Change Order constitutes a full and final settlement and discharge of any and all claims asserted or which could have been asserted regarding the subject matter of this Change Order.		\$ 8,000.00	\$ 113,867.00
Net Change to Contract Price:			
Original Contract Price:			\$536,804.00
Current Contract Price adjusted by previous Change Order:			\$551,753.33
Amount of this Change Order			\$ 105,867.00
New Contract Price, including this Change Order, will be:			\$657,620.33
Contingency:			
Maximum Allowable Amount:			\$53,680.00
Remaining Amount:			\$0.00

Approvals:

Project Manager: _____ Date: _____

Consultant/ Contractor: _____ Date: _____

Public Works Director: _____ Date: _____

Finance Director: _____ Date: _____

Town Administrator: _____ Date: _____

Zachary Ahinga

From: Zachary Ahinga
Sent: Thursday, August 18, 2022 6:04 PM
To: Ben Worland; Matt Worland
Cc: David Pasic; Nick Campbell; Joel Price; Nishant Netala
Subject: RE: : Erie Parkway Reuse Waterline -Goodland Change Order 2

Ben and Matt: The Town appreciates GoodLands cooperation and willingness to settle this matter. I will prepare a draft final payment request and Change Order 2 for your review/comment. Because of the amount of Change Order 2, approval of the Town Board of Trustees must be obtained in order for the Town to sign Change Order 2; we are targeting the September 13th Board meeting to request Change Order 2 approval. Town will need GoodLand to sign Change Order 2 and it will be attached to the Board report for information.

In addition, we need to GoodLand to submit its as-built records to the Town in accordance with the contract specifications. I will schedule an online meeting with Ben to coordinate that.

Thank you,

Zachary N. Ahinga, P.E. | Civil Engineer
Planning and Development - Engineering



Town of Erie
645 Holbrook Street | P.O. Box 750 | Erie, CO 80516
Phone: 303-926-2878 | Cell: 720-926-0788 | Fax: 303-926-2706
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From: Ben Worland <Ben@goodlandconstruction.com>
Sent: Friday, August 12, 2022 2:40 PM
To: Zachary Ahinga <zahinga@erieco.gov>; Matt Worland <Matt@goodlandconstruction.com>
Subject: RE: : Erie Parkway Reuse Waterline - Draft Minutes of July 1, 2022 Meeting To Discuss Goodland Change Order

Zachary:

We appreciate the follow up regarding this issue and after careful consideration we will accept the resolution outlined below. This is based on the following understanding:

1. GoodLand did discuss the asphalt overrun with the Town as soon as GoodLand was made aware of the issue.
2. The asphalt removal quantities on the bid tab do not match the removals on the plan sheets. The takeoff on the plan shows 850+ SY
3. The asphalt thickness was never expected to be 14-15", based on the provided quantities in the bid it was assumed to be 8" (305 ton and 700 SY of removal). Potholes were done in design to verify the existing utilities, the Town should have been aware of the thickness when this work was being performed.
4. GoodLand did make several attempts to clarify the thickness of the asphalt to be installed prior to patching and was instructed to match existing.
5. GoodLand's street cut width is within the industry norm for large mainline installation. Adding an additional 2' for the "T" patch created the 8' condition and was not accounted for in the bid quantities.

By accepting this resolution, GoodLand is not accepting fault for errors made by others including the design team, owner's representative, or the Town of Erie. We feel this resolution is in the best interest of all parties and reserve the right to withdrawal our acceptance of this resolution if the Town does not approve the change order as discussed in the email below.

We feel we did our part to make this project successful and appreciate the team doing their part to help resolve this issue. We look forward to working with the Town on closing the project out.

Sincerely,

Ben Worland

To: Ben Worland <Ben@goodlandconstruction.com>; Matt Worland <Matt@goodlandconstruction.com>

Cc: Midge Demarest <Midge@goodlandconstruction.com>; David Pasic <dpasic@erieco.gov>

Subject: FW: : Erie Parkway Reuse Waterline - Draft Minutes of July 1, 2022 Meeting To Discuss Goodland Change Order

Ben and Matt:

The Town's understanding of Matt's response is that Goodland Construction is willing to accept the quantities of asphalt and resulting increase over Bid price for a Change Order amount of \$112,996.00 (as shown in attached PNG file) to settle the overage issue for Bid Item 21 – Hot Mix Asphalt. The Town is willing to use the Change Order amount of \$112,996 to continue the discussion to settle Bid Item 21; based on the concept that the averaging provides a good model to quantify the actual work that GoodLand performed. However, the Town believes it appropriate to negotiate for a further reduction.

Goodland made the decisions on pavement saw-cut width and necessary trench work space based on its responsibility for means and methods; however, those means and methods should not result in additional cost to the Town, and those decisions did not comply with the contract drawings and specifications. There was no advance discussion on the non-compliance; and no alert to the Town as required by the specifications, when it is anticipated a bid item will exceed 105% of the bid quantity. Had GoodLand discussed the trench width and alerted the Town to the potential overage in Bid Item 21, a resolution to minimize the trench width (and resulting overall cost) could have been implemented early in the project.

Would Goodland consider eliminating the request for overage for Bid Item 6 – Removal and Disposal of Existing Asphalt in the amount of \$7,322.10. If GoodLand accepts this proposal the total change order amounts for Bid Item 6 and 21 are summarized as follows:

Bid Item 6 \$0.00

Bid Item 21 \$112,996

The Town appreciates GoodLand Construction's effort to resolve these change order items and move forward with project closeout. The Town intends to request approval of Change Order 2 at the August 23, 2022 Board of Trustees meeting and desires to resolve all change order matters to meet that schedule.

Please let me know at your earliest convenience whether Goodland is willing to consider the Town's proposal above to settle the overage in Bid items 6 and 21. I am available anytime this week to discuss this.

Thank you,

Zachary N. Ahinga, P.E. | Civil Engineer
Planning and Development - Engineering



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From: Matt Worland <Matt@goodlandconstruction.com>

Sent: Monday, July 18, 2022 4:03 PM

To: Zachary Ahinga <zahinga@erieco.gov>

Cc: Nick Campbell <Nick.Campbell@murraysmith.us>; Ben Worland <Ben@goodlandconstruction.com>;

Midge Demarest <Midge@goodlandconstruction.com>; Joel Price <Joel.Price@murraysmith.us>;

Nishant Netala <Nishant.Netala@apexdesignnpc.com>; David Pasic <dpasic@erieco.gov>

Subject: RE: : Erie Parkway Reuse Waterline - Draft Minutes of July 1, 2022 Meeting To Discuss Goodland Change Order

Hi Zachary,

I cannot speak to the meeting minutes since I wasn't present. However, I have discussed this with Ben and in an effort to put this issue behind us and move on we will accept the quantities provided by Murraysmith. This is based on the assumption we are all in agreement with those quantities and we can move forward preparing final billings and closing out this project.

If further discussion is warranted or if you would like us to prepare a change order proposal, please let me know.

Thanks,

Matt Worland

GoodLand Construction, Inc.
760 Nile St. Golden, CO 80401
Office: 303-278-8100 | Mobile: 303-598-2250
GoodLandConstruction.com

From: Zachary Ahinga <zahinga@erieco.gov>
Sent: Tuesday, July 12, 2022 11:29 AM
To: Ben Worland <Ben@goodlandconstruction.com>; Midge Demarest <Midge@goodlandconstruction.com>
Cc: Matt Worland <Matt@goodlandconstruction.com>; Nick Campbell <Nick.Campbell@murraysmith.us>; Joel Price <Joel.Price@murraysmith.us>; Nishant Netala <Nishant.Netala@apexdesignnpc.com>; David Pasic <dpasic@erieco.gov>
Subject: RE:: Erie Parkway Reuse Waterline - Draft Minutes of July 1, 2022 Meeting To Discuss Goodland Change Order

Ben and Midge: Attached are the draft minutes of the July 1, 2022 meeting wherein we discussed the 1st Pay Application and the indicated change order amounts related to asphalt placement, and removal & disposal of asphalt. Also per Goodland's request, attached is the estimated quantities of asphalt installation and calculated total Change Order amount discussed under item 2.b.ii; if it were assumed a T-patch width of 8 feet was installed for the entire length of the trench within the asphalt pavement with an average thickness of 14 inches.

The Town's provision of the draft minutes is an opportunity for Goodland to clarify or propose revisions to the draft minutes. The Town's objective in preparing minutes is to document the discussion of the July 1, 2022 meeting; and does not make any formal settlement proposal of the change order issue.

The Town looks forward to continued discussions on this item at Goodland's earliest convenience.

Thank you,

Zachary N. Ahinga, P.E. | Civil Engineer
Planning and Development - Engineering



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