



**Item:** Approval of Change Order No. 1 to increase the contract amount by \$4,584.00; and, Authorization of Final Payment to United Materials, Inc. and the State Miscellaneous Tax Division for construction of the Riverview School Bike/Ped Path - GTF, O.F. 1596

**From:** Planning & Community Development Department

**Prepared By:** Andrew Finch, Senior Planner

**Presented By:** Craig Raymond, Planning & Community Development Director

**Action Requested:** Approve Change Order No. 1 and Authorize Final Payment to United Materials, Inc. and State Miscellaneous Tax Division

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve Change Order No. 1 to increase the contract amount by \$4,584.00, and approve final payments in the amount of \$6,072.66 to United Materials, Inc, and \$61.34 to the State Miscellaneous Tax Division for Riverview School Bike/Ped Path, and authorize the City Manager to make the payments and execute the Change Order.”

2. Mayor calls for a second, discussion, public comment, and calls for the vote.

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**Staff Recommendation:** Staff recommends that the City Commission approve Change Order No. 1 and authorize final payment.

**Background:** The City Commission awarded a construction contract to United Materials, Inc. on March 19, 2013, for construction of a trail for better connectivity of the Riverview neighborhood with River’s Edge Trail and the shopping areas on Smelter Avenue, and to also provide for a safe bicycle facility for young bicycle riders to and from Riverview Elementary and CMR High Schools. Federal transportation dollars through the Community Transportation Enhancement Program (CTEP), with a small percentage provided by Recreational Trails, Inc. as required matching dollars, was combined with a Montana Department of Transportation Safe Routes to School federal-aid grant. The latter funding was obtained by the Great Falls School District.

**Change Order Background:** Additional work was necessary to adjust valve boxes, and a new

sanitary sewer manhole required construction of a short wall at the transition near the manhole, which was not in the original scope of work. Lastly, the final quantities of concrete are slightly higher than the original estimate, and payment is being adjusted to reflect final quantities.

**Concurrences:** The project engineer (Thomas Dean & Hoskins Engineering), City Engineering and the P&CD Department concur in Change Order No. 1 and final payment.

**Fiscal Impact:** If the Change Order is approved, the final contract costs and contributions will be as follows:

Original Contract Amount:	\$ 54,170.00
Contract Amount Adjusted for Change Order 1:	\$ 4,584.00
Final Contract Amount:	\$ 58,754.00

**Final Contract Funding Distribution:**

Safe Routes to School Grant:	\$ 50,000.00
CTEP:	\$ 7,579.21
Recreational Trails, Inc. (CTEP match):	\$ 1,174.79

There will be no cost to the City of Great Falls as a result of the Change Order.

**Alternatives:**

- (1) The City Commission could vote to deny final payment. However, the contractor has met all contractual obligations, and staff does not recommend this alternative.
- (2) The City Commission could vote to deny the Change Order, but approve final payment. However, the change ordered work is necessary to complete the project, and staff does not recommend this alternative.

**Attachments/Exhibits:**

1. Change Order No. 1
2. Application for Final Payment & Gross Receipts Withholding Tax form

Cc: Dave Dobbs, City Engineer

# Change Order

No. 1

Date of Issuance: August 1, 2013

Effective Date: August 1, 2013

Project: <b>Riverview Elementary Bike/PED Path</b>	Owner: <b>City of Great Falls</b>	Owner's Contract No.: <b>O.F.1596</b>
Contract:		Date of Contract <b>9 April 2013</b>
Contractor: <b>United Materials of Great Falls</b>		Engineer's Project No.: <b>11-086</b>

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

Description Work Directive Change One – Water Service Curb Stop Box Extensions - \$1,539 - See United Materials letter dated June 28, 2013. Additional work was required to raise boxes because originally described work effort to adjust heights by adjusting existing boxes was not possible since old boxes could not be adjusted. New box materials had to be purchased and installed to complete the work item.

Work Directive Change Two- Landscape Block Retaining Wall - \$2,195 – Modifications to adjacent project work by MDT on a new sanitary sewer manhole required construction of 20 LF of wall at transition near manhole that was not in original work scope.

Quantity reconciliation – Measured length of trail is 36 feet longer than plan length. Two less valve box adjustments. \$850

Attachments: (List documents supporting change): United Materials letters dated June 28 and July 15, 2013.

## CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 54,170.00

[Increase] [Decrease] from previously approved Change Orders No. \_\_\_\_\_ to No. \_\_\_\_\_:

\$ 0.00

Contract Price prior to this Change Order:

\$ 54,170.00

[Increase] [Decrease] of this Change Order:

\$ 4,584.00

Contract Price incorporating this Change Order:

\$ 58,754.00

## CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): 60 Days

Ready for final payment (days or date): 60 Days

[Increase] [Decrease] from previously approved Change Orders No. \_\_\_\_\_ to No. \_\_\_\_\_:

Substantial completion (days): None

Ready for final payment (days): None

Contract times prior to this Change Order:

Substantial completion (days or date): 60 Days

Ready for final payment (days or date): 60 Days

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): No change to

Ready for final payment (days or date): Contract Time

Contract times prior to this Change Order:

Substantial completion (days or date): August 8, 2013

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:

By:   
Engineer (Authorized Signature)

Date: July 31, 2013

Approved Funding Agency (if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By:   
Contractor (Authorized Signature)

Date: 7-31-13

Date: \_\_\_\_\_

# Change Order Instructions

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## A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

## B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.



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If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

2100 9<sup>th</sup> Avenue North



June 28, 2013

City of Great Falls  
Andrew Finch  
P.O. Box 5021  
Great Falls, MT 59403

Project: Riverview Elementary Bike / Ped Path

Subject: Extra Work - Water Service Curb Stop Extensions

Dear Mr. Finch:

United Materials requests payment of \$1,539.00 as compensation for extra work on the above referenced project. This pay request is for work associated with adjustments to curb stops that was not included in the line item price for curb stop adjustment. Please see the attached breakdown of labor, equipment and materials.

If you have any questions please call me (406) 453-7692.

Respectfully,

A handwritten signature in cursive script that reads 'Jeremy Daul'.

Jeremy Daul  
United Materials of Great Falls, Inc.

cc: John Juras

Date	6/14/2013 6/18/2013			
Work Performed	Add extensions to curb stops			
Location	Smelter Ave, Riverview Blvd			
Item	Hrs/ Units	Rate	Chargeable Units	
Operator	5	\$55.00	5	\$275.00
Superintendent/ Pickup/ Van	5	\$90.00	5	\$450.00
Backhoe OP	5	\$104.00	5	\$520.00
Curb Stop Extensions	1	\$294.00	1	\$294.00
				<b>\$1,539.00</b>



July 15, 2013

Thomas, Dean, and Hoskins, Inc.  
Mr. John Juras  
1200 25<sup>th</sup> Street South  
Great Falls, MT 59405

Re: Riverview Elementary Bike/PED Path

Dear Mr. Juras:

We submit a price of \$2,195.00 to furnish and install twenty feet of additional landscape block wall at the northwest corner of Smelter Avenue and Division Road. The remaining portion of block wall from the manhole east to the existing retaining wall will be paid for by MDOT. All testing has been excluded.

If you have any questions, please call me at 453-7692.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Scott Schuman', is written over a light blue horizontal line.

Scott Schuman  
Estimator



**APPLICATION FOR PAYMENT NO. 2 FINAL**

To: City of Great Falls (OWNER)  
From: United Materials of Great Falls, Inc. (CONTRACTOR)  
Contract: UPN 7234  
Project: Riverview Elementary Bike/ Ped Path  
OWNER's Contract No. O.F. 1596 ENGINEER's Project No. \_\_\_\_\_  
For Work accomplished through the date of: 10/24/2013

1.	Original Contract Price:	\$	<u>54,170.00</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$	<u>4,584.00</u>
3.	Current Contract Price (1 plus 2):	\$	<u>58,754.00</u>
4.	Total completed and stored to date:	\$	<u>58,754.00</u>
5.	Retainage (per Agreement):		
	<u>0</u> % of Completed Work: \$	<u>0.00</u>	
	___ % of stored material: \$	_____	
	Total Retainage:	\$	<u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$	<u>58,754.00</u>
7.	Less previous Applications for Payments:	\$	<u>52,620.00</u>
8.	Gross Amount Due this application: (6 minus 7):	\$	<u>6,134.00</u>
9.	Less <b>1% State Gross Receipts Tax</b> :	\$	<u>61.34</u>
10.	<b>DUE THIS APPLICATION (8 MINUS 9):</b>	\$	<u>6,072.66</u>

Accompanying Documentation:

**CONTRACTOR's Certification:**

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through \_\_\_\_\_ inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 10/24/2013 United Materials of Great Falls, Inc.  
CONTRACTOR

By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 10/31/13  TD & H  
ENGINEER

By: \_\_\_\_\_

EJCDC No. 1910-8-E (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. **Modified by the City of Great Falls to add items 9 and 10.**

	PROJECT :	RIVERVIEW ELEMENTARY BIKE/ PED PATH								
	CONTRACT #	UPN 7234 O.F.1596								
	U.M. JOB #	1311								
ITEM		EST.		UNIT	EST	TOTAL	TOTAL	QUANTITY	AMOUNT	PERCENT
#	DESCRIPTION	QUANTITY	UNITS	PRICE	AMOUNT	QUANTITY	AMOUNT	REMAINING	REMAINING	COMPLETE
201	MOBILIZATION	1.00	LS	\$2,500.00	\$2,500.00	1.00	\$2,500.00	0.00	\$0.00	100.0%
202	UNCLASSIFIED EXCAVATION	1.00	LS	\$6,250.00	\$6,250.00	1.00	\$6,250.00	0.00	\$0.00	100.0%
203	REMOVE CONCRETE WALL	2.00	EACH	\$110.00	\$220.00	2.00	\$220.00	0.00	\$0.00	100.0%
204	ADJUST EXISTING SANITARY SEWER MANHOLE	3.00	EACH	\$500.00	\$1,500.00	3.00	\$1,500.00	0.00	\$0.00	100.0%
205	ADJUST WATER SERVICE CURB STOP	12.00	EACH	\$25.00	\$300.00	10.00	\$250.00	2.00	\$50.00	83.3%
206	REMOVE AND RESET SIGN	1.00	EACH	\$150.00	\$150.00	1.00	\$150.00	0.00	\$0.00	100.0%
207	4" CONCRETE PATH	1570.00	LF	\$25.00	\$39,250.00	1606.00	\$40,150.00	-36.00	-\$900.00	102.3%
208	SEEDING	1.00	LS	\$1,500.00	\$1,500.00	1.00	\$1,500.00	0.00	\$0.00	100.0%
209	PAVEMENT MARKINGS	1.00	LS	\$2,500.00	\$2,500.00	1.00	\$2,500.00	0.00	\$0.00	100.0%
					\$54,170.00	TOTALS	\$55,020.00		-\$850.00	101.6%
		PERCENT COMPLETE			101.57%					
	<b><u>Change Orders</u></b>									
	Add Extensions to Curb Stops				\$1,539.00		\$1,539.00			
	Landscape Block				\$2,195.00		\$2,195.00			
							\$58,754.00			



## Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: ☒ Agency ☐ Prime Contractor

Federal Identification Number (FEIN): <b>81-6001269</b>		
Name: <b>City of Great Falls</b>		
Address: <b>P.O. Box 5021</b>		
City: <b>Great Falls</b>	State: <b>MT</b>	Zip Code: <b>59403</b>

2. Contract Awarded to: ☒ Prime Contractor ☐ Sub Contractor

Federal Identification Number (FEIN): <b>270651621</b>		
Name: <b>United Materials, Inc.</b>		
Address: <b>PO Box 1690</b>		
City: <b>Great Falls</b>	State: <b>MT</b>	Zip Code: <b>59404</b>

- |   |     |                   |
|---|-----|-------------------|
| 3. Government Issued Contract Number  | 3.  | <b>O.F. 1596</b>  |
| 4. Contract Award Date  | 4.  | <b>19-Mar-13</b>  |
| 5. Month and year increment payment earned  | 5.  | <b>Oct-13</b>     |
| 6. Gross amount due prime contractor or sub-contractor at the time of this report   | 6.  | <b>\$6,134.00</b> |
| 7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)   | 7.  | <b>\$61.34</b>    |
| 8. Net amount paid prime contractor or sub-contractor at the time of this report  | 8.  | <b>\$6,072.66</b> |
| 9. Check proper box for type of return being filed:   |     |                   |
| <input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)  | 9a. | <b>\$61.34</b>    |
| <input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. |     |                   |
| Date payment made to sub-contractor   | 9b. | <b>n/a</b>        |

10. Description of work to be performed:

**New concrete bike/ped path and associated seeding work. \*\*\*\*\*FINAL PAYMENT\*\*\*\*\***

11. Location of work to be performed (be specific):

**On the north side of Smelter Avenue Northwest, in front of Riverview Elementary School, between Riverview Boulevard and Division Road, Great Falls, MT.**

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: ☒ Agency ☐ Prime Contractor ☐ Sub-Contractor

Award Authorization

Preparer's Signature: 

Preparer's Title: **Planner II**

Date: **November 19, 2013**

Phone: **(406) 455-8429**

Fax: **(406) 452-6256**