

TOWN OF WEST SENECA



ENGINEERING DEPARTMENT

TOWN SUPERVISOR  
SHEILA M. MEEGAN  
TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

March 31, 2014

Honorable Town Board  
Town of West Seneca

Re: **2013 Phase 2 & 3 Sewer Rehabilitation  
Change Order Approval**

Honorable Board Members,

Please approve Change Order No. 2 in the total amount of **\$36,265.82** for additional work performed as a result of unforeseen conditions encountered.

Milherst Construction (subcontractor to United Survey, Inc.) encountered poor soil conditions causing the sewer trench to become unstable and wider than expected during the installation of the new sanitary sewers along Woodcrest Drive and Brookside Drive. Milherst has requested to be compensated for the slower than expected production rates and additional crushed stone and asphalt as noted on the enclosed Change Order.

We have reviewed these figures with the both Contractors and feel the request for additional funds are accurate and justified. We expect the underruns in quantities for various payment items to more than offset these costs.

Funding for this work is budgeted under the \$30M capital sewer project.

Very truly yours,

A handwritten signature in black ink that reads "Jason A. Foote".

Jason A. Foote, P.E.  
Town Engineer

Enc.

cc: Files: TB.  
Project

## Change Order No. 2

Date of Issuance: March 17, 2014

Effective Date: March 14, 2014

Project: Phase 2 & 3 Sewer Rehabilitation	Owner: Town of West Seneca	Owner's Contract No.:
Contract: Phase 2 & 3 Sewer Rehabilitation		Date of Contract:
Contractor: United Survey, Inc.		Engineer's Project No.: 12049.01

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

**Description:**

The subcontractor (Milherst Construction) for United Survey Inc. encountered unforeseen poor soil conditions during the installation of the new sanitary sewer main and manholes along Woodcrest Drive and Brookside Drive. The poor soils caused the trench to become unstable and significantly wider than expected, thus requiring additional select fill stone, disposal, and asphalt restoration as well as slower than expected production rates. Milherst Construction has asked for an additional \$24,679.47 in compensation for Woodcrest Drive and an additional \$9,859.41 in compensation for Brookside Drive (see attached breakdown). According to the Standard General Conditions, the Contractor is entitled to add a 5% markup on subcontractor work. Total Amount of Change Order determined as follows:

$\$24,679.47 \times 1.05\% = \$25,913.44$   
 $\$9,859.41 \times 1.05\% = \underline{\$10,352.38}$   
**(Total Change Order Amount)      \$36,265.82**

**Attachments (list documents supporting change):** (See attached quote from Milherst Construction)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:  \$ <u>4,884,040.00</u>	Original Contract Times: <input type="checkbox"/> Working <input checked="" type="checkbox"/> Calendar days Substantial completion date: <u>June 12, 2014</u> Ready for final payment (date): <u>July 12, 2014</u>
Increase from previously approved Change Orders  \$ <u>(50,625.00)</u>	Increase from previously approved Change Orders:  Substantial completion (date): _____ Ready for final payment (date): _____
Contract Price prior to this Change Order:  \$ <u>4,833,415.00</u>	Contract Times prior to this Change Order: Substantial completion (date): <u>June 12, 2014</u> Ready for final payment (days or date): <u>July 12, 2014</u>
Increase of this Change Order:  \$ <u>36,265.82</u>	Increase of this Change Order: Substantial completion (days): _____ Ready for final payment (days or date): _____
Contract Price incorporating this Change Order:  \$ <u>4,869,680.82</u>	Contract Times with all approved Change Orders: Substantial completion (date): <u>June 12, 2014</u> Ready for final payment (days or date): <u>July 12, 2014</u>

RECOMMENDED:  
By: *Jason A. Foot*  
Engineer (Authorized Signature)  
Date: 3/14/14

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

ACCEPTED:  
By: *[Signature]*  
Contractor (Authorized)  
Date: 3/20/2014

# Milherst Construction, Inc.

10025 COUNTY ROAD  
P.O. BOX 430  
CLARENCE CENTER, NEW YORK 14032  
PHONE: (716) 688-9098 \* FAX: (716) 688-9562

Mr. Michael Kerl  
United Survey, Inc.  
26146 Broadway Avenue  
Cleveland, Ohio 44146

3/10/2014

Re: 2013 Phase 2 and 3 Sanitary Sewer Rehabilitation Project, West Seneca, NY  
Woodcrest Drive Unforeseen Poor Soil Conditions

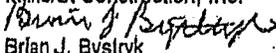
Dear Michael,

When Milherst Construction, Inc. (Milherst) was replacing the existing 12" sanitary sewer and manhole on Woodcrest Drive for the above referenced project between Manholes 4-127 and 4-156, we encountered very unstable soil conditions. These conditions were mainly soft, moist sand that would not stand up on its own very well, causing us to excavate wider and dig inside our trenchbox in order to minimize the amount of disturbance on the street. By doing this, we incurred additional costs in excavation and disposal of spoils, select backfill, and asphalt restoration. These items combined caused us to work much longer than originally anticipated in order to complete the work. The trench width ended up being about 3-4 times wider than the contract pay limits. The existing soil kept caving in on us as soon as we moved the shield. Since the bid item is all-inclusive, there is no way for us to be compensated for this extra time and material except through documenting the additional expense and putting a claim in writing to review with you and the Town of West Seneca (Owner). There were no soils information available nor provided at time of bid, so we had nothing to reference.

Listed below are the additional costs you requested due to the unforeseen soil conditions that we encountered on Woodcrest Drive:

Tandem Dump Truck w/ Driver	108.50 Hrs	\$	80.00	\$ 8,520.00
#1 Stone	64.38 Tons	\$	12.25	\$ 788.66
2" Crusher Run Stone	544.03 Tons	\$	7.75	\$ 4,216.23
Type 1 Asphalt Base	50.28 Tons	\$	51.50	\$ 2,688.39
Type 3 Asphalt Binder	58.34 Tons	\$	52.75	\$ 3,077.44
Type 7F Top	35.98 Tons	\$	60.50	\$ 2,176.79
				\$ 21,367.50
			10% Overhead	\$ 2,136.75
				\$ 23,504.25
			5% Profit	\$ 1,175.21
			Total Amount	\$ 24,679.47

Please let me know if the additional costs incurred by Milherst are acceptable.

Very Truly Yours,  
Milherst Construction, Inc.  
  
Brian J. Bystryk  
Project Manager

# Milherst Construction, Inc.

10025 COUNTY ROAD  
P.O. BOX 430  
CLARENCE CENTER, NEW YORK 14032  
PHONE: (716) 688-9098 \* FAX: (716) 688-9562

Mr. Michael Keri  
United Survey, Inc.  
25145 Broadway Avenue  
Cleveland, Ohio 44146

3/10/2014

Re: 2013 Phase 2 and 3 Sanitary Sewer Rehabilitation Project, West Seneca, NY  
Brookside Drive Unforeseen Poor Soil Conditions

Dear Michael,

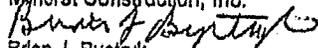
As you know, when Milherst Construction, Inc. (Milherst) was replacing the existing 8" sanitary sewer and manholes on Brookside Drive between Manholes 4-150 and 4-151 for the above referenced project, we ran into a large degree of unstable ground consisting of mainly soft, moist sand. This new work was installed in a previously disturbed trench from many years ago that was apparently sloped way back on both sides. This unstable ground caused us to have to excavate and lay the new sanitary sewer inside the trenchbox in order to preserve as much of the existing road and asphalt as possible. Excavating in this manner caused the trench to be wider, generating additional labor and equipment, extra spoil removal and disposal, select backfill material, and asphalt restoration. This extra work was outside the contract pay limits, and being an all-inclusive item, there is no way for us to be compensated for this except by keeping track of this additional work and request extra compensation. There were no boring logs nor soils information available at time of bid, so we had no idea what to expect. We were as careful as we could be, but still lost a good amount of the road causing an enormous amount of additional select backfill and asphalt restoration in order to properly restore Brookside Drive.

Listed below are the additional costs and time you requested due to the unforeseen soil conditions that we encountered:

Tandem Dump Truck w/ Driver	54.00 Hrs	\$	80.00	\$	4,320.00
#1 Stone	39.00 Tons	\$	12.25	\$	477.75
2" Crusher Run Stone	149.81 Tons	\$	7.75	\$	1,161.03
Type 1 Asphalt Base	8.39 Tons	\$	51.50	\$	432.09
Type 3 Asphalt Binder	29.34 Tons	\$	52.75	\$	1,547.89
Type 7F Top	9.88 Tons	\$	60.60	\$	597.74
				\$	8,536.29
			10% Overhead	\$	853.63
				\$	9,389.92
			5% Profit	\$	469.50
			Total Amount	\$	9,859.41

Please let me know if the additional costs incurred by Milherst are acceptable.

Very Truly Yours,  
Milherst Construction, Inc.

  
Brian J. Bystryk  
Project Manager