

1 **BILL NO. S-23-12-12**

2 SPECIAL ORDINANCE NO. S-166-23

3  
4 AN ORDINANCE amending the not-to-exceed amount  
5 for a CONSTRUCTION CONTRACT for RIVERFRONT  
6 PUBLIC OPEN SPACE PHASE II-A -  
7 RESOLUTION/WORK ORDER #109-3-22-22-1  
8 between HAMILTON HUNTER BUILDERS, INC. and  
9 the City of Fort Wayne, Indiana, in connection with the  
10 Board of Public Works.

11 **WHEREAS**, on April 26, 2022, the Common Council adopted Special  
12 Ordinance S-22-04-08 approving a construction contract in the amount of Two Million  
13 Three Hundred Ninety-Two Thousand Five Hundred Eighteen Dollars (\$2,392,518)  
14 for Riverfront Public Open Space Phase II-A ("Phase II-A"), located along the south  
15 side of the St. Marys riverfront between Promenade Park and Headwaters Park,  
16 including bank stabilization, new walkways, plantings, lighting, site furnishings,  
17 seatwalls, and utility improvements; and

18 **WHEREAS**, due to unforeseen circumstances, the actual cost of  
19 Phase II-A exceeded the agreed-upon amount and therefore requires a change  
20 order, attached hereto as Exhibit A, in the amount of Two Hundred Ninety-Three  
21 Thousand Four Hundred Fifty-Three and 47/100 Dollars (\$293,453.47).

22  
23 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**  
24 **CITY OF FORT WAYNE, INDIANA:**

25 **SECTION 1.** That the not-to-exceed construction contract amount for  
26 Phase II-A of Riverfront shall be Two Million Six Hundred Eighty-Five Thousand Nine  
27 Hundred Seventy-One and 47/100 Dollars (\$2,685,971.47).  
28  
29  
30



**CHANGE ORDER**

Date: 12/8/2023  
Change Order #: 1 Resolution #: 8092265  
Project: Riverfront Phase II-A  
W.O. #: 8092265  
To: Hamilton Hunter Builders, Inc.  
( CONTRACTOR )

The CONTRACTOR is directed to make the following changes in the contract documents as set forth in this change order and attachments.

SEE ATTACHED CONTRACT COST ANALYSIS SHEET

	<u>Decrease</u>	<u>Increase</u>
Total Decrease:	\$18,000.00	
Total Increase:		\$308,463.47
Net <u>Increase</u> to contract price:	\$293,453.47	

The sum of \$293,453.47 hereby increases the total contract price, and the contract price shall be adjusted as follows:

Sum of prior Change Orders		\$0.00
Amount of Change Order # 1	Increase	<u>\$293,463.47</u>
Original Contract Price:		\$2,392,518.00
Current Contract Price Adjusted By Previous Change Order (if any):		\$2,392,518.00
New Contract Price Including this Change Order:		\$2,685,971.47

The time provided for substantial completion of this project on this contract changed by 235 calendar days due to this Change Order. The date for final completion of all work shall be 11/3/2023. Furthermore, this document shall become an amendment to the contract and all provisions of the contract shall apply hereto.

**JUSTIFICATION FOR CHANGE:**

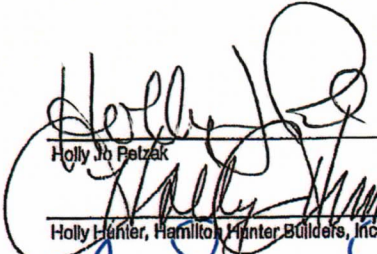
Had unexpected issues with the flood wall. It was a total reconstruct when we designed it not to be. There was also bad soils under the wall area and a change in design had to be made to the footings. Work was carried over into the winter months because of waiting for the construction staging area to be removed from our site from the Riverfront at Promenade contractor. This caused extra expenses for winter weather items to keep the construction on-going. Another issue that lead to extra re-designs and costs were caused by the building department and changes that they made to their prior approvals. Them and the City could not agree on how the irrigation and back flow system should be installed, which caused additional time and money, and they also had the contractor add additional handralling to areas that were deemed ok when routed.

Will proposed change order alter size of project: No

If Yes, Explain:

Effect on operation & maintenance cost of the project:  
With a new wall, the maintenance should be minimal which is good for the long run.

Recommended by:

  
Holly Jo Petzak

Date:

12/6/2023

Accepted by:

  
Holly Hunter, Hamilton Hunter Builders, Inc.

Date:

12/6/2023

Approved by:

  
Nancy Townsend, Community Development Director

Date:

12-6-2023

Approved by:

BOARD OF PUBLIC WORKS

Date:

\_\_\_\_\_

\_\_\_\_\_  
Shan R. Gunawardena, Chair

\_\_\_\_\_  
Kumar Menon, Member

\_\_\_\_\_  
Chris Guerrero, Member

Attested by:

\_\_\_\_\_  
Michelle Fulk-Vondran, Clerk

Date:

\_\_\_\_\_

## **DIGEST SHEET**

**TITLE OF ORDINANCE.** An Ordinance Amending the Not-To-Exceed Amount for a Construction Contract for Riverfront Public Open Space Phase II-A - Resolution/Work Order #109-3-22-22-1 between Hamilton Hunter Builders, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

**DEPARTMENT REQUESTING RESOLUTION.** Community Development

**SYNOPSIS OF ORDINANCE.** In April, 2022, the Common Council approved a construction contract with Hamilton Hunter for \$2,392,518 for labor and materials for Phase II-A of Riverfront, which is located on the south side of the St. Marys River between Promenade Park and Headwaters Park. Due to unforeseen circumstances, the actual cost of construction was \$293,453.47 more than the previously-approved amount. This ordinance approves the increase in the not-to-exceed amount.

**EFFECT OF PASSAGE.** This additional funding of \$293,453.47 is necessary for addressing unforeseen challenges in the construction of Riverfront Phase II-A. The increased budget will specifically cover unexpected issues encountered during the reconstruction of the floodwall, winterization of equipment due to delays caused by the unavailability of staging areas, and necessary redesigns to the irrigation system and handrails. The conditions leading to the change order would likely have been encountered by any contractor, and could not have reasonably been discovered prior to the beginning of work.

**EFFECT OF NON-PASSAGE.** Without approval, the City would not be authorized to pay Hamilton Hunter for the work performed on Phase II-A pursuant to the existing contract.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS).** \$293,453.47, drawn from READI funds granted by the Indiana Economic Development Corporation (IEDC) for Phase II Riverfront Public Space. City Council approval is required because the contract is held by the Board of Public Works.

**ASSIGNED TO COMMITTEE (PRESIDENT).** \_\_\_\_\_



# COMMUNITY DEVELOPMENT

*Vibrant. Prosperous. Growing.*

Thomas C. Henry, Mayor

City of Fort Wayne  
Community Development  
200 East Berry Street, Suite 320  
Fort Wayne, IN 46802

260 427-1127 [fwcommunitydevelopment.org](http://fwcommunitydevelopment.org)

## MEMO

**To:** City of Fort Wayne Common Council

**Copy:** City of Fort Wayne Community Development Division

**From:** Joe Giant, Community Development Administrator, 427-2144

**Subject:** Amending the not-to-exceed amount for a Construction Contract with Hamilton Hunter Builders, Inc. for Riverfront Phase II-A Public Space

**Date:** December 7, 2023

Community Development formally requests Common Council approval for an amendment to the not-to-exceed amount for Resolution/Work Order #109-3-22-22-1 between Hamilton Hunter Builders, Inc. and the City of Fort Wayne, in connection with the Board of Public Works.

The amendment would increase the not-to-exceed amount by \$293,453.47, to a new not-to-exceed amount of \$2,685,971.47. The increase is due to unforeseen conditions, which include the following:

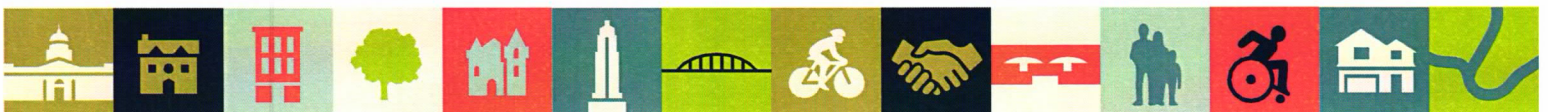
- Unexpected issues with reconstruction of a floodwall, including poor sub-soils and discovery/removal of historical building footings
- Winterization of equipment due to delays caused by unavailability of staging areas
- Redesigns to the irrigation system and handrails required by the Allen County Building Department

Funds for this change order would be drawn from READI funds granted by the Indiana Economic Development Corporation (IEDC) for Phase II of Riverfront Public Space. City Council approval is required because the construction contract is held by the Board of Public Works.

Please feel free to contact me directly if you have any questions.

**Joe Giant**  
Redevelopment Administrator  
O: 260.427.2144  
[Joe.Giant@cityoffortwayne.org](mailto:Joe.Giant@cityoffortwayne.org)

*An Equal Opportunity Employer*



**BILL NO. S-23-12-12**

**REPORT OF COMMITTEE ON FINANCE**

**December 19, 2023**


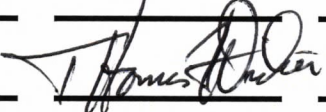


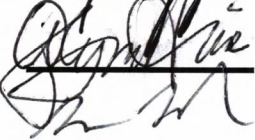
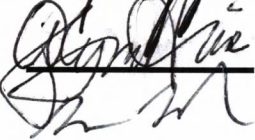
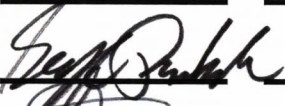

***Geoff Paddock Chair***

***Jason Arp Co-Chair***

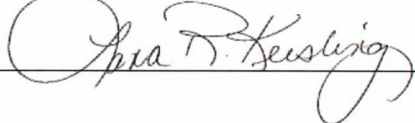
***All Council Members***

An Ordinance amending the not-to-exceed amount for a Construction Contract for Riverfront Public Open Space Phase II- A - Resolution/Work Order #109-3-22-22-1 between Hamilton Hunter Builders, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

**COMMITTEE ON FINANCE HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Paddock.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilperson Paddock, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


DATED: December 19, 2023

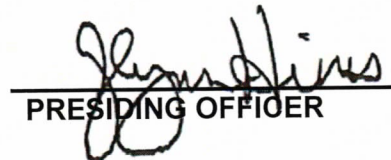
  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as


Resolution No. S-23-12-12 on the 19th day of December, 2023

ATTEST:

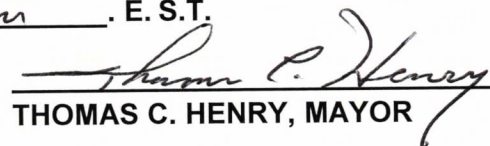
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th of December 2023, at the hour of 4:00 o'clock P.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 22<sup>ND</sup> day of December 2023, at the hour of 10:00 o'clock AM E. S.T.

  
THOMAS C. HENRY, MAYOR

