

1 **BILL NO. S-24-03-12**

2 SPECIAL ORDINANCE NO. S-43-24

3
4 **AN ORDINANCE** amending the not-to-exceed amount
5 for a CONSTRUCTION MANAGER CONTRACT for
6 RIVERFRONT PUBLIC OPEN SPACE PHASE II-B
(Guaranteed Maximum Price - \$1,402,495) between
7 HAGERMAN, INC. and the City of Fort Wayne, Indiana.

8 **WHEREAS**, on August 22, 2023, the Common Council adopted Special
9 Ordinance S-23-08-10, amending a construction contract between HAGERMAN,
10 INC., and the City of Fort Wayne, Indiana, in the amount of One Million Four Hundred
11 Two Thousand Four Hundred Ninety-Five Dollars (\$1,402,495) for specific
12 construction activities. These activities, including select demolition, storm sewer
13 installation, earthwork, and temporary fencing, constitute the "Early Bid Package" for
14 the Riverfront Public Open Space Phase II-B project, located along the north side of
15 the St. Marys riverfront between Harrison Street and Clinton Street.

16
17 **WHEREAS**, the purpose of the Early Bid Package was to expedite certain
18 construction activities which could be undertaken prior to receiving necessary
19 permits from various agencies, including the Department of Natural Resources, the
20 Indiana Department of Environmental Management, and the US Army Corps of
21 Engineers, which are required for the larger portion of the Phase II-B improvements
22 to be undertaken later this year, thereby shortening the overall construction timeline.

23
24 **WHEREAS**, to ensure the most efficient and cost-effective implementation of
25 Phase II-B, it has been determined that certain activities initially planned as part of
26 the larger project, including certain utility work and removal of contaminated soils,
27 can be more efficiently and economically executed as part of the Early Bid Package.
28 Consequently, the total contract amount for the early bid package shall be increased
29 by Two Hundred Sixty-Two Thousand Eight Hundred Forty-Four Dollars
30

1 (\$262,844.00).

2
3 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
4 **CITY OF FORT WAYNE, INDIANA:**

5
6 **SECTION 1.** That the not-to-exceed construction contract amount for
7 the Early Bid Package portion of Phase II-B of Riverfront shall be One Million Six
8 Hundred Sixty-Five Three Hundred Thirty-Nine and 0/100 Dollars (\$1,665,339).

9 **SECTION 2.** That this Ordinance shall be in full force and effect from
10 and after its passage and any and all necessary approval by the Mayor.

11
12 
13 _____
14 Council Member

15 APPROVED AS TO FORM AND LEGALITY

16
17 
18 _____
19 Malak Heiny, City Attorney

20
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PCCO #001

Hagerman, Inc.
510 West Washington Blvd
Fort Wayne, Indiana 46802
Phone: (260) 424-1470
Fax: (260) 422-3129

Project: 22-1959-Q - Riverfront Phase II
Fort Wayne, Indiana

Prime Contract Change Order #001: Additional Sitework

Table with contract details including TO: City of Fort Wayne, FROM: Hagerman, Inc., DATE CREATED: 2/26/2024, CONTRACT STATUS: Pending - In Review, DUE DATE: 02/26/2024, SCHEDULE IMPACT: 30 days, CONTRACT FOR: 22-1959-1:City of Fort Wayne, TOTAL AMOUNT: \$ 262,844.00.

PCO # 001 : CE #001 - Additional Stormwater System Installation

Grand Total: \$262,844.00

Summary table with 2 columns: Description and Amount. Rows include: The original (Contract Sum) \$ 1,402,495.00, Net change by previously authorized Change Orders \$ 0.00, The contract sum prior to this Change Order was \$ 1,402,495.00, The contract sum would be changed by this Change Order in the amount of \$ 262,844.00, The new contract sum including this Change Order will be \$ 1,665,339.00, The contract time will be increased by this Change Order by 30 days.

Austin E. Harris

2/26/2024

SIGNATURE

DATE

SIGNATURE

DATE

Hagerman, Inc.

page 1 of 1

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PCO #001

Hagerman, Inc.
510 West Washington Blvd
Fort Wayne, Indiana 46802
Phone: (260) 424-1470
Fax: (260) 422-3129

Project: 22-1959-Q - Riverfront Phase II
Fort Wayne, Indiana

Prime Contract Potential Change Order #001: CE #001 - Additional Stormwater System Installation

Table with 4 columns: Field Name, Value, Field Name, Value. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, SUBMITTED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, SCHEDULE IMPACT, and TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: CE #001 - Additional Stormwater System Installation

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #001 - Additional Stormwater System Installation

Attached are the costs to install the additional stormwater system components that were not in the base bid for the Riverfront Phase IIB early package scope at bid time. This would include all of the additional pipe, structures, and install to complete the stormwater system by Crosby Excavating. At bid time the overall access, schedule, or road closures were not approved due to various processes along with the schedule of the Schaab Building work constraints. This scope of work would have been in the larger overall project during the summer bid process estimate. The extended scope can be handled in advance to eliminate additional mobilizations, scheduling conflicts, and added costs for potentially another contractor to do this work at a later date.

This change order includes 7 additional storm structures, approximately 500 LF of various sized concrete pipe, 450 LF of HDPE pipe, and environmental soil removal to be hauled to the local landfill (per the Indiana Brownfield requirements) that was not part of the initial early package work. With the road closures now in place and the delays on DNR/USACE permitting it would be ideal to get this system installed prior to the release of the remainder of the project this summer. Once we have the DNR/USACE permits approved we can install the final structure at the west end of the project near Harrison street where the last section of pipe and structure #212 are located within the toe restrictions of the levee wall. The cost to perform that work is included in this change order.

The overall schedule impact is approximately one month for install along with 4-6 weeks to have the structures made and delivered to the site once approved. The intent is to receive approval prior to completion of the current early package scope by 3/1/24 so the additional materials can be ordered and delivered in time to continue installation. The appropriate allowance for the staffing extension has been included in this change order request.

ATTACHMENTS:

23174-1 Additional Site Work.pdf 23174-2 Contaminated soils.pdf

Table with 4 columns: #, Cost Code, Description, Type, Amount

CHANGE ORDER REQUEST

CONTRACT FOR: Riverfront phase 2B

ORDER NO: 23173-1

DATE: 1/24/24

STATE: IN

COUNTY: Allen

OWNER/GC: Hagerman, Inc.
510 West Washington Center Blvd.
Fort Wayne, IN 46802

CONTRACTOR: Crosby Excavating, Inc.
1030 Osage Street
Fort Wayne, Indiana 46808

YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS AND SPECS:

DESCRIPTION OF WORK: Work associated with:

- (7) Additional 48" Manholes w/castings
- (1) Nyloplast 12" drain basin
- 48' - 21" class 3 RCP
- 126' - 15" class 3 RCP
- 317' - 12" class 4 RCP
- 80' - 12" HDPE Perf
- 367' - 6" HDPE Perf
- Clean spoil off-site
- No contaminated spoil removal or dump fees are included and to be additional once impacted area is determined by others
- No asphalt patching is included

Total: \$ 121,350

CHANGE REQUESTED BY: Ryan Hartup DATE 1/24/24

CHANGE ACCEPTED BY: _____ DATE _____

CHANGE ORDER REQUEST

CONTRACT FOR: Riverfront phase 2B

ORDER NO: 23173-2

DATE: 2/5/24

STATE: IN

COUNTY: Allen

OWNER/GC: Hagerman, Inc.
510 West Washington Center Blvd.
Fort Wayne, IN 46802

CONTRACTOR: Crosby Excavating, Inc.
1030 Osage Street
Fort Wayne, Indiana 46808

YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS AND SPECS:

DESCRIPTION OF WORK: Work associated with:

- Contaminated soil disposal dump fees for additional site work
- Priced for pipe spoils same as original scope

Total: \$ 58,800

CHANGE REQUESTED BY: Ryan Hartup DATE 2/5/24

CHANGE ACCEPTED BY: _____ DATE _____

DIGEST SHEET

TITLE OF ORDINANCE. An Ordinance amending the not-to-exceed amount for a Construction Manager Contract for Riverfront Public Open Space Phase II-B (Guaranteed Maximum Price - \$1,402,495) between Hagerman, Inc. and the City of Fort Wayne, Indiana.

DEPARTMENT REQUESTING RESOLUTION. Community Development

SYNOPSIS OF ORDINANCE. Phase II-B of Riverfront development extends from Ewing Street to Clinton Street along the north bank of the St. Marys River, building upon the success of Promenade Park with features such as a wetland boardwalk, bouldering mound, extension of the tree canopy trail, and boat docks. Due to construction in the river and modifications to the flood levee, Phase II-B requires multiple permits from state and federal agencies, with lengthy processing times.

However, a portion of the Phase II-B work can proceed on the "dry side" of the levee before permits are issued. Accordingly, specific items were designated for an "Early Bid Package," which was approved by City Council in August 2023, with a budget of \$1,402,495. This work is underway.

Since work began, Hagerman has identified additional improvements that can be performed before permits are obtained, including installation of 7 additional storm structures, approximately 500 linear feet of concrete pipe, 450 linear feet of HDPE pipe, and environmental soil removal (pursuant to Indiana Brownfield requirements). This ordinance approves a Change Order adding these items to the Early Bid Package at a cost of \$262,844. The Change Order is attached to the Ordinance

EFFECT OF PASSAGE. These improvements are part of the original project scope. This Ordinance simply allows for them to be constructed now, rather than as part of the larger bid package expected to be issued later this year. Including them in the Early Bid Package saves cost on mobilization and reduces the need for future road closures.

EFFECT OF NON-PASSAGE. Failure to pass this ordinance would require that these improvements be constructed along with the larger portion of the Phase II-B improvements. This would prolong road closures, require utility contractors to re-mobilize, and potentially subject the project to future cost increases.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). \$262,844, drawn from Riverfront bond proceeds.

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

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 Hagerman, Inc. for Riverfront Phase II-B Public Space

Date: March 7, 2024

Community Development formally requests approval from the Common Council for an amendment to the not-to-exceed amount of the Construction Manager Contract between Hagerman, Inc. and the City of Fort Wayne, Indiana, for Riverfront Public Open Space Phase II-B. Phase II-B spans from Ewing St to Clinton St along the north bank of the St. Marys River. Given the project's scale and scope, involving construction in the river and modifications to the flood levee, obtaining multiple permits from state and federal agencies with lengthy processing times is necessary.

To expedite construction, Hagerman identified specific items to be constructed on the "dry side" of the levee, which could proceed before these permits are issued. This "Early Bid Package" received City Council approval in August 2022, and work is currently underway.

Since commencement, the construction team has identified several additional items initially planned for the larger bid package that could instead be constructed now. Some of these items, initially thought to interfere with the flood levee, can proceed before permit issuance. Furthermore, progress on the Schaab Riverfront Plaza project has freed up certain areas around the building, initially thought to be unavailable. These circumstances prompted Hagerman to propose incorporating this additional work into the Early Bid Package. Importantly, this proposed work does not expand or alter the scope of Phase II-B; it merely accelerates the timeline for a portion of the already-planned work, resulting in benefits which include shorter durations for road closures, avoidance of contractor remobilization, and reduced risk of future price increases.

The current contract for the Early Bid Package is \$1,402,495. This proposed change order would increase the contract amount by \$262,844 to \$1,665,339, with funds sourced from Riverfront bond proceeds. Please do not hesitate to reach out if you have any questions.

Joe Giant
Community Development Administrator
O: 260.427.2144
Joe.Giant@cityoffortwayne.org

An Equal Opportunity Employer



BILL NO. S-24-03-12

REPORT OF COMMITTEE ON FINANCE

March 19, 2024

Sharon Tucker Chair

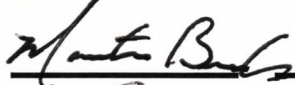







Marty Bender Co-Chair

All Council Members

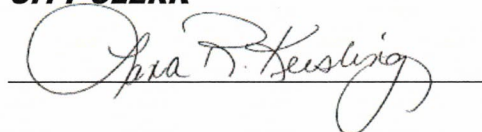
An Ordinance amending the not-to-exceed amount for a Construction Manager Contract for Riverfront Public Open Space Phase II-B between HAGERMAN, INC. and the City of Fort Wayne, Indiana

Not to exceed the amount of \$1,665,339.00

COMMITTEE ON FIANANCE 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>
BENDER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

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

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMAN	<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"/>
MYERS	<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: March 26, 2024

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

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

Special Resolution No. S-24-03-12 on the 26th day of March, 2024

ATTEST:

Lana R. Keesling

LANA R. KEESLING
CITY CLERK

Sherry J. Freistoffer

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of March 2024, at the hour of 10:45 o'clock A.M. E.S.T.

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26th day of March 2024, at the hour of 1:00 o'clock _____ E. S.T.

Thomas C. Henry

THOMAS C. HENRY, MAYOR

