

WEST BASIN MUNICIPAL WATER DISTRICT

NOVEMBER 16, 2006 - Water Resources
 Little, Kwan

NOVEMBER 27, 2006 - Board Meeting

Prepared by: Julie Hannah, Marc Serna

Submitted by: Paul E. Shoenberger

Approved by: Rich Nagel

ACTION CALENDAR

PHASE IV PLANT EXPANSION – BUTIER ENGINEERING CONTRACT AMENDMENT

SUMMARY:

Contract Completion Delay

Due to additional delays encountered by the Design-Build Contractor, the contractual completion date for the Title 22 and overall Phase IV Project has been extended from November 9, 2006 to November 23, 2006. These delays are primarily due to unforeseen operational conditions that were beyond the control of the Contractor. However, delays on the Project under the Contractor’s responsibility have created an extended completion date well beyond the revised contractual completion date. At this time, based on remaining work and the Contractor’s anticipated schedule, Project completion is set for late January 2007. This currently represents approximately 60 days beyond the contractual completion date.

As a result of these extended delays, the Program Manager, Butier Engineering, will be required to remain on the Project for an extended period, and will require additional time and budget. Based on the current inexcusable delay period, staff estimates that an additional \$175,000 is needed to cover Butier Engineering’s extended program management services. Maintaining Butier throughout the Project duration will ensure that the Project is adequately managed and inspected for quality control and quality assurance.

Costs associated with the additional inexcusable delay period beyond the contractual Project completion date are considered the responsibility of the Design-Build Contractor and may be recovered through the District’s liquidated damages clause contained in the Project contract agreement. The Phase IV Contract Agreement with the Design-Build Contractor, Filanc/HDR, provides a liquidated damages clause for delays to Project milestone completion in the amount of \$10,000 per day. At this time, staff recommends that damages in the form of additional costs relative to inexcusable delays beyond the contract completion date be recovered from the Design-Build Contractor.

Schedule Milestone Update

The contractual milestones for the Title 22 System and Overall Project completion have been adjusted to account for delays and impacts that are either due to unforeseen conditions or additional work requested by the District.

Recent adjustments to the Project schedule milestones are shown in the table below.

System	Previous Contractual Milestones	Revised Contractual Milestones	DB Projected Completion Dates
Completed Title 22 and Overall Project	November 9, 2006	November 23, 2006	January 22, 2007

Water Quality Analysis

Performance of the backwash clarifiers have been negatively impacted as a result of process additions under Phase IV, changes to operational requirements, and fluctuations in water quality. Staff has determined that a comprehensive investigation of process operations is necessary to optimize integration of all treatment facility processes. This investigation would require a comprehensive understanding of the overall treatment facility processes and operational considerations. CDM Consultants is currently under contract with Butier Engineering to provide technical assistance under the Phase IV Program Management services contract. CDM is well-suited to provide these investigative services to optimize plant operation and have been working closely with the District and United Water Services staff to understand plant operational issues at hand. The necessary services would require additional budget under Butier's contract in the amount of \$30,000.

FISCAL IMPACTS:

Funding for this project is available in the Fiscal Year 2006-07 Construction Designated fund.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Committee on November 16, 2006 and recommended for approval at the November 27, 2006 Board meeting.

RECOMMENDED MOTIONS:

That the Board authorizes the General Manager to amend Butier Engineering's Phase IV Contract W1380 for an additional \$30,000 for plant optimization services and \$175,000 for extended services due to contractor delays for a total not-to-exceed contract amount of \$3,043,027.

EXHIBITS:

None.