

**Request for Construction Change
Final Change Order**

City of Franklin
Engineering Office
109 Third Avenue South
Franklin, TN 37064

Contract No. 2017-0198
Project Goose Creek Inn Sanitary Sewer Extension

Whereas, we **Civil Constructors, LLC** entered into a contract with the CITY OF FRANKLIN, on October 10, 2017, for the construction by said Contractor of the above designated contract; and Whereas, certain items of construction encountered are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the City at the prices scheduled therefore below:

Reason for Change Order:

- Closeout for the project
- Add days to the total contract for final acceptance date

Attachments (List documents supporting change):

- Final pay request for retainage release
- Final quantities spreadsheet
- Letter from Brian Goodwin dated 6/14/18 concerning liquidated damages
- Letter from Michelle Hatcher dated 8/2/18 concerning substantial completion
- Letter from Brian Goodwin dated 10/25/18 concerning final acceptance, liquidated damages and change order request for milling and cleanup of Five Mile Crossing

Item No.	Description of Work	Schd. Amnt	Unit	Unit Price	Scheduled Value	Final Quantity	Final Value
G1	TEMPORARY FACILITIES AND CONTROLS	1	LS	\$28,300.00	\$28,300.00	1	\$28,300.00
G2	TOPSOIL & SEEDING WITH MULCH	835	LF	\$ 14.00	\$ 11,690.00	835	\$ 11,690.00
G3	EROSION & SEDIMENT CONTROL	1	LS	\$ 13,100.00	\$ 13,100.00	1	\$ 13,100.00
G4	TEMPORARY SILT FENCE (WITHOUT BACKING)	1253	LF	\$ 2.20	\$ 2,756.60	1253	\$ 2,756.60
G5	OVERDEPTH EXCAVATION AND GRAVEL BACKFILL	20	CY	\$ 45.00	\$ 900.00	20	\$ 900.00
G6	DECOMMISSIONING & DISPOSAL OF EXISTING GOOSE CREEK INN WWTP	1	LS	\$ 42,510.00	\$ 42,510.00	1	\$42,510.00
G7	REMOVE & RESET EXISTING FENCE (B&G EQUIPMENT & SUPPLY AND MAPCO)	1	LS	\$ 2,890.00	\$ 2,890.00	1	\$ 2,890.00
G8	CONTINGENCY (AS APPROVED BY THE CITY OF FRANKLIN)	1	LS	\$ 50,000.00	\$ 50,000.00		
S1	8-INCH SDR 26 GRAVITY SEWER	125	LF	\$ 168.00	\$ 21,000.00	125	\$ 21,000.00

S2	8-INCH CL DIP GRAVITY SEWER	710	LF	\$ 280.00	\$198,800.00	710	\$198,800.00
S3	8-INCH DIP GRAVITY SEWER CREEK CROSSING, STA. 00+62 TO 01+07	1	LS	\$ 54,980.00	\$ 54,980.00	1	\$ 54,980.00
S4	CONCRETE CHECK DAMS (STREAM CROSSING)	2	EA	\$ 6,130.00	\$ 12,260.00	2	\$ 12,260.00
S5	STANDARD 4-FOOT DIAMETER PRECAST CONCRETE MANHOLE, 0- 6' DEPTH (RIM TO INVERT)	7	EA	\$ 4,680.00	\$ 32,760.00	7	\$ 32,760.00
S6	ADDITIONAL MANHOLE SIDEWALL (MEASURED TO INVERT)	57	VF	\$ 435.00	\$ 24,795.00	57	\$ 24,795.00
S7	6-INCH GRAVITY SEWER SERVICE LINE	3	EA	\$ 5,310.00	\$ 15,930.00	3	\$ 15,930.00
S8	MANHOLE VENT ASSEMBLY	1	EA	\$ 3,630.00	\$ 3,630.00	0	\$
S9	WATERTIGHT MANHOLE CASTING	2	EA	\$ 425.00	\$ 850.00	2	\$ 850.00
S10	CONNECT TO EXISTING MANHOLE	1	EA	\$ 5,730.00	\$ 5,730.00	1	\$ 5,730.00
S11	NEW EXTERIOR DROP ASSEMBLY ON PROPOSED MANHOLE	1	EA	\$ 5,270.00	\$ 5,270.00	1	\$ 5,270.00
S12	CCTV INSPECTION OF NEW GRAVITY SEWER	832.0	LF	\$ 3.00	\$ 2,496.00	832	\$ 2,496.00
S13	SEWER FLOW CONTROL	1	LS	\$ 17,205.00	\$ 17,205.00	1	\$ 17,205.00
R1	TRAFFIC CONTROL	1	LS	\$ 4,860.00	\$ 4,860.00	1	\$ 4,860.00
R2	REMOVAL & RESET GUARDRAIL AND POSTS	1	LS	\$ 2,890.00	\$ 2,890.00	1	\$ 2,890.00
R3	MINERAL AGGREGATE, TYPE A BASE, GRADING D (TDOT ITEM 303-01)	130	TON	\$ 32.00	\$ 4,160.00	130	\$ 4,160.00
R4	ACS (PG70-22) GRADING D (TDOT ITEM 411-02.10)	25	TON	\$ 246.00	\$ 6,150.00	37.92	\$ 9,328.32
R5	ASPHALT CONCRETE MIX (PG70- 22) (BPMB-HM) GRADING B-M2 (TDOT ITEM 307-02.08)	70	TON	\$ 184.00	\$ 12,880.00	22.23	\$ 4,090.32
R6	CONCRETE CURB & GUTTER (TDOT ITEM 702-03)	25	LF	\$ 29.00	\$ 725.00	40	\$ 1,160.00
R7	CONCRETE SIDEWALK (4-INCH CONCRETE AND 4-INCH BASE STONE)	100	SF	\$ 8.70	\$ 870.00	245	\$ 2,131.50
CCA 1	SILT FENCE WITH WIRE BACKING	750	LF	\$ 3.00		750	\$ 2,250.00
CCA 1	FILTREXX SILTSOXX	650	LF	\$ 3.00		650	\$ 1,950.00
	ADDITIONAL MILLING AND CLEANING FOR ROADWAY CROSSING	1	EA	\$ 5,414.50		1	\$ 5,414.50
	ASPHALT ADJUSTMENT	37.92	TON	\$ 7.00		37.92	\$ (265.44)

	TOTAL BID PRICE	\$580,387.60		
	TOTAL CONSTRUCTION COST			\$532,191.80
CHANGE IN TOTAL BID PRICE AND TOTAL CONSTRUCTION COST				
		\$(48,195.80)		
	LIQUIDATED DAMAGES (82 DAYS AT \$500/DAY)	\$(41,000.00)		
	TOTAL CHANGE IN CONTRACT PRICE	\$(89,195.80)		
FINAL CONTRACT AMOUNT				
			\$491,191.80	

CHANGE IN CONTRACT PRICE:
Original Contract Price: \$580,387.60
Net Increase (Decrease) from previous Change Orders No. 0 to Final: \$0
Contract Price prior to this Change Order: \$580,387.60
Net decrease of this Change Order: -\$89,195.80
Contract Price with all approved Change Orders: \$491,191.80

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: N/A Ready for final payment: 5/6/18
Net change from previous Change Orders No. 0 to 1to: Substantial Completion: N/A Ready for final payment: 6/3/18
Contract Times prior to this Change Order: Substantial Completion: N/A Ready for final payment: 6/3/18
Net increase this Change Order: Substantial Completion: 82 days Ready for final payment: 25 days
Contract Times with all approved Change Orders: Substantial Completion: 7/30/18 Ready for final payment: 8/24/18

Now, Therefore, We, Civil Constructors, LLC, hereby agree to this Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except in so far as specifically modified by this supplemental Agreement.

RECOMMENDED FOR APPROVAL BY:

By: _____
PROJECT MANAGER
DATE: _____

By: _____
RESIDENT PROJECT REPRESENTATIVE
DATE: _____

By: _____
WATER DEPARTMENT DIRECTOR
DATE: _____

ACCEPTED:

By: _____
CONTRACTOR
DATE: _____

APPROVED:

By: _____
OWNER (Authorized Signature)
DATE: _____

APPLICATION FOR PAYMENT

CAP702
Page: 1 of 4

To:

City of Franklin
109 Third Ave South
Franklin, TN 37064

PROJECT:

181202
GOOSE CREEK INN SEWER EXTENSION

Application No.: Application Date: Period To: Contract Date:

8 DEC 4,2018 DEC 4,2018 FEB 28,2018
Project Nos:

Distribution List: Owner Construction Mgr
 Architect Field
 Contractor Other

From Contractor:

Civil Constructors, LLC.
425 Downs Blvd.
Franklin, Tn 37064

VIA ARCHITECT:

CONTRACT FOR:

Contractor's Application for Payment

Application is made for payment as shown below, with attached Continuation Sheet.

- 1. Original Contract Amount: \$ 580,387.60
- 2. Net of Change Orders: \$ -89,195.80
- 3. Net Amount of Contract: \$ 491,191.80
- 4. Total Completed & Stored to Date: \$ 491,191.80
- 5. Retainage Summary:
 - a. 5.00 % of Completed Work \$ 0.00
 - b. 0.00 % of Stored Material \$ 0.00
 - Total Retainage: \$ 0.00
- 6. Total Completed Less Retainage: \$ 491,191.80
- 7. Less Previous Applications: \$ 464,582.18

8. Current Payment Due, This Application: \$ 26,609.62

9. Contract Balance (Including Retainage): \$ 0.00

CHANGE ORDER Activity	Additions	Subtractions
Total previously approved:	2,500.00	<u>-41,000.00</u>
Total approved this Month:	0.00	<u>-48,195.80</u>
Sub Totals:	2,500.00	<u>-89,195.80</u>
NET of Change Orders:		<u>-89,195.80</u>

CONTRACTOR'S CERTIFICATION:

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed in this Application for Payment. The Contractor also certifies that all payments have been made for work on previous Applications for Payment and also that the Current Payment is Due.

(Authorizing Signature) 

Civil Constructors, LLC.

Date: DEC 4,2018

State Authorized: Tennessee
County of:

Subscribed and sworn to before
me this 4 day of December

Notary Public: 

My Commission expires: 2/28/2019



MY COMMISSION EXPIRES:

ARCHITECT'S CERTIFICATION:

The Architect's signature here certifies that, based on their own observations, the Contract Documents and the information contained herein, this document accurately reflects the work completed in this Application for Payment. The Architect also certifies the Contractor is entitled to the amount certified for payment.

AMOUNT CERTIFIED:

(Architects Signature) _____

Date: _____

APPLICATION FOR PAYMENT - CONTINUATION SHEET - UNIT PRICING

CAP703up

TO:
 City of Franklin
 109 Third Ave South
 Franklin, TN 37064

FROM:
 Civil Constructors. LLC.
 425 Downs Blvd.
 Franklin, Tn 37064

PROJECT
 181202
 GOOSE CREEK INN SEWER EXTENSION

Application No.: 8
 Application Date: DEC 4, 2018
 Period To: DEC 4, 2018
 Contract Date: FEB 28, 2018
 Architects Project#:

Orig ES Quan	Unit Rev	Rev Quai	Orig Contr Am	ITEM NO.	ITEMS / Description	UNIT PRICE	Work done in past month		Estimate to Date		% Comp	Retainage
							QUANTITY	AMOUNT	QUANTITY	AMOUNT		
0.00		0.00	0.00	1	GENERAL	0.00	0.00	0.00	0.00	0.00	0	0.00
1.00	LS.	0.00	28,300.00	2	TEMP FACILITIES & CONTROLS	28,300.00	0.00	0.00	1.00	28,300.00	100	0.00
835.00	LF.	0.00	11,690.00	3	TOPSOIL & SEEDING W/MULCH	14.00	0.00	0.00	835.00	11,690.00	100	0.00
1.00	LS.	0.00	13,100.00	4	EROSION & SEDIEMENT CONTROL	13,100.00	0.00	0.00	1.00	13,100.00	100	0.00
1,253.00	LF.	0.00	2,756.60	5	TEMPORARY SILT FENCE (WITHOUT BACKING)	2.20	0.00	0.00	1,253.00	2,756.60	100	0.00
20.00	C,Y,	0.00	900.00	6	OVERDEPTH EXCAVATION & GRAVEL BACKFILL	45.00	0.00	0.00	20.00	900.00	100	0.00
1.00	LS.	0.00	42,510.00	7	DECOMMISSIONING & DESPOSAL OF EXISTING GOOSE CREEK INN WWTP	42,510.00	0.00	0.00	1.00	42,510.00	100	0.00
1.00	LS.	0.00	2,890.00	8	REMOVE & RESET EXISTING FENCE B&G EQUIPMENT & SUPPLY	2,890.00	0.00	0.00	1.00	2,890.00	100	0.00
1.00	LS.	0.00	35,510.68	9	AND MAPCO CONTINGENCY (AS APPROVED)	35,510.68	0.00	0.00	1.00	35,510.68	100	0.00
			137,657.28		SUBTOTALS			0.00		137,657.28		0.00
0.00		0.00	0.00	10	SANITARY SEWER	0.00	0.00	0.00	0.00	0.00	0	0.00
125.00	LF.	0.00	21,000.00	11	8-INCH SDR 26 GRAVITY SEWER	168.00	0.00	0.00	125.00	21,000.00	100	0.00
710.00	LF.	0.00	198,800.00	12	8-INCH CL DIP GRAVITY SEWER 8-INCH DIP SEWER CREEK	280.00	0.00	0.00	710.00	198,800.00	100	0.00
1.00	LS.	0.00	54,980.00	13	CROSSING, STA 00+64 TO 01+07 CONCRETE CHECK DAMS	54,980.00	0.00	0.00	1.00	54,980.00	100	0.00
2.00	EACH	0.00	12,260.00	14	STREAM CROSSING STANDARD 4-FOOT DIAMETER PRECAST CONCRETE MANHOLE	6,130.00	0.00	0.00	2.00	12,260.00	100	0.00
			424,697.28					0.00		424,697.28		0.00

APPLICATION FOR PAYMENT - CONTINUATION SHEET - UNIT PRICING

CAP703up

TO:
 City of Franklin
 109 Third Ave South
 Franklin, TN 37064

FROM:
 Civil Constructors. LLC.
 425 Downs Blvd.
 Franklin, Tn 37064

PROJECT
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Application No.: 8
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Orig ES Quan	Unit Rev	Rev Quai	Orig Contr Am	ITEM NO.	ITEMS / Description	UNIT PRICE	Work done in past month		Estimate to Date		% Comp	Retainage
							QUANTITY	AMOUNT	QUANTITY	AMOUNT		
7.00	EACH	0.00	32,760.00	15	0-6' DEPTH (RIM TO INVERT)	4,680.00	0.00	0.00	7.00	32,760.00	100	0.00
57.00	V.F.	0.00	24,795.00	16	ADDITIONAL MANHOLE SIDEWALL	435.00	0.00	0.00	57.00	24,795.00	100	0.00
3.00	EACH	0.00	15,930.00	17	6-INCH GRAVITY SEWER SERIVCE	5,310.00	0.00	0.00	3.00	15,930.00	100	0.00
1.00	EACH	0.00	3,630.00	18	MANHOLE VENT ASSEMBLY	3,630.00	0.00	0.00	1.00	3,630.00	100	0.00
2.00	EACH	0.00	850.00	19	WATER TIGHT MANHOLE CASTING	425.00	0.00	0.00	2.00	850.00	100	0.00
1.00	EACH	0.00	5,270.00		NEW EXTERIOR DROP ASSEMBLY	5,270.00	0.00	0.00	1.00	5,270.00	100	0.00
				20	ON PROPOSED MANHOLE							
1.00	EACH	0.00	5,730.00	21	CONNECT TO EXISTING MANHOLE	5,730.00	0.00	0.00	1.00	5,730.00	100	0.00
					CCTV INSPECTION OF NEW GRAIVTY							
832.00	L.F.	0.00	2,496.00	22	SEWEF	3.00	0.00	0.00	832.00	2,496.00	100	0.00
1.00	L.S.	0.00	17,205.00	23	SEWER FLOW CONTROL	17,205.00	0.00	0.00	1.00	17,205.00	100	0.00
			395,706.00		SUBTOTALS			0.00		395,706.00		0.00
0.00		0.00	0.00	24	ROADWAY REPAIR	0.00	0.00	0.00	0.00	0.00	0	0.00
					TRAFFIC CONTROL							
1.00	L.S.	0.00	4,860.00	25	REMOVAL & RESET GUARDRAIL	4,860.00	0.00	0.00	1.00	4,860.00	100	0.00
1.00	L.S.	0.00	2,890.00	26	AND POSTS	2,890.00	0.00	0.00	1.00	2,890.00	100	0.00
					MINERAL AGGREGATE, TYPE A BASE							
130.00	TON	0.00	4,160.00	27	GRADING D	32.00	0.00	0.00	130.00	4,160.00	100	0.00
25.00	TON	0.00	6,150.00	28	ACS (PG70-22) GRADING D	246.00	0.00	0.00	25.00	6,150.00	100	0.00
					ASPHALT CONCRETE MIX (PG70-22)							
70.00	TON	0.00	12,880.00	29	(BPMP-HM) GRADING B-M2	184.00	0.00	0.00	70.00	12,880.00	100	0.00
25.00	L.F.	0.00	725.00	30	CONCRETE CURB & GUTTER	29.00	0.00	0.00	25.00	725.00	100	0.00
100.00	S.F.	0.00	870.00	31	CONCRETE SIDEWALK	8.70	0.00	0.00	100.00	870.00	100	0.00
					4" CONCRETE & 4" BASE STONE							
			565,898.28					0.00		565,898.28		0.00

APPLICATION FOR PAYMENT - CONTINUATION SHEET - UNIT PRICING

CAP703up

TO:
City of Franklin
109 Third Ave South
Franklin, TN 37064

FROM:
Civil Constructors. LLC.
425 Downs Blvd.
Franklin. Tn 37064

PROJECT
181202
GOOSE CREEK INN SEWER EXTENSION

Application No.: 8
Application Date: DEC 4, 2018
Period To: DEC 4, 2018
Contract Date: FEB 28, 2018
Architects Project#:

Orig ES ¹ Quan	Unit Rev	Rev Quai	Orig Contr Am	ITEM NO.	ITEMS / Description	UNIT PRICE	Work done in past month		Estimate to Date		% Comp	Retainage
							QUANTITY	AMOUNT	QUANTITY	AMOUNT		
750.00	LF.	0.00	2,250.00	32	SILT FENCE W/WIRE BACKING	3.00	0.00	0.00	750.00	2,250.00	100	0.00
650.00	LF.	0.00	1,950.00	33	FILTREXX SILT SOXX	3.00	0.00	0.00	650.00	1,950.00	100	0.00
1.00	LS	1.00	0.00	34	STOCKPILED MATERIAL - MARCH	0.00	0.00	0.00	0.00	0.00	0	0.00
1.00	LS	1.00	0.00	35	STOCKPILED MATERIAL - APRIL	0.00	0.00	0.00	0.00	0.00	0	0.00
			36,735.00		SUBTOTALS			0.00		36,735.00		0.00
145.00	S.F.	0.00	1,261.50	36	ADDITIONAL SIDEWALK REPAIR	8.70	0.00	0.00	145.00	1,261.50	100	0.00
15.00	LF.	0.00	435.00	37	ADDITIONAL CURB REPAIR	29.00	0.00	0.00	15.00	435.00	100	0.00
12.92	TON	0.00	3,178.32	38	ADDITIONAL D MIX ASPHALT	246.00	0.00	0.00	12.92	3,178.32	100	0.00
1.00	LS.	0.00	5,414.50	39	MILLING & CLEANING FOR ROAD CROSSING	5,414.50	0.00	0.00	1.00	5,414.50	100	0.00
1.00	LS.	0.00	-35,510.68	40	REMAINING CONTINGENCY	-35,510.68	0.00	0.00	1.00	-35,510.68	100	0.00
1.00	EACH	0.00	-3,630.00	41	DEDUCT VENT ASSEMBLY	-3,630.00	0.00	0.00	1.00	-3,630.00	100	0.00
47.77	TON	0.00	-8,789.68	42	DEDUCT REMAINING BM BINDER	-184.00	0.00	0.00	47.77	-8,789.68	100	0.00
82	Day	0.00	0,500.00	43	Liquidated damages	\$500.00	0.00	0.00	82	-41,000.00	100	0.00
37.92	TON	0.00	-265.44	44	ASPHALT ADJUSTMENT	-7.00	0.00	0.00	37.92	-265.44	100	0.00
			535,691.80					0.00		535,691.80 \$491,191.80		0.00

WATER MANAGEMENT DEPARTMENT

Michelle Hatcher, P.E.
Director



Dr. Ken Moore
Mayor

Eric S. Stuckey
City Administrator

H I S T O R I C
F R A N K L I N
T E N N E S S E E

June 14, 2018

Civil Constructors
Joe L. Rodgers, President
425 Downs Blvd
Franklin, TN 37064

**RE: COF Contract No. 2017-0198
Goose Creek Inn Sewer Extension**

Dear Mr. Rodgers

This letter is to inform you that Civil Constructors, Inc. has exceeded the allotted Contract Time for the Goosecreek Inn Sewer Extension, Contract No. 2017-0198 with the City of Franklin. The Contract between the City of Franklin (City) and Civil Constructors was entered on October 10th, 2017. A Notice to Proceed (NTP) was issued with a commencement date of February 8th, 2018 with a contract completion date within 90-days of NTP, completing work May 6th, 2018. Work orders that included extending the date have been issued making the new completion date June 3rd, 2018 and will be part of a reconciling change order at the end of the project. As of today, the work is still not complete and submitted contract schedules indicate a completion date of July 6th, 2018.

As you are aware, many conversations have taken place between the City of Franklin Water Management staff and the project manager for Civil Constructors, stressing the importance of completing this contract. More than half of the work still remains to be completed. Notice was provided to the Civil project manager on June 8, 2018, indicating work has been approved for Saturday's and Sunday's until project completion.

Beginning June 3, 2018, the City will be retaining liquidated damages in the sum of \$500.00 per day for each day, including Sundays and holidays, that the Work remains uncompleted. The City will be providing additional project inspection, however, the City will need to be notified if weekend work will take place to be able to provide inspection services. Additionally, experienced project oversight is requested to provide realistic project schedules and direct attention to stormwater controls on the site.

The Project will be considered complete once final acceptance of the Project has been issued to Civil Constructors in accordance with the Technical Specifications of the City's Water Management Department.

Please let me know if you have questions or require clarification on this matter.

Very sincerely,

A handwritten signature in blue ink that reads 'Brian Goodwin'.

Brian Goodwin, P.E.

Assistant Director of Water Management Department

Office: (615) 794-4554

Brian.goodwin@franklintn.gov

Michelle Hatcher, P.E.
Director



Dr. Ken Moore
Mayor

Eric S. Stuckey
City Administrator

HISTORIC
FRANKLIN
TENNESSEE

August 2, 2018

Civil Constructors
Joe L. Rodgers, President
425 Downs Blvd
Franklin, TN 37064

**RE: COF Contract No. 2017-0198
Goose Creek Inn Sewer Extension**

Dear Mr. Rodgers,

A fourth Substantial Completion Request was received from your Project Manager, Dalton Clark, on July 30th, 2018, for the Goose Creek Inn Sewer Extension project, City of Franklin Contract No. 2017-0198. The contract documents for this project only indicated a date for final completion of the project. This date was initially indicated as May 6, 2018; a time extension was granted at Staff level extending the date to June 3, 2018. This extension must be approved by the Board of Mayor and Aldermen before final approval. The City does recognize the intended use of the project (per TCA § 66-34-204) was received July 30, 2018, thereby meeting the requirements of substantial completion. Under the mentioned TCA, retainage monies will be released 90-days from July 30, 2018, provided project final completion has not been met.

After visiting the site over the past couple of days and observing progress, there are significant items remaining for completion on the project. It appears Civil encroached outside of the temporary construction easement onto the Goose Creek Inn property and has not restored the grade to pre-construction conditions. The grading on the remaining of the site is unacceptable, the rocks that remain will make future maintenance of the site impossible, and the power has still not been disconnected from the pool house.

As requested by Dalton Clark, the City will work to schedule a walkthrough of the site where a final punchlist of items will be developed for final completion. The development of a final punchlist will not alleviate or negate Civil from the completion of the project and liquidated damages will continue to be assessed.

Once these items have been completed, the Project will be considered complete and final acceptance of the Project will be issued to Civil Constructors.

Please let me know if you have questions, I can be reached at (615) 794 – 4554 or via email at michelle.hatcher@franklintn.gov.

Very sincerely,

A handwritten signature in blue ink that reads 'Michelle Hatcher'.

Michelle Hatcher, P.E.
Director
Water Management Department



October 25, 2018

HISTORIC
FRANKLIN
TENNESSEE

Civil Constructors
Joe L. Rodgers, President
425 Downs Blvd
Franklin, TN 37064

**RE: City of Franklin Contract No. 2017-0198
Goose Creek Inn Sanitary Sewer Extension Project**

Dear Mr. Rodgers,

The City of Franklin Water Management Department (COF WMD) granted Substantial Completion for the Goose Creek Inn Sanitary Sewer Extension Project on July 30, 2018, as stated in the letter from COF WMD Director Michelle Hatcher dated August 2, 2018. The definition of substantial completion set forth in the Contract Documents is “the date as certified by the Engineer when the construction of the Project or a specified part thereof is sufficiently completed, in accordance with the Contract Documents, so that the Project or specified part can be utilized for the purposes for which it was intended; or if there be no such certification, the date when final payment is due.” The City agrees that the intended use of the Project was reached by July 30th, 2018; however, the Final Completion date according to the contract documents was to have been achieved by June 3rd, 2018. Civil Constructors failed to achieve Final Completion by June 3rd, 2018. This Final Completion date includes the time extension requested by Civil Constructors that was incorporated into the Change Order #1. COF WMD have discussed internally and decided Final Completion for the Goose Creek Inn Sanitary Sewer Extension Project was achieved on August 24, 2018. This is the date SMH-5 and the cleanout were cleared of the mud and debris that occurred during construction.

Between August 2 and August 24, the following items were completed:

- August 6 – Project Inspection walk thru and a final completion punch list generated.
- August 8 – final grading and topsoil installation completed
- August 10 – Five Mile Crossing Milled and Overlaid
- August 17 – pavement markings installed
- August 24 – SMH-5 cleared of mud and debris

Items on the punch list not completed until after August 24, 2018 were as follows:

- Repair to the B&G Fence (completed August 27, 2018)
- Submittal of as-builts (completed August 31, 2018)
- Power disconnect from the abandoned onsite wastewater plant (Completed September 19, 2018).
- Channelization Stabilization on East Side of Five Mile Creek Crossing (Not complete due to unsuitable weather, to be done as warranty work)
- Sewer pipe warranty letter (not yet completed, Civil Constructors to use 07/30/2018 for warranty start date.)
- Asphalt warranty letter (not yet completed, Civil Constructors to use 07/30/2018 for two year warranty start date.)



Liquidated damages (LDs), in the amount of \$500 per calendar day, will be assessed from June 4, 2018 to August 24, 2018 (82 days). Although the last five items listed above are beyond the 8/24/2018 date the COF WMD has decided not to assess LD's past 8/24/2018. A total liquidated damages amount of \$41,000.00 will be assessed against Civil Constructors. An amount of \$44,500.00 was deducted from Civil Constructors last pay request by the City of Franklin Finance Department and there is a credit of \$3,500.00 owed back to Civil Constructors for over assessment of LD's.

COF WMD has reviewed the change order request for milling of asphalt and cleanup of Five Mile Crossing from Civil Constructors. We have determined COF WMD will pay 50% of the claimed labor/equipment costs and 100% of the milling costs. This will result in an approved amount of \$5,414.50 from COF WMD. With regards to the asphalt overrun on Line Item R4 of the bid form in the amount of 12.92 tons, it will be shown on the final reconciling change order and paid for out of contingency. COF WMD shall receive a credit as agreed to by Civil Constructors due to Civil placing 64-22 pavement mix rather than 70-22 as specified in the Contract Documents. This credit amount must be approved prior to submittal of the final reconciling change order.

In summary, the following charges and credits will be assessed:

- Liquidated damages = \$41,000
- Liquidated damages deducted from last Civil invoice = \$44,500
- Credit owed back to Civil from City = \$3,500
- Change Order item (milling) = \$3,950.00
- Change order item (cleaning) = \$994.50
- Markup= \$470.00
- Change order item (asphalt) = credit amount to COF to be submitted to City before final payment.

Please let me know if you have questions or comments on this matter.

Sincerely,

Brian Goodwin, P.E.
Assistant Director of Water Management Department
Office: (615) 794-4554 Ext. 6863
Brian.goodwin@franklintn.gov



CHANGE ORDER ~~001~~ REQUEST

NAME OF PROJECT: COF Contract No. 2017-0198
Goose Creek Inn Sewer Extension

Description: Milling & Cleanup of Five Mile Crossing

Labor / Equipment - Description	Rate	Hours	Totals
Foreman (w/ Pickup)	\$ 92.00	6.00	\$ 552.00
Skilled Laborer	\$ 38.00	15.00	\$ 570.00
Skid Steer w/ Operator	\$ 75.00	3.00	\$ 225.00
Water Truck w/ Operator	\$ 110.00	3.00	\$ 330.00
Dump Truck w/ Operator	\$ 104.00	3.00	\$ 312.00

Totals \$ ~~1,000.00~~ \$994.50

Sub/Material - Description	Rate	Quantity	Units	Totals
SUB - Huson Milling	\$ 3,950.00	1.00	LS	\$ 3,950.00

Totals \$ 3,950.00

Pay Items - Description	Rate	Quantity	Units	Totals
Item No. 20 - Asphalt B Mix	\$ 240.00	12.02	TON	\$ 0,170.02

Totals \$ 3,178.32

Labor/Equipment	\$ 1,000.00	\$994.50
Subcontractors	\$ 3,950.00	
Subtotal	\$ 5,000.00	\$4,944.50
Markup	\$ 500.00	\$470.00
TOTAL for Above	\$ 6,500.00	
Contract Pay Items	\$ 0,170.02	
TOTAL	\$ 0,678.32	\$5,414.50


By _____

Dalton Clark, Project Manager


Date