

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

September 24, 2024

Mr. Robert Bash
Ziolkowski Construction, Inc.
4050 Ralph Jones Drive
South Bend, IN 46628
rbash@zbuild.com

RE: Change Order No. 10 – Seitz Park Renovation – Project No. 117-093A

Dear Mr. Bash:

At its September 24, 2024 meeting, the Board of Public Works approved the above referenced Change Order be increased by \$887,052.02, bringing the revised contract amount to \$10,231,639.80.

Enclosed is a copy of the Change Order for your records.

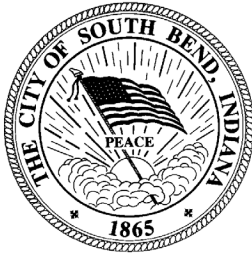
If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/hh



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO: Theresa Heffner, Clerk
Board of Public Works

FROM: Patrick Sherman

SUBJECT: Seitz Park Renovation: Change Order #10
Project 117-093A

DATE: 09/19/2024

Greetings,

Attached is Change Order #10 for the Seitz Park Construction project. There are a variety of items in the change order detailed therein. This change order includes the costs for repairing the wall adjacent to the dam, which was found to have excessive cracking and other issues and was done on a time and materials basis.

The total change order is for \$887,052.02, which is 9.49% of the contract. Funds have been identified and added to the project to cover the costs. It is important to note that the change order percentage for the total project is now over 43% of the original contract. The high percentage for total change orders is mainly due to complications and unforeseen circumstances around the installation of the Notre Dame Hydro plant, as well as the incredibly old infrastructure along the river. Apart from costs from those items, the normal change orders account for about 12.22%, which would be well within 20%.

This change order is expected to be the final additive change order to the project, and we expect to complete the project at the end of September or early October.

Thank you for your consideration, and please call with any questions.

AIA Document G701[®] – 2017

Change Order

PROJECT: *(Name and address)*
 Seitz Park Reconstruction
 South Bend, Indiana

CONTRACT INFORMATION:
 Contract For: General Construction
 Date: December 17, 2020

CHANGE ORDER INFORMATION:
 Change Order Number: 10
 Date: September 13, 2024

OWNER: *(Name and address)*
 Board of Public Works
 City of South Bend, Indiana
 227 West Jefferson Boulevard
 South Bend, IN 46601

ARCHITECT: *(Name and address)*
 Smith Group, Inc.

CONTRACTOR: *(Name and address)*
 Ziolkowski Construction, Inc.
 4050 Ralph Jones Drive
 South Bend, IN 46628

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

The Change Order incorporates extra work and design changes in Divisions A, B, C, D, E The extra Costs are described and priced in Ziolkowski Construction's Request for Change Orders RCO's #33, #34, #36 through #52, #54, #55 and #57 that are additional work changes required to complete the project. This change order also covers the cost of bid item overruns due to unforeseen site conditions, no bid items for a Division of work or wrong bid item quantities Attached is the itemized cost breakdown of each Request for Change Order

The total cost is \$887,052.02. (New Line Item D-100)

The original Contract Sum was	\$ 7,138,405.35
The net change by previously authorized Change Orders	\$ 2,206,182.43
The Contract Sum prior to this Change Order was	\$ 9,344,587.78
The Contract Sum will be increased by this Change Order in the amount of	\$ 887,052.02
The new Contract Sum including this Change Order will be	\$ 10,231,639.80

The Contract Time will be increased by "To Be Determined Calendar" days.
 The new date of Substantial Completion will be "To be Determined by Subsequent Change Order"

Ziolkowski Construction, Inc. reserves all rights to extend Contract Final Completion Date and increase Contract Sum to be included in subsequent Change Order approved by Owner and Contractor.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Ziolkowski Construction, Inc.

ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>
SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	DATE

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradiak, President	Joseph R. Molnar, Vice President
Gary A. Gilot, Member	Briana Micou, Member
Murray L. Miller, Member	Attest: Theresa M. Heffner, Clerk Date: September 24, 2024



**SOUTH BEND PARKS PROGRAM
CHANGE ORDER NO. 10 COVER SHEET**

DATE INITIATED: September 13, 2024	REQUIRED APPROVAL DATE:
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Brief Summary of Change Order; (Construction Change, Alternative, Substitution, Differing Instructions, Out of Scope, Etc.).
 This change order incorporates extra work costs as per Ziolkowski Construction's Request for Change Orders #33, #34, #36 through #52, #54, #55 and #57 resulting in a cost of \$722,464.00.

Quantity overruns due to unforeseen site conditions, no bid items for certain work in a Division of work and inaccurate original bid item quantities for A-59, B-63, C-74, D-77, B-13, B-23, B-32, C-31 and C-32 amount to a cost of \$164,588.02.

The total cost for this change order is \$887,052.02.

Account # and Accounting Instructions:

Attachments: Price breakdowns for items in this change order as noted above.

1. Increase/(Decrease) from Previously approved change order(s):	\$887,052.02	Categories (Pick One): <input checked="" type="checkbox"/> Scope of Work <input checked="" type="checkbox"/> Differing Site Conditions, Changed Conditions <input type="checkbox"/> Conflicted Specifications and Drawings <input type="checkbox"/> Failed Materials <input checked="" type="checkbox"/> Errors and Omissions <input type="checkbox"/> Incentive/Disincentive <input type="checkbox"/> Final Quantity Adjustment <input type="checkbox"/> Other: Time Extension
2. Previous Amount:	9,344,587.78	
3. Current Percent of Change Increase:	9.49%	
4. New Contract Amount:	\$10,231,639.80	
5. Total Percent of Change:	43.3%	
6. Time Extension Amount:	0	
7. Current Completion Date:	August 9, 2023	

ENDORSEMENTS/APPROVALS

SUBMITTED/PREPARED BY:
 Dale Wills  9-13-2024
 Resident Project Representative (Signature) (Date)

RECOMMENDED:
 Construction Manager (Signature) (Date)

RECOMMENDED:
 Project Manager (Signature) (Date)

REVIEWED:
 Project Manager Venue, Parks and Arts (Signature) (Date)

RECOMMENDED FOR APPROVAL:
 Director Venue, Parks and Arts (Signature) (Date)

September 13, 2024

Seitz Park Reconstruction Phase 1 Project #117-093A

Change Order #10 Summary of Costs

1) RCO #33 – Landscape Revisions for Bulletins 4 through 7	\$12,106.00
2) RCO #34 – Bulletin 6 through 6R5 Revisions	\$24,482.00
3) RCO #36 – Provide Bike Hitches	\$2,515.00
4) RCO #37 – RFI#99 – Thickened Edge & Space Outside of Rail	\$31,811.00
5) RCO #38 – Pavilion Door Hardware Changes	\$7,290.00
6) RCO #39 – Provide River Light Support Cover Plates	\$808.00
7) RCO #40 – RFI#77 -Added Drain Near Fish Ladder	\$3,968.00
8) RCO #41 – Conceal Top Plate In Pavilion Restrooms	\$2,501.00
9) RCO #42R1 – Bulletin 8R1 – Landscape Changes North of Pavilion	\$5,233.00
10) RCO #43 – Furnish and Deliver New River Lights Trusses	\$38,941.00
11) RCO #44 – Domestic Water Meter Bypass for Pavilion Building	\$1,117.00
12) RCO #45 – Furnish & Install Additional Lighting Breakers	\$1,463.00
13) RCO #46 – Install Owner Furnished Security Cameras	\$3,253.00
14) RCO #47 – Rework Existing Telephone Conduit & Cable	\$4,337.00
15) RCO #48 – East Dam Abutment Repairs (Item No. C-77)	\$495,744.00
16) RCO #49 – Pole Lighting Power Feed Revisions	\$17,176.00
17) RCO #50 – Rubble Removal While Installing Pavilion Water Service	\$30,337.00
18) RCO #51R1 – Delete River Lights Truss Installation	(-\$3,676.00)
19) RCO #52 – Revise Portage Railing & Add Bottom Bolts to Railing	\$6,576.00
20) RCO #54 – Sandblast & Paint Turbine	\$24,858.00
21) RCO #55 – Provide New Donor Pavers Due to Misspellings	\$1,168.00
22) RCO #57 – Revised Grades Along Cascades Basement Wall	\$10,456.00
TOTAL	\$722,464.00

Below are overrun items due to unforeseen site conditions, no bid items for a Division of work or wrong bid item quantities.

Item No. A-59, B-63, C-74 and D-77 Special Planting Mix	\$32,450.06
Item No. B-13 B Borrow	\$10,336.95
Item No. B-23 Steel Pipe Piles	\$30,196.97
Item B-32 Threaded Tie Rods	\$12,552.00
Item C-31 8" Integral Sidewalk "A"	\$29,216.95
Item C-32 8" Integral Sidewalk "B"	<u>\$49,835.09</u>
	\$164,588.02

The Total Amount for Change Order #10 is **\$887,052.02**

**BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date	<u>09/19/2024</u>	Department	<u>Public Works</u>
Name	<u>Patrick Sherman</u>	Phone Extension	<u>5601</u>
BPW Date	<u>09/24/2024</u>		

Review and Approval Required Prior to Submittal to Board

Diversity Compliance and Inclusion Officer	<input type="checkbox"/>	Officer Name	_____
BPW Attorney	<input checked="" type="checkbox"/>	Attorney Name	<u>Michael Schmidt</u>
Dept. Attorney	<input type="checkbox"/>	Attorney Name	_____
Purchasing	<input checked="" type="checkbox"/>	<u>Mickey Lovy</u>	

Check the Appropriate Item Type – Required for All Submissions

<input type="checkbox"/> Professional Services Agreement	<input type="checkbox"/> Contract	<input type="checkbox"/> Proposal	
<input type="checkbox"/> Open Market Contract	<input type="checkbox"/> Amendment/Addendum	<input type="checkbox"/> Special Purchase, QPA	
<input type="checkbox"/> Bid Opening	<input type="checkbox"/> Bid Award	<input type="checkbox"/> Req. to Advertise	<input type="checkbox"/> Title Sheet
<input type="checkbox"/> Quote Opening	<input type="checkbox"/> Quote Award	<input type="checkbox"/> Reject Bids/Quotes	
<input type="checkbox"/> Proposal Opening	<input type="checkbox"/> C/O & PCA No.	<input type="checkbox"/> PCA	
<input checked="" type="checkbox"/> Chg. Order, No. 10	<input type="checkbox"/> Traffic Control	<input type="checkbox"/> Resolution	
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Ease./Encroach	

Required Information

Company or Vendor Name	<u>Ziolkowski Construction Inc.</u>
New Vendor	<input type="checkbox"/> Yes <input type="checkbox"/> If Yes, Approved by Purchasing <input checked="" type="checkbox"/> No
MBE/WBE Contractor	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <u>Completed E-Verify Form Attached</u> <input type="checkbox"/> Yes <input type="checkbox"/> No
Project Name	<u>Seitz Park Renovation</u>
Project Number	<u>PROJ00000079: 117-093</u>
Funding Source	<u>PO-0006342</u>
Account No.	<u>Multiple</u>
Amount	<u>\$887,052.02</u>
Terms of Contract	<u>Public Bid</u>
Purpose/Description	<u>Change order for Seitz Park including the dam wall repair and various other items.</u>

For Change Orders Only

Amount of	<input type="checkbox"/>	Increase	<u>\$ 887,052.02</u>
		Decrease	<u>(\$)</u>
Previous Amount			<u>\$ 9,344,587.78</u>
		Increase	<u>9.49%</u>
Current Percent of Change:		Decrease	<u>() %</u>
New Amount			<u>\$ 10,231,639.80</u>
		Increase	<u>43.3%</u>
Total Percent of Change:		Decrease	<u>() %</u>
Time Extension Amount:			<u>0</u>
New Completion Date:			<u>August 9th, 2023</u>