



## Memorandum

To: Honorable Mayor and Members of the City Council  
Administration and Public Works Committee

From: David Stoneback, Public Works Agency Director  
Lara Biggs, Bureau Chief – Capital Planning / City Engineer  
Stefanie Levine, Senior Project Manager

Subject: Design/Build Services for Penny Park Renovation Project (RFP 16-14)  
Change Order No. 2

Date: January 9, 2017

### Recommended Action:

Staff recommends City Council authorize the City Manager to approve Change Order No. 2 to the agreement for the Design/Build Services for the Penny Park Renovation Project (RFP 16-14) with Elanar Construction Company (6620 W. Belmont Avenue, Chicago, Illinois 60634). This change order provides a 128-day time extension, modifying the project's completion date from December 23, 2016 to April 30, 2017. There is no cost associated with this change order.

### Funding Source:

No additional funding is needed at this time. Funding for this project is provided from the Capital Improvement Program (CIP) 2016 General Obligation Bonds (Account 415.40.4116.65515 – 516007). This project was budgeted at \$500,000 in FY 2016.

### Livability Benefits:

Built Environment: Enhance public spaces  
Health & Safety: Promote healthy, active lifestyles

### Background Information:

The City Council awarded the original contract for the Penny Park Renovation project to Elanar Construction on May 9, 2016. Change Order No. 1 was approved by staff on December 5, 2016, and was related to field modifications of the drinking fountain water service, acceptance of alternate design items requested by the public, modification of the drinking fountain model selected and substitution of playground posts material. Change Order No. 1 resulted in a \$10,101.50 credit to the contract which was added to the construction allowance but did not modify the schedule.

Analysis:

Elanar is currently in the process of reconstructing the Penny Park playground. The project was originally scheduled for completion on December 23, 2016 but, due to several factors including unanticipated and unsuitable subsoil conditions, winter weather, and material procurement delays, the contractor is unable to complete the work within the original schedule. Elanar Construction has requested a contract extension until April 30, 2017 to complete the project and staff believes that, given current winter conditions, this request is acceptable. There is no cost modification included in this change order request. Therefore, staff recommends approval of Change Order No. 2 for a time extension of 128 days to extend Elanar Construction's contract from December 23, 2016 until April 30, 2017.

Legislative History:

On May 9, 2016, City Council awarded the Design/Build Services for the Penny Park Renovation Project to Elanar Construction

Attachments:

Change Order No. 2

**CITY OF EVANSTON  
CHANGE ORDER**

Order No. 002  
Date: 01/09/2017  
Agreement Date: 05/27/2016

**PROJECT:** Penny Park Renovations, RFP #16-14  
**OWNER:** City of Evanston  
**CONTRACTOR:** Elanar Construction Corporation

The following changes are hereby made to the **AGREEMENT**:

1. Extend completion deadline 128 calendar days from December 23, 2017 to April 30, 2017.

Change to CONTRACT PRICE: \$0.00

Original <b>BASE CONTRACT PRICE:</b>	\$ 462,080.00
Original <b>CONSTRUCTION ALLOWANCE</b>	\$ 16,320.00
Original <b>TOTAL CONTRACT PRICE:</b>	\$ 478,400.00
Current <b>CONTRACT PRICE</b> adjusted by previous <b>CHANGE ORDERS</b>	\$ 478,400.00
Total change in <b>CONTRACT PRICE</b> for this <b>CHANGE ORDER</b>	\$ 0.00
The <b>CONTRACT PRICE</b> including this <b>CHANGE ORDER</b> will be	\$ 478,400.00

Change to CONSTRUCTION ALLOWANCE \$0.00

Original <b>CONSTRUCTION ALLOWANCE</b>	\$ 16,320.00
Current <b>CONSTRUCTION ALLOWANCE</b>	\$ 26,421.50
This <b>CHANGE</b>	\$ 0.00
<b>CONSTRUCTION ALLOWANCE</b> balance	\$ 26,421.50

Original Date for Contract Completion	12/23/2016
Time Extension (in calendar days)	128 days
Modified Date for Contract Completion	04/30/2017

Approved by (Owner): \_\_\_\_\_ Date \_\_\_\_\_  
City of Evanston

Accepted by (Contractor): \_\_\_\_\_ Date \_\_\_\_\_  
[Elanar Construction Corporation]



December 15, 2016

Ms. Stefanie Levine  
City of Evanston  
2100 Ridge Ave.  
Evanston, IL 60201

Rd: Penny Park Renovations, RFP# 16-14

Dear Ms. Levine:

This letter is to inform you that we will not meet our contract substantial completion date of December 23, 2016. Elanar Construction is requesting an extension of this date to allow us the time to complete this project in the manner that is required.

First I would like to say that Elanar Construction Company (ECC) has the best interests of the City of Evanston and their citizens in mind. ECC is making a considerable effort to complete this project within the specified time frame. ECC did not knowingly delay this project, nor did Elanar abandon this project at any time during the construction period. We feel we are constructing the park in the most expedient manner allowed. Our intention is to provide your community with a finished park that met, if not exceeded, their expectations.

There are certainly circumstances that led to our failure of meeting the substantial completion date. Several of the major contributing factors that hampered our progress, first major setback was that the telephone poles that were originally used in the construction of the park contained arsenic. Due to this we had to provide a suggested alternate product, which we did and submitted for approval. The approved timbers were not immediately available and this set up back 2 weeks. While waiting on the arrival of the timbers, we did proceed with constructing elements of the park we were able to. Once the upright timbers arrived we did encounter an unusually heavy amount of rain over the following 2 weeks. With the site being primarily dirt and no drainage, we were unable to start proper layout and installation of the upright timbers.

Another scheduling setback is the condition of the subsoil encountered on this site. Initially we did run in to some random elements of urban fill. This set us back days, but the recent urban fill uncovered the week of November 14 is more reason for our delay. The urban fill encountered in the central area of the park is exorbitant. We must remove and fill over 100 cubic yards of buried material. This added work to our already burdened schedule is what requires this request.

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With the notorious Chicago winter upon us we are most likely not going to have the weather necessary to perform the work we need to. Therefor we are asking for an extended period and to extend our contract. Not knowing what the winter and spring will entail we ask that we be granted an extension of time until April 30<sup>th</sup>, 2017 for substantial completion. Currently we are working on securing a tent to cover the structure to allow us to work in the winter conditions. While a tent will allow us to work on the play structure, it will not provide an environment for concrete installation and additional areas where we will need to penetrate the ground. Therefore, an earlier completion date is unlikely attainable.

In closing I would like to say that at no time did we intend to disregard the City or this project. We are confident that the City and their residents will have a park they can enjoy for another 25 years. Yes, it is unfortunate we could not meet the stated substantial completion date. Please take these circumstances into consideration and allow us the additional time we require to finish the Penny Park Renovation.

I greatly appreciate your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross Burns", is written over a light blue circular stamp.

Ross Burns  
Elanar Construction

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