

# APPROVED

JUN 06 2018

## BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 18-116

DATE June 6, 2018

C.D. 2 & 5

### BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES RIVERFRONT PARK - PHASE II (W.O E170406F) PROJECT (PROJECT) – REQUEST AUTHORITY TO ISSUE A FINAL CLOSE-OUT CHANGE ORDER TO SIMGEL CONSTRUCTION INC. (CONTRACT NO. 3385) TO SETTLE A CLAIM FOR ALL OUTSTANDING ISSUES ON THE PROJECT FOR A TOTAL LUMP SUM OF ONE MILLION, FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000); FINAL ACCEPTANCE OF WORK

	AP Diaz	_____	V. Israel	_____
for	*R. Barajas	<u>DP</u>	S. Piña-Cortez	_____
	H. Fujita	_____	N. Williams	_____



General Manager

Approved X

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

### RECOMMENDATIONS

1. Authorize One Million, Four Hundred Fifty Thousand Dollars (\$1,450,000.00) in additional contingency from available project funds and approve a revised construction contract total amount to be Seven Million, Three Hundred Eighty-Six Thousand, Three Hundred Twelve Dollars (\$7,386,312.00);
2. Authorize the City Engineer to issue a Final Close-out Change Order, in the amount of One Million, Four Hundred Fifty Thousand Dollars (\$1,450,000.00), to settle all outstanding change orders, extra costs, issues and all disputes on the Project;
3. Approve the final acceptance of work performed under Contract No. 3385 as outlined in the summary of this Report;
4. Authorize the Department of Recreation and Parks (RAP) Chief Accounting Employee to release all retention monies held under Contract No. 3385 to Simgel Construction Inc., within 35 calendar days after final acceptance of work by the Board; and,
5. Authorize the Board Secretary to furnish Simgel Construction Inc., with a letter of completion.
6. Authorize RAP's Chief Accounting Employee to make any technical corrections as necessary to carry out the intent of this Report.

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### SUMMARY

The Los Angeles Riverfront Park (Project) is a Proposition K - L.A. for Kids Program Specified project (Prop K-ID No. R18; Regional). The overall project scope as listed in the Proposition K Ballot Measure is: LA Riverfront Park – Land Acquisition, Greening along Area of Encino, Sherman Oaks, and Studio City. The overall project scope has been refined to include construction of paved bike paths, walkways, landscaping, irrigation, gateways, vehicle ramps, paving, seating areas, ornamental fencing, environmental education amenities, as well as a small community "greenbelt" park.

Implementation of the overall Proposition K specified project is being carried out in three phases on land owned by the County of Los Angeles (County), under Land Use Agreements between the County and the City of Los Angeles (City) acting through the Department of Recreation and Parks (RAP). Phase I was constructed along a segment of the Los Angeles River between Laurel Canyon Avenue and Whitsett Avenue, in the Studio City, and consisted of construction of a paved bike path, walkway, stairway to the adjacent community-serving commercial properties, landscaping, lighting and seating areas, as well as other appurtenant structures. Phase I was completed in 2009 and is in operation.

Phase II of the overall project (referred to herein as the "Project"), consisted of two (2) segments located along the Los Angeles River, from Sepulveda Boulevard to Kester Avenue in Sherman Oaks (Reach 1); and from Coldwater Canyon Avenue to Whitsett Avenue in Studio City (Reach 2). Plans for the Project were prepared by the design consultant, Mia Lehrer & Associates, under the direction of the Department of Public Works, Bureau of Engineering (BOE).

Given the time constraints to award the construction contract and obligate the Proposition K funds for this Phase II before the end of Fiscal Year 2011-2012, the Project was advertised and awarded by the Board of Recreation and Parks Commissioners on June 6, 2012, before receiving the final Land Use Agreement and Construction Permit from the County. The Project was awarded for construction to Simgel Construction Inc. (Contractor) (Contract No. 3385), in the amount of Four Million, Twelve Thousand Dollars (\$4,012,000.00), with instructions to postpone the start of construction until the Construction Permit was issued by the County.

During this waiting period, and even though the County's plan check was complete, the County referred the plans to the U.S. Army Corps of Engineers (USACE) for additional clearances. This requirement was new to the County's process and was not included in prior plan check reviews for the issuance of similar permits. The USACE review took a significant amount of time and generated major changes to the design plans. The redesign effort significantly impacted the start of construction and required the construction to be performed in two stages. Construction for Reach 1 began in September 2013 and was completed on December 18, 2015. Ground Breaking for Reach 2 did not occur until on June 2, 2015.

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The Project suffered major time delays and cost increases due to the deferred start of construction and the scope changes required by the redesign and permitting process. For these reasons, the BOE requested authority to increase the Change Order limit to an amount not to exceed One Million, Nine Hundred Twenty Thousand Dollars (\$1,925,000.00), which was approved by this Board on May 18, 2016 (Board Report No. 16-125).

Given the limited amount of funds available to complete Reach 2 of the Project, the Project Team determined it would be best to complete the bike path, landscaping, and other improvements, and delete a portion of the contract work (the Whitsett Avenue ramp) in order to be able to pay the Contractor for some of the undisputed change orders they had already completed. Construction of Reach 2 was completed on June 30, 2017, and BCA issued the Statement of Completion on December 22, 2017.

However, the City will not open Reach 2 to the public until the Whitsett Avenue ramp and other related work are completed, and the final permit is issued by the County. The ramp is necessary to provide code required accessibility to the public, as well as vehicular access for County maintenance of the River channel. RAP has committed to completing the Whitsett Avenue ramp. RAP also committed to identifying the funds to complete the remainder of required work to open Reach 2. It is anticipated that RAP will start this work in the upcoming months.

During the course of construction, 98 change orders were issued (executed) with a total amount of One Million, Nine Hundred Twenty-Four Thousand, Three Hundred Twelve Dollars (\$1,924,312.00) or 47.9% of the base contract amount. Of these total Change Orders, 32% were attributed to unforeseen conditions, 45% were attributable to the change of scope, and 23% to errors and omissions. The list of change orders is attached to this report for reference. (See Attachment No. 1)

On December 18, 2016, the Contractor submitted a Request for Equitable Adjustment (REA) for impacts, delays, and pending and contested change orders totaling Two Million, Five Hundred Ninety-Seven Thousand, Three Hundred Ninety-Eight Dollars (\$2,597,398.00). BOE staff negotiated with the Contractor and was able to resolve a small portion of the disputes. On August 22, 2017, following the completion of the contract work, the Contractor submitted a revised REA totaling Two Million, Five Hundred Eighty-Two Thousand, Three Hundred Six Dollars (\$2,582,306.00). However, they were not able to provide sufficient information to back-up their request. Since a final agreement could not be reached on all of the disputed requests, on December 15, 2017, the Contractor certified its claim and increased the requested amount from Two Million, Five Hundred Eighty-Two Thousand, Three Hundred Six Dollars (\$2,582,306.00) to Two Million, Eight Hundred Twenty-Two Thousand, Seven Hundred Thirty-One Dollars (\$2,822,731.00).

The claim included change order requests for extra work, additional costs for extended field and home office, overhead expenses, extended job site expenses, interest, bonds, and insurance. After reviewing the claim and allowing some of the additional costs presented by the Contractor, including home office overhead, BOE staff estimated the amount of the claim to be One Million Three Hundred Three Thousand, Two Hundred Forty-Seven Dollars (\$1,303,247.00).

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A tentative agreement was then reached with the Contractor, in the amount of One Million, Four Hundred Fifty Thousand Dollars (\$1,450,000.00), to settle all outstanding change orders, extra costs, issues and all disputes on the Project. BOE staff believes that the negotiated amount represents a fair and equitable settlement for both the Contractor, and the City, and avoids a costly and drawn out claims resolution process that is likely to occur given the multiple issues and difficulties associated with the Project. Assuming that this Board approves these recommendations, the final total construction contract would be for an amount not to exceed Seven Million, Three Hundred Eighty-Six Thousand, Three Hundred Twelve Dollars (\$7,386,312.00) (See Attachment No. 2).

The BOE has informed RAP staff that the work under this contract is complete and that the Contractor has furnished the required drawings, operation and maintenance manuals, warranties and guarantees.

BOE staff has consulted with the Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance (OCC) concerning the status of the labor compliance requirements and Affirmative Action requirements on the Project. Contractor is in compliance with these requirements, and their no outstanding wage violations on the part of the Contractor. Note that OCC had previously assessed the Contractor with contract compliance penalties because of wage violations on this Project and another unrelated but City awarded project. This issue has been resolved. The Contractor has requested that upon final acceptance of the work performed under Contract No. 3385, retention money be released.

**STATUS OF FUNDING**

City Council previously allocated funding for this Project (Phase II), and sufficient funds remain in the following Proposition K specified project accounts to issue a Supplemental Agreement Change Order to settle the claim:

<b>FUND</b>	<b>ACCT NO.</b>	<b>ACCOUNT TITLE</b>	<b>AMOUNT</b>
43K	10S232	Los Angeles Riverfront Park	\$ 12.54
43K	10T232	Los Angeles Riverfront Park	3,536.61
43K	10V232	PRJ-Los Angeles Riverfront Park	13,566.26
43K	10Y232	PRJ-Los Angeles Riverfront Park	11,973.00
43K	10E232	PRJ-Los Angeles Riverfront Park	19,949.00
43K	10H232	PRJ-Los Angeles Riverfront Park	11,539.00
43K	10J232	PRJ-Los Angeles Riverfront Park	29,800.00
43K	10K232	PRJ-Los Angeles Riverfront Park	370,000.00
43K	10L232	PRJ-Los Angeles Riverfront Park	300,000.00
43K	10MPCR	PRJ-Los Angeles Riverfront Park	527,403.59
43L	10G232	PRJ-Los Angeles Riverfront Park	85,236.00
43L	10H232	PRJ-Los Angeles Riverfront Park	54,296.00
46A	10H232	PRJ-Los Angeles Riverfront Park	22,688.00
<b>TOTAL:</b>			<b>\$ 1,450,000.00</b>

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The next phase of the project (Phase III) is currently anticipated to be located within the Encino community, on the north side of the Los Angeles River, between Balboa Boulevard and the Orange Line Bus overcrossing of the river. The scope is anticipated to be similar to the previously described scopes for Phase I and II; however, since the design has not begun, and no Local Volunteer Neighborhood Oversight Committee meetings nor environmental analysis has been done, the exact scope is not set at this time.

There is approximately Four Hundred Twenty-Five Thousand (\$425,000.00) in Prop K funds remaining in the specified line item available for this next phase. There is an ongoing Proposition K reconciliation which will be completed in the next few months which will confirm the remaining available fund amount. Phase III will also be eligible for Prop K interest and/or inflation at the time of construction award. Also, it is envisioned that Phase III may be made a part of a larger LA River project that encompasses the Los Angeles River from Van Alden Avenue to Forest Lawn Drive.

### TREE AND SHADE:

As part of the Project, a total of 163 new trees were planted. The various species are 22 White Alders, 103 California Sycamores, 17 Fremont Cottonwood, 7 Coast Live Oaks, 9 Valley Oaks, 5 California Bay Laurel. No shade structures were installed.

### FISCAL IMPACT STATEMENT

Proposition K funds for the Phase II Project and for the change orders discussed in this Report specified funding had been previously approved by Council. There is no anticipated fiscal impact to the RAP's General Fund. The future operation and maintenance costs as a result of the completion of this Project have yet to be determined.

This Report was prepared by Jaime Contreras, Project Manager, BOE Architectural Division, and was reviewed by: Neil Drucker, Proposition K Program Manager, Architectural Division; Mahmood Karimzadeh, Principal Architect, Architectural Division; Deborah Weintraub, Chief Deputy City Engineer, BOE; and Cathie Santo Domingo, Superintendent, Planning, Construction and Maintenance Branch, Department of Recreation and Parks.

### LIST OF ATTACHMENTS

1. LA Riverfront Park Project – Phase II -- Change Order Log
2. LA Riverfront Park Project – Phase II -- Final Close-Out Change Order

 <b>CO &amp; CO Request Log: Los Angeles Riverfront Park - Phase II</b> <b>W.O.No.: E170406F</b>																
CO No	CO Req	DESCRIPTIONS	PCO ECO Date	GC Prop Amount	Proposal Date	CMD Est Amount	Apprvd Amount	Apprvd Date	Change Order Status	FCO Date	C.O. Type	Pymt Type	Cal. Days Req.	Apv'd Comp Cal Days	Apv'd Non Comp Cal Days	REMARKS
001	1	Price Adjustment for Steel and Electrical Products	01/30/13	\$ 90,524.00	01/30/13	\$ 90,524.00	\$ 90,524.00	03/11/13	Executed	03/11/13	U	LS	90	0	90	
002		GR Modification: Payment for Materials Stored Off Site	06/19/13	\$ -	06/19/13	\$ -	\$ -	06/19/13	Executed	06/19/13	U	LS	61	0	0	
003		Time Extension for Redesign	08/23/13	\$ 80,000.00		\$ 60,000.00	\$ 60,000.00	08/23/13	Executed	08/27/13	S	LS	124	0	124	Additional 10K on CO 22
004	4 I.12	Additional Handling of Wave Fence	04/20/16	\$ 38,409.00	03/28/16	\$ 6,000.00	\$ 24,000.00	04/20/16	Executed	05/19/16	U	LS	0	0	0	
005	4.2	Rubble During Grading		\$ 4,476.00	11/12/13	\$ -	\$ -		Canceled							Showin in bid docs
006	4 I.1	Tree and Shrub Removal	09/05/14	\$ 15,316.00	11/12/13	\$ 7,158.00	\$ 36,308.00	08/20/14	Executed	09/05/14	E	LS	0	0	0	
007	4 I.2	Unforeseen Material During Trenching of Electrical		\$ 4,476.00	11/12/13	\$ -	\$ -		Canceled							Repetitive, see 005.
008	4 I.5	SWPPP Fees		\$ 842.00	11/12/13	\$ -	\$ -		Canceled							GC required to pay all fees
009	4 I.3	Drainage behind Gabions	01/18/15	\$ 175,240.00	11/12/13	\$ 2,515.00	\$ 88,174.00	11/20/14	Executed	01/18/15	E	LS	0	0	0	
010	4 I.10	5 Credit Signs	05/23/14	\$ 23,794.00	05/23/14	\$ 8,800.00	\$ 15,063.00	08/20/14	Executed	09/05/14	E	LS	0	0	0	
011	4 I.14	PVC Coating Upgrade	05/23/14	\$ 20,153.00	05/23/14	\$ 14,670.00	\$ -	06/17/14	Canceled		S	LS	0	0	0	Required by contract: See Geotech Report
012	4.1.15	Catch Basin at Lemona	08/20/14	\$ 30,094.00	05/23/14	\$ 11,324.00	\$ 27,355.00	08/20/14	Executed	09/05/14	U					
013	4.17	Verdura Wall Design	07/17/14	\$ 5,990.00	07/17/14	\$ 2,915.00	\$ 5,990.00	08/19/14	Executed	09/04/14	E	LS	0	0	0	
014	4.9	Expansion Joint in Wave Fence	05/23/14	\$ 9,770.00	05/23/14	\$ 3,187.00	\$ 9,145.00	09/05/14	Executed	09/05/14	U	LS	0	0	0	
015	4.16	Additional Gabion Walls 9+65-10+54	05/23/14	\$ 219,162.00	05/23/14	\$ 82,349.00	\$ 22,747.00	11/24/14	Executed	01/14/15	E	LS	0	0	0	
016	4.16	Additional Gabion Walls RFI 43	05/23/14	\$ 219,162.00	05/23/14	\$ 87,409.00	\$ 87,409.00	11/24/14	Executed	01/14/15	E	LS	0	0	0	
017	4.16	Additional Gabion Walls 25+25 - 27+36	05/23/14	\$ 219,162.00	05/23/14	\$ 87,409.00	\$ 53,928.00	11/24/14	Executed	01/14/15	E	LS	0	0	0	
018	4.16	Earthwork for Gabion Wall Drainage	11/24/14	\$ 219,162.00	05/23/14	\$ 87,409.00	\$ 57,840.00	11/24/14	Executed	01/14/15	E	LS	0	0	0	
019	4.24	Concrete Encase Storm Drain at Noble	09/24/14	\$ 2,518.00	08/12/14	\$ 1,163.00	\$ 2,200.00	09/24/14	Executed	04/09/15	U	LS	30	0	30	30 days added to negotiate all delays since CO 003 within a month
020	4.25	Dump Fee Costs	04/08/15	\$ 42,425.00	12/04/14	\$ 24,364.00	\$ 24,364.00	04/10/15	Executed	04/10/15	U	LS	0	0	0	
021	4.13	Grade Lowering of Entire Bike Path	04/22/15	\$ 107,255.00	05/23/14	\$ 22,201.00	\$ 22,201.00	04/22/15	Executed	04/22/15	E	LS	0	0	0	UNILATERAL CO
022	4.11	Delay Compensation and 60 Day Time Extension	04/28/15	\$ 20,000.00	08/08/13	\$ 10,000.00	\$ 10,000.00	08/15/13	Executed	04/28/15	U	LS	0	0	60	
023	30.1	Curb and DG at Noble	05/15/15	\$ 37,892.00	06/24/15	\$ 14,228.00	\$ 24,500.00	11/20/15	Executed	05/19/16	S	LS	0	0	0	
024	34	2 Credit Signs (Reach II)	05/20/15	\$ 6,144.00	06/28/15	\$ 3,426.00	\$ 6,025.00	11/20/15	Executed	05/19/16	E	LS	0	0	0	
025	31	Bike Lane Striping Reach 1	08/10/15	\$ 12,283.00	06/29/15	\$ 9,350.00	\$ 9,794.00	08/04/15	Executed	08/10/15	S	LS	0	0	0	
026	19	Kester Entrance Ramp Reconfiguration	08/04/15	\$ 13,844.00	06/29/15	\$ 2,060.00	\$ 12,000.00	07/15/15	Executed	08/04/15	S	LS	0	0	0	
027	29	Pressure Regulator for Drinking Fountain	08/06/15	\$ 1,745.00	06/25/15	\$ 1,069.00	\$ 1,545.00	07/15/15	Executed	08/06/15	U	LS	0	0	0	
028	26	Repair of AC Berm at Kester Entrance	08/10/15	\$ 32,620.00	06/30/15	\$ 8,560.00	\$ 20,000.00	07/15/15	Executed	08/10/15	S	LS	0	0	0	
029	32	Lock Lids at Electrical Pull Boxes	08/11/15	\$ 14,172.00	06/25/15	\$ 10,618.00	\$ 12,272.00	08/12/15	Executed	08/12/15	S	LS	0	0	0	
030	33	Sandy Loam at Bioswale	08/28/15	\$ 31,109.00	08/12/15	\$ 7,404.00	\$ 21,224.00	08/04/15	Executed	08/31/15	S	LS	0	0	0	
031		Pedestrian Entrance Ramp Redesign (Coldwater Canyon)	08/28/15	\$ 442,700.00	10/30/15	\$ 420,000.00	\$ 376,000.00	06/03/16	Executed	07/11/16	S	LS	0	0	0	
032	51	BFPV for Drinking Fountain Reach 1	11/02/15	\$ 3,358.00	01/24/16	\$ 2,500.00	\$ 3,357.00	05/05/16	Executed	05/19/16	E	LS	0	0	0	
033	25.1	Additional Dump Fees	04/08/15	\$ 50,323.00	12/04/14	\$ 1,750.00	\$ 7,181.00	11/20/15	Executed	05/19/16	U	LS	0	0	0	
034	35	Reach 2 Print Sets	01/26/16	\$ 2,685.00	07/16/15	\$ 2,685.00	\$ 2,685.00	11/20/15	Executed	05/19/16	U	LS	0	0	0	

035	38	Epoxy Bolts at Wave Fence - Reach 2	01/26/15	\$ 42,126.00	10/05/15	\$ 15,040.00	\$ 30,524.00	11/20/15	Executed	06/08/16	S	LS	0	0	0	RAP Signature Pending
036	4	Storm Drain Catch Basins at Columbus (Reach1)	03/14/16	\$ 114,642.00		\$ 40,000.00			Canceled		U	LS	0	0	0	USACE Permit Pending
037	61	Light Pole Footing Modification	03/17/16	\$ 37,395.00	02/26/16	\$ 25,000.00	\$ 32,366.00	03/17/16	Executed	06/08/16	E	LS	0	0	0	
038		Delete All Recessed Seat Walls	03/17/16	\$ (12,542.00)	03/02/16	\$ (63,437.00)	\$ (15,000.00)	04/20/16	Executed		S	LS	0	0	0	
039		Earthwork for 1st Tier of Gabions 25+58 to 35+00	03/21/16			\$ -			Canceled		S	LS	0	0	0	Issued on CO 040 B
040	A	Gabion Wall Value Engineering and Cost Escalation	04/18/16	\$ 120,000.00	04/18/16	\$ 42,507.00	\$ 87,318.00	05/17/16	Executed	09/12/16	S	LS	0	0	0	
040	B	Earthwork Balance: Gabion Wall Value Engineering		\$ 146,135.00	10/09/15	\$ 1,895.00	\$ 1,895.00	08/10/16	Executed	10/20/16	U	LS	0	0	0	
041	22	Deletion of Demolition of Wall	07/28/17	\$ (1,500.00)	03/31/15	\$ (2,400.00)	\$ (2,400.00)	11/20/15	Executed		S	LS	0	0	0	At GC's request, invoice credit at end of job
042	40	Thermoplastic Logos Reach 1	11/16/15	\$ 9,742.00	11/16/15	\$ 3,816.00	\$ 8,553.00	11/20/15	Executed	05/19/16	S	LS	0	0	0	
043	46	Tree Leaves and Mulch Removal Reach 2		\$ 7,738.00	11/17/15	\$ 2,000.00	\$ 4,950.00	01/17/16	Executed	05/24/16	U	LS	0	0	0	
044	48	Access Gate at Coldwater Canyon Bridge		\$ 3,293.00	11/16/15	\$ 2,650.00	\$ 2,650.00	11/20/15	Executed		E	LS	0	0	0	
045	54	CCTV of Box Culvert at Coldwater Canyon		\$ 2,983.00	11/16/15	\$ 2,983.00	\$ 2,983.00	11/20/15	Executed	05/26/16	S	LS	0	0	0	Work directed by BCA
046	56	Safety Fence Installation Change		\$ 19,424.00	11/16/15	\$ 8,960.00	\$ 15,000.00		Executed	05/26/16	U	LS	0	0	0	
047	57.1	Cost Escalation of Gabion Materials		\$ 9,684.00	01/19/16	\$ 8,641.00			Canceled		U	LS	0	0	0	Costs incorporated into CO 54
048	63	Verdura Wall Design - Reach 2		\$ 7,687.00	01/19/16	\$ 3,861.00		04/20/16	Canceled		E	LS	0	0	0	
049	A	Compensable Time Extention A				\$ 150,000.00	\$ 145,500.00	05/25/16	Executed	06/27/16	S	LS	824	194	174	UNILATERAL
049	B	Compensable Time Extention B				\$ 150,000.00	\$ 154,500.00	10/18/16	Executed	10/18/16	S	LS	206	206	0	UNILATERAL
050	6, var	USACE Plan Changes (CREDITS)		\$ 21,015.00	11/02/15	\$ -			Canceled		S	LS				GC refuses to provide pricing documentation
051	41R1	Landscaping Cost Adjustment and Scope Changes for Reach 2		\$ 51,076.00	03/23/16	\$ 25,000.00	\$ 28,620.00	08/29/16	Executed	08/29/16	S	LS	0	0	0	Met with Sub and LA to discuss, will attempt to descope further
052	47	Interest on Delayed Payments		\$ 24,539.00	10/13/15	\$ 4,345.00	\$ 4,345.00		Executed	05/24/16	U	LS	0	0	0	
053	52	Escalation of Cost for Cobbles Reach 1		\$ 25,347.00	11/11/15	\$ 12,675.00	\$ 24,500.00		Executed	05/24/16	U	LS	0	0	0	
054		VOID							Canceled							
055		Bike Lane Striping and Thermoplastic Logos Reach 2				\$ 18,000.00	\$ 8,500.00	03/28/17	Executed		E	LS	0	0	0	Cost same as Reach 1
056		Locking Electrical Pull Box Lids				\$ 12,500.00			Canceled		S	LS	0	0	0	RAP Request
057		Cross Gutter and Catch Basin Relocation	02/13/17				\$ 57,152.00	03/06/17	Executed		S	LS	0	0	0	Design Pending
058		Credits for Reach 1		\$ (5,520.00)		\$ (5,520.00)		11/20/15	Canceled		S	LS	0	0	0	
059		Supplemental Agreement	05/25/16	\$ -	05/25/16	\$ -	\$ -	05/25/16	Canceled		S	LS	0	0	0	
060		Beams for Pedestrian Entrance at Coldwater Canyon	08/26/16	\$ 31,313.00	08/29/16	\$ 7,985.00	\$ 24,000.00	10/25/16	Executed	10/25/16	S	LS	0	0	0	
061		Removal of 3 Sycamore Trees		\$ 18,777.00	08/13/16	\$ 15,582.00	\$ 5,816.00	10/25/16	Executed	10/25/16	S	LS	0	0	0	UNILATERAL
062		Surveying Existing Bike Path	09/28/16	\$ 7,078.00			\$ 4,950.00		Executed		S					
063		Additional Costs During CIDH Pile Installation	10/18/16	\$ 67,332.00	08/30/16	\$ 15,609.00	\$ 15,609.00	10/18/16	Executed		U	LS				UNILATERAL
064	82	Coldwater Canyon Bridge Railing Removal		\$ 4,273.00		\$ 4,273.00	\$ 4,273.00		Executed		U					
065		SWPPP Hard Costs Due to Delays							Unresolved							
066		Landscaping Scope Deletion	06/08/17	\$ (71,265.00)	06/08/17	\$ (71,265.00)	\$ (71,265.00)	06/08/17	Executed		S					
067		Irrigation Mainline Wrap		\$ 2,447.00	08/31/16	\$ 1,926.00	\$ 1,926.00	10/25/16	Executed	10/25/16	S	LS	0	0	0	
068		Additional Dump Fees (2015-2016)	02/15/17	\$ 30,758.00	12/14/16	\$ 21,825.00	\$ 21,825.00	02/14/17	Executed		U					
069		Compensable Time Extension 4/30/17	02/15/17			\$ 74,250.00	\$ 74,250.00		Executed		U			99		Unilateral
070		Additional Parking Fees					\$ 30,051.00		Executed		U					

071		Bike Path Resurfacing	03/28/17				\$ 45,000.00		Executed		S					
072	T&M	T&M Asphalt and CMB Removal for April 2017	04/19/17	\$ 34,764.00	04/17/17	\$ 29,726.00	\$ 29,726.00	06/06/17	Executed		S					
073		Delete Demolition		\$ (2,316.00)		\$ (3,300.00)	\$ (3,300.00)		Executed		S					
074		Delete Verdura Wall at Whitsett Ave		\$ (16,897.00)		\$ (37,826.00)	\$ (37,826.00)		Executed		S					
075		Delete Cast In Place Stairs		\$ (5,302.00)		\$ (9,458.00)	\$ (9,458.00)		Executed		S					
076		Delete Removable Bollards		\$ (3,399.00)		\$ (3,399.00)	\$ (3,399.00)		Executed		S					
077		Delete Cable Railing		\$ (4,461.00)		\$ (24,285.00)	\$ (24,285.00)		Executed		S					
078		Delete Concrete Paving		\$ (12,608.00)		\$ (14,331.00)	\$ (14,331.00)		Executed		S					
079		Delete Unit Pavers and Boulders		\$ (4,005.00)		\$ (5,768.00)	\$ (5,768.00)		Executed		S					
080		Delete Decomposed Granite		\$ (6,619.00)		\$ (25,973.00)	\$ (25,973.00)		Executed		S					
081		Delete Handrails		\$ (12,000.00)		\$ (26,975.00)	\$ (26,975.00)		Executed		S					
082		Delete Entry Sign at Whitsett Ave		\$ -		\$ (1,000.00)	\$ (1,000.00)		Executed		S					
083		Delete Recycling Receptacles		\$ (1,551.00)		\$ (1,551.00)	\$ (1,551.00)		Executed		S					
084		Delete Drinking Fountains		\$ (4,354.00)		\$ (5,100.00)	\$ (5,100.00)		Executed		S					
085		Delete Bike Rack		\$ (1,263.00)		\$ (1,263.00)	\$ (1,263.00)		Executed		S					
086		Delete Mutt Mitt Dispenser		\$ (69.00)		\$ (1,350.00)	\$ (1,350.00)		Executed		S					
087		Delete Concrete Retaining Wall		\$ (10,042.00)		\$ (17,188.00)	\$ (17,188.00)		Executed		S					
088		Delete Gabion Walls at Whitsett Ave		\$ (8,045.00)		\$ (8,045.00)	\$ (8,045.00)		Executed		S					
089		Delete Electrical Trench and Conduit		\$ (3,000.00)		\$ (4,737.00)	\$ (4,737.00)		Executed		S					
090		Delete Electrical Pole Foundation		\$ (1,853.00)		\$ (7,105.00)	\$ (7,105.00)		Executed		S					
091		Delete Electrical Wiring		\$ (4,230.00)		\$ (7,105.00)	\$ (7,105.00)		Executed		S					
092		Delete Light Poles		\$ -		\$ (14,684.00)	\$ (14,684.00)		Executed		S					
093		Delete Punch List Corrections		\$ -		\$ (5,929.00)	\$ (5,929.00)		Executed		S					
094		Delete Anti Graffiti Coating		\$ -		\$ (4,000.00)	\$ (4,000.00)		Executed		S					
095	T&M	T&M Asphalt and CMB Removal for May 2017		\$ 91,420.00		\$ 84,882.00	\$ 84,882.00		Executed		U					
096	79	Vehicle Barrier at Coldwater Canyon		\$ 1,500.00		\$ 1,500.00	\$ 1,500.00		Executed		S					
097	80	Saturated Soil Removal and Backfill		\$ 4,073.00		\$ 1,188.00	\$ 3,683.00		Executed		U					
098	81	Backfill Gabion Cut at 35+00		\$ 3,848.00		\$ 1,648.00	\$ 2,886.00		Executed		S					
099	83	Escalation of Handrail Price		\$ 3,326.00		\$ 2,800.00	\$ 2,800.00		Executed		U					
100	86	Expansion Joint in Wave Fence (Reach 2)		\$ 14,850.00		\$ 9,024.00	\$ 9,024.00		Executed		S					
101	87	Price Escalation for Asphalt		\$ 4,023.00		\$ 3,017.00	\$ 3,017.00		Executed		S					
102	89	Additional Asphalt Beyond Design		\$ 22,024.00		\$ 8,000.00	\$ 9,000.00		Executed		U					
103	90	Additional CMB Beyond Design		\$ 34,067.00		\$ 22,060.00	\$ 24,466.00		Executed		U					
104		Columbus Ave Catch Basin Drainage		\$ 11,741.00		\$ 2,801.00	\$ 11,741.00		Executed		U					
105		Gabion Case 4: Electrical Reconfiguration		\$ 4,976.00		\$ 4,976.00	\$ 4,976.00		Executed		U					
106		Unilateral Time Extension (June 30)				\$ 42,000.00	\$ 42,000.00		Executed		U		60		UNILATERAL	
U		Gabions Around 12 Light Poles		\$ 31,329.00		\$ 16,432.00	\$ 16,432.00		Executed		U					
108		Additional Security Fence Panels		\$ 2,803.00		\$ 772.00	\$ 2,803.00		Executed		U					
109		Electrical Trenching and Conduit Extension at Sportsmen's Lodge		\$ 13,196.00		\$ 3,918.00	\$ 5,000.00		Executed		U					
110		Gabion Case 4 Earthwork		\$ 93,404.00		\$ 18,526.00	\$ 18,526.00		Executed		U				UNILATERAL	
111		Close out Change Order		\$ 1,450,000.00					Negotiated						To Bd for Approval	
Original Contract Price			\$	4,012,000.00	Change Order Status	Executed		C.O. Type <sup>1</sup>	U: Unforeseen		\$ 622,006.00	32 %	Executed Change Orders			
Original Contingency			\$	1,925,000.00		Negotiated			E: Errors & Omissions		\$ 442,558.00	23 %	98	\$	1,924,312.00	
<b>Σ (Executed Change Orders)</b>			\$	<b>1,924,312.00</b>		Unresolved			S: Change in Scope		\$ 859,748.00	45 %	Forecasted Change Orders			
<b>Revised Contract Price</b>			\$	<b>5,936,312.00</b>		Canceled			LS: Lump Sum		Change Order		0	\$	-	
<b>Outstanding Contingency</b>			\$	<b>688.00</b>	Approved Comp. Cal. Days		559	Pymt. Type	TM: Time & Material		Percentage		Canceled Change Orders			
Num. Of Approved Days			1037 Cal. Days		Approved Non Comp. Cal. Day:		478		CAN: Canceled		48.0%		13			

**Footnotes**

1. Percentages of Change Order Types are based on approved dollar amounts.
2. Forecasted Change Orders = Unresolved + Negotiated

## City of Los Angeles – Department of Public Works – Bureau of Engineering

**FINAL CLOSE-OUT CHANGE ORDER**

Project Title <b>Los Angeles Riverfront Park - Phase II</b>			Project No.	Change Order No. <b>111</b>	File No. <b>8-8-1</b>	Page <b>1 of 2</b>
Work Order Number <b>E170406</b>	Contract Number <b>3385</b>	Bid Item No. <b>N/A</b>	Subject <b>Final Close-Out Change Order and Settlement of Claim/Request for Equitable Adjustment</b>			
Contractor <b>Simgel Co. Inc.</b>			Plan Reference <b>All</b>			
<input checked="" type="checkbox"/> Changed/Unforeseen Conditions		Schedule Activity	Specification Reference			
<input type="checkbox"/> Errors and Omissions		<b>All</b>	<b>All</b>			
<input type="checkbox"/> Change in Scope						

**1. Reason for Change:**

This Change Order compensates the Contractor, Simgel Co. Inc., (Simgel), its Subcontractors and Suppliers at all tiers, for impacts described in Simgel's "Statement of Claim" that was certified on December 15, 2017. This Change Order constitutes a compromise and settlement by all parties and a release given by Simgel to the City relinquishing any and all claims related to disputes described in the "Statement of Claim". This Change Order also covers the resolution of a time extension to the Contract duration and completion date.

**2. Description of Change:**

This is the Final Close-Out Change Order for this project. The City and Simgel, with Simgel representing all subcontractors and suppliers at all tiers, hereby agree that all outstanding Change Order Requests (COR), Claims, and Requests for Equitable Adjustment (REA) seeking compensation for damages and delays caused by the City relative to the "Los Angeles Riverfront Park – Phase II" project are hereby resolved through the execution of this Change Order. This includes, but is not limited to the following:

- Outstanding Change Order Requests (COR No. 6, 13, 39, 44, 49-R1, 58, 65, 66-R1, 70-R1, 71-R1, and 93)
- Bonds & Insurance adjustment for all Change Orders including the above noted COR's
- Extended Home Office Overhead
- Extended Job Site Expenses
- Interest on all items
- Loss of Efficiency and Productivity
- All other known and unknown claims against the City

**3. Change in Contract Amount:**

SETTLEMENT AMOUNT - LUMP SUM AGREED PRICE

ADD \$1,450,000.00

**4. Change in Contract Duration:**

The Statement of Completion was issued by the Bureau of Contract Administration on December 22, 2017. The Contract Completion Date is hereby extended by 176 non-compensable calendar days from June 30, 2017 to December 22, 2017.

City of Los Angeles – Department of Public Works – Bureau of Engineering  
**FINAL CLOSE-OUT CHANGE ORDER**

Project Title <b>Los Angeles Riverfront Park - Phase II</b>			Project No.	Change Order No. <b>111</b>	File No. <b>8-8-1</b>	Page <b>2 of 2</b>
Work Order Number <b>E170406</b>	Contract Number <b>3385</b>	Bid Item No. <b>N/A</b>	Subject <b>Final Close-Out Change Order and Settlement of Claim/Request for Equitable Adjustment</b>			
Contractor <b>Simgel Co. Inc.</b>			Plan Reference <b>All</b>			
<input checked="" type="checkbox"/> Changed/Unforeseen Conditions <input type="checkbox"/> Errors and Omissions <input type="checkbox"/> Change in Scope		Schedule Activity <b>All</b>	Specification Reference <b>All</b>			

Cost and Schedule Control Summary

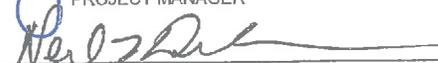
Original Contract Amount	\$ 4,012,000.00	Original Contract Duration	575	Calendar Days
Previous C.O.'s Add/(Deduct)	\$ 1,924,313.00	Previous C.O.'s Add/(Deduct)	1,037	Calendar Days
This C.O. Add/(Deduct)	\$ 1,450,000.00	This C.O. Add/(Deduct)	176	Calendar Days
Revised Contract Amount	\$ 7,386,313.00	Revised Contract Duration	1788	Calendar Days
<input type="checkbox"/> B&A <input type="checkbox"/> Emergency Contract		Revised Contract Completion Date	12/27/2017	

The amount set forth in this Change Order comprises the total compensation due the CONTRACTOR, all Subcontractors, and all Suppliers, for the work under this contract and any work performed under any change order to this contract, including impact on unchanged work. By signing the Change Order, the CONTRACTOR acknowledges and agrees on behalf of himself, all Subcontractors, and all Suppliers, that the stipulated amount is the full and final payment for all work performed under this contract and any change order to this contract, plus all payment for any interruption of schedules, extended field overhead costs, delay, and all impact, ripple effect or cumulative impact on all other work under this Contract. The signing of the Change Order indicates that the Change Order constitutes full mutual accord and satisfaction for the contract including any change, and that the charge under the Change Order constitutes the total equitable adjustment owed the CONTRACTOR, all Subcontractors, and all Suppliers under this contract and any change order to this contract. The CONTRACTOR on behalf of himself, all Subcontractors, and all Suppliers, agrees to waive all rights without exception or reservation of any kind whatsoever to file any further claim related to this Contract and any change order to this contract. No further claim or request for equitable adjustment of any type, for any reasonably foreseeable cause shall rise out of or as a result of this Change Order or the impact of this Change Order on the remainder of the work under this Contract.

The Contractor further agrees to indemnify and hold the City and its agents harmless from any further claims, requests for equitable adjustment, or damages raised by Subcontractors or Suppliers at any tier, as a result of the work under this Contract.

The Contractor, on behalf of himself, all Subcontractors, and all Suppliers, expressly waives the benefits of the provisions of Section 1542 of the Civil Code, which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

SUBMITTED BY: 	CONSTRUCTION MANAGER	DATE: 4/18/2018
APPROVED BY: 	CONTRACTOR	DATE: 4/18/2018
APPROVED BY: 	SENIOR OR PRINCIPAL ENGINEER	DATE: 4/19/18
APPROVED BY: 	PROJECT MANAGER	DATE: 4/19/18
APPROVED BY: 	PROGRAM MANAGER	DATE: 4/19/18
APPROVED BY: 	RECREATION AND PARKS	DATE: 4/19/18