



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction


Metropolitan Planning Organization of Washoe County, Nevada

March 20, 2020

AGENDA ITEM 3.10

TO: Regional Transportation Commission

FROM: Doug Maloy, P.E.
Engineering Manager



Amy Cummings, AICP, LEED AP
Interim Executive Director

SUBJECT: Change Order No. 11 for the Southeast Connector Phase 2 Project

RECOMMENDATION

Approve Change Order No. 11 (CO 11) increasing the total contract amount of the agreement with Granite Construction, Inc. (Granite) for Construction Work Phase 2 Southeast Connector, between Clean Water Way and South Meadows Parkway, by \$327,736 for a new total contract amount of \$158,588,256; authorize the Interim Executive Director to execute CO 11.

SUMMARY

Construction of the Southeast Connector Phase 2 Project roadway improvements are complete. The contract between the RTC and Granite includes continuing maintenance and monitoring of the constructed wetland areas including those constructed in accordance with the US Army Corps of Engineers 404 Permit. Work to be provided as a result of this change order is associated with the constructed wetlands.

Previous change orders CO 1 thru CO 10 were in the total cumulative amount of \$3,820,726. All previously approved change orders were the result of changes in work directed by the RTC which are compensable events under Section 14.D(2)(a) of the Agreement for Construction Work Phase 2 Southeast Connector Between Clean Water Way and South Meadows Parkway between the RTC and Granite Construction, Inc.

Work included in CO 11 consists additional wetland maintenance that is the result of adverse impacts from flooding that occurred during construction. Subsequent to completion of the construction of the wetlands, it has been determined that specific areas that were subject to five-year flood event(s) during construction adversely impacted the plantings and associated weed maintenance. In accordance with the specifications and construction agreement, the Contractor is eligible for compensation for the specific extra work included in the proposal from Granite dated March 9, 2020.

FISCAL IMPACT

The original total contract amount was \$152,439,794. Taking into account previously approved change orders in the amount of \$3,820,726 and CO 11 in the amount of \$327,736, the revised total contract amount is \$156,588,256. The total contract amount is within the current Fiscal Year 2019 Program of Projects budget.

PREVIOUS ACTIONS BY BOARD

- | | |
|--------------------|---|
| October 22, 2018 | Approved Change Order 10 in the amount of \$363,723 and authorized the Executive Director to execute CO 10. |
| September 21, 2018 | Approved Change Order 9 in the amount of \$608,344 and authorized the Executive Director to execute CO 9. |
| February 20, 2015 | Approved the Guaranteed Maximum Price and Construction Contract with Granite Construction. |
| May 16, 2014 | Approved the recommendation of Atkins North America as the Construction Manager for Phase 2. |
| January 17, 2014 | Approved a Request for Proposals advertisement for Construction Management Services for Phase 2. |
| July 19, 2013 | Approved the recommendation of Stanley Consulting to provide ICE services and approved a pre-construction services contract with Granite Construction. |
| May 17, 2013 | Approved the recommendation of Granite Construction Company to provide Pre-Construction Services for Phase 2 design. |
| April 19, 2013 | Approved the short list of Contractors for interviews for Phase 2 Pre-Construction Services. |
| January 18, 2013 | Approved a Request for Proposals advertisement for Construction Manager At Risk pre-construction services for Phase 2. Approved the PSA Amendment with TY Lin for Design Services During Construction for Phase 1. |
| November 21, 2012 | Approved the Construction Contract with Kiewit Western. Approved the Construction Services Contract with Atkins Global. Approved an Interlocal Cooperative Agreement between the RTC and the Truckee Meadows Water Reclamation Facility to grant the RTC rights to construct Phase 1 on TMWRF property. |

October 19, 2012	Accepted a staff update.
September 7, 2012	Accepted a staff update and approved Atkins North America for Construction Services for Phase 1.
August 17, 2012	Accepted a staff update and delayed the recommended selection of Atkins North America for Construction Services for Phase 1. Approved a Design Cost Agreement with NV Energy for the relocation of overhead power poles at Clean Water Way.
July 20, 2012	Accepted a staff update and approved CH2M Hill for Phase 2 Final Design services. The shortlist for Phase 1 Construction Services was also approved.
June 15, 2012	Accepted a staff update.
May 18, 2012	Accepted a staff update.
April 20, 2012	Approved advertising RFP's for Phase 1 Construction Services and Phase 2 Final Design.
March 16, 2012	Accepted a staff update and approved the Pre-Construction Services Contract with Kiewit Western.

ADVISORY COMMITTEE(S) RECOMMENDATION

There are no advisory committee recommendations pertaining to this agenda item.

Attachment



Project No. 532013
Change Order Requested By:
Doug Maloy

CONTRACT CHANGE ORDER (C.O.) NO. 11

Sheet 1 of 1
Date 3/9/2020

To Granite Construction, Contractor for the SouthEast Connector Phase 2 Project
You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract.

RTC FINANCE APPROVAL, AVAILABILITY OF FUNDS
Date

This change order is for changes in the Work directed by the RTC in accordance with the Agreement for Construction Work approved by the RTC Board of Commissioners on February 20, 2015 and signed by the RTC Executive Director on April 10, 2015. The extra work and costs are specifically described in the attached "Request for Changes" letter from Granite Construction dated March 9, 2020, including attachments thereto (Exhibit A). The change order amount will be paid for on a time and materials basis and include all labor, equipment and materials necessary to complete the work in accordance with the plans and specifications.

This extra work includes weed abatement and associated maintenance in specific areas adversely affected by 5-year flood events on the Steamboat Creek that occurred at various times during the construction period as described in Exhibit A. In the Agreement for Construction Work, the "Plant Establishment and Revegetation Work" is set forth in Section 338 of the Special Technical Specifications. Per Section 338.03.01.11, the "Contractor will not be held responsible for poor revegetation and plant establishment that are beyond his control." "Conditions defined as being beyond the control of the Contractor for the plant establishment includes... A 5-year flood event on Steamboat Creek as measured at the USGS station on Clean Water Way."

This change order is specifically for extra work necessary as a result of 5-year flood events that meet the description in Section 338.03.01.11. This change order does not change any of the other contractual obligations between the RTC and Granite Construction, including but not limited to, all revegetation and plant establishment maintenance responsibilities for areas outside the 5-year flood event limits. All work shall be in accordance with Exhibit A, the Agreement for Construction Work, and permits associated with the Southeast Connector Phase 2.

The work to be provided as a result of this change order will occur, and be as approved by, the RTC and shall be paid for on a time and materials basis with a "not to exceed" amount of \$327,736. The "not to exceed" amount is based on a two year schedule for treatment and maintenance per Exhibit A.

RTC CONTRACT COMPLIANCE OFFICER APPROVAL
Date

Table with contract amounts: Original Contract Amount (\$152,439,794.09), Previously Approved C.O. Amounts (\$3,820,726.12), Net Increase from this C.O. (\$327,736.00), Total Revised Contract Amount (\$156,588,256.21), Total Percent Change all C.O.'s (2.72%), Contract time prior to this C.O. (656), Net increase resulting from this C.O. (0), New Contract Time with this C.O. (656)

Contractor Acceptance:
Accepted Date: March 9, 2020
By (Print Name): Brian Roll
Signature: [Handwritten Signature]

RTC Approval:
Recommended by (RTC Project Manager):
Date:
Department Director:
Date:
Chief Finance Officer:
Date:
Executive Director:
Date:

NOTE: This Change Order is not effective until approved by Executive Director, RTC.
NOTE: Previously approved C.O. amounts includes the full approved amount of C.O. 1.



March 9, 2020

Regional Transportation Commission
1105 Terminal Way, Suite #108
Reno, NV 86502
Attn: Doug Maloy, Project Manager

Reference: SEC Phase 2

Subject: Request for Changes due to Additional Weed Management in Floodplain Areas


Dear Mr. Maloy,

Granite Construction ("Granite") appreciates our ongoing relationship with The Regional Transportation Commission ("RTC") Team on the Southeast Connector Phase 2 project. In accordance with *Sec. 14 Categories of Changes to Contract Time or Construction Price*, Granite respectfully requests equitable adjustment for extra work associated with weed management issues beyond our control.

Soil Tech has prepared a proposed T&M request for the associated work due to the 5 year flood events. The methodology and work approach are attached along with their not to exceed price of \$327,736.00. Daily costs will be tracked and agreed upon with your assigned representative, and based on certified payroll reports and actual invoices.

Should you have questions or require additional information, please do not hesitate to contact me.

Regards,
Granite Construction Company


Brian Roll
Area Manager

Attachment

CC: George Jordy, Atkins
Brian Dowd, Granite
Josh Whellams, Soil Tech

Reply To: Granite Construction
1900 Glendale Ave.
Sparks, NV 89432-2087
775.358.8792 Office | 775.358.03732 Fax



February 28th, 2020

Mr. Doug Malloy, P.E.
Engineering Manager
Regional Transportation Commission
1105 Terminal Way Suite 108
Reno, NV 89502

RE: Southeast Connector Phase 2, Change Order for Weed Management in Floodplain Areas

Dear Doug,

Please consider this letter as a formal change request to address additional scopes of work associated with the 5 year flood events. The purpose for this change request is to ensure the success of the revegetation and wetland mitigation for this project by eradicating and controlling the weeds brought upon by the flood events. This weed mitigation effort is based solely on exposed surfaces within the flood affected areas. For purposes of clarification, all of the ongoing weed mitigation efforts outside of the flood boundaries are part of the current contracted maintenance scope and will continue to be executed and billed accordingly.

Work performed under the flood area scope will be invoiced as agreed upon per time and materials rates. Based on our discussion in October, actual treatment areas are generally identified in the incorporated Attachment 1. Work will be performed on exposed areas within the affected boundary and will be tracked daily along with quantities being field surveyed/verified and approved by all respected parties. The specific work approach is highlighted within the attached weed management plan along with an estimated not to exceed cost of \$327,736.00.

As mentioned above the contents enclosed in this request for change include the weed management plan, time and materials hourly rates, and Attachment 1 Treatment Areas. The additional two year schedule will be dependent on the written approval of this change request.

With that being said, we intend for this scope to be a work in progress based on actual field observations, and seasonal weather conditions. As such, the T&M basis is designed to allow for maximum flexibility to respond to field conditions in an appropriate manner. We intend to work closely with the team to adjust the projections within the affected areas as necessary as the project continues to mature.

Thank you again for your continued collaboration in the effort to successfully achieve the common restoration goal for this project. As always, please feel free to reach out to us with any questions or items needed.

Best Regards,

Lukas Solem
Project Manger



EST. 1990

2090 Kleppe Lane, Unit C
Sparks, NV 89431

www.soil-tech.com

SEC Weed Mitigation Plan - 5 year Flood Effected Areas

Table of Contents

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EXHIBIT A

Introduction

Soil-Tech, Inc. and CSEA are working collaboratively to develop an approved Adaptive Management Strategy for the SouthEast Connector (SEC) Project. As agreed by the project stakeholders in our recent series of meetings, we have outlined the following weed management program to proactively address both short and long term weed mitigation issues which have developed as a result of the repeated 5 year flood events throughout the project.

Weed Abatement Plan for Flood Affected Areas

As noted earlier, to ensure the success of the SEC revegetation and wetland mitigation the highest priority will be weed control, both of noxious species and invasive species not rated as noxious but that function to outcompete desirable species. Weed control is paramount to allowing the desirable vegetation to establish and grow. This includes the control of annual weeds, throughout their season, making sure to mow species before they go to seed, and the treatment of noxious weeds with herbicides at the appropriate phenological stage.

Our control measures proposed below are pursuant to the July 2013 404 Permit Application (#SPK-2010-01058) Appendix D, and consistent with Integrated Weed Management plan and subsequent submittals #0004 & #0550. More specifically, the purpose of this proposal is to increase the overall effort rather than make changes to the work approach.

Seasonal Treatment Overview

In the spring after mowing the early season weeds, the mowed weed debris may be left on the ground as mulch. This mulch may retard the germination of the later season weedy species, which prefer open ground, and is intended to promote the growth of the desirable species which benefit from the shade and additional moisture retention.

In the fall, mowed weeds may be removed or crushed and used as mulch. If additional hydro-seeding is required all mowed weeds need to be removed prior to seeding. If the area is broadcast seeded, weeds may be mowed after broadcast seeding and left in place.

The presence of weed sources in adjacent areas and upstream of the project area means that weed control will be ongoing. As desirable vegetation spreads and there is less open ground, the annual weeds will become less prevalent and may not need much control. It is almost certain that both perennial pepperweed and tamarisk will need continual control throughout the project area as both of these species establish from seed sources not controlled by this project, but in close proximity to it.

Primary Focus – Key Areas

Segments 1 and 2 (25.2 Acres)

Lower Floodplain – While portions of the wetland areas in the lower floodplain in Segments 1 and 2 are revegetating with suitable wetland species, (the lower areas are dominated by cattail (*Typha latifolia*), bulrush (*Scirpus* spp.) and creeping spike rush (*Eleocharis macrostachya*) --all obligate wetland species), we are still experiencing significant emergence of noxious weed species including perennial pepperweed (*Lepidium perfoliatum*) and purple loosestrife (*Lythrum salicaria*) throughout both the revegetated and the exposed areas.

EXHIBIT A

Treatment Protocol/Techniques - The recommended maintenance required in these areas is continued herbicide treatment of the two noxious weed species. Soil-Tech will utilize 0.75 - 2 oz./acre Chlorosulfuron (Telar®) in upland areas, or Weedar 64® at 2 – 4 pints/acre in wetter areas.

Upper Floodplain - The wetland areas located on the upper floodplain, which are **not currently** inundated but have been affected by flood flows in 2017, 2018 and 2019, are revegetating with facultative wetland species such as: weeping alkali grass (*Puccinellia distans*), saltgrass (*Distichlis spicata*), creeping wildrye (*Leymus triticoides*), sumpweed (*Iva axillaris*) and saltbrush species (*Atriplex* spp.), and low goosefoot (*Chenopodium chenopodioides*).

The vegetation establishment on the upper floodplain has been slower due to seed and plugs being washed away by the flood. This made it more prone to invasive and noxious weed species, therefore, increased weed control in these areas is essential to ensure the success of desirable vegetation.

Treatment Protocol/Techniques - Cutting/mowing the early season annual weeds-- cheatgrass (*Bromus tectorum*) and herb Sophia or tansy mustard (*Descurainia sophia*) --before they go to seed in April and May, then mowing the late season weeds, smotherweed and burningbush (*Bassia* spp.) before they go to seed in July would be the recommended maintenance. In addition, the two most problematic noxious weeds, perennial pepperweed (*Lepidium perfoliatum*), and tamarisk/salt cedar (*Tamarix* spp.), will be aggressively treated with appropriate herbicides. For perennial pepperweed, again, Soil-Tech will utilize 0.75 - 2 oz./acre Chlorosulfuron (Telar®) in upland areas, or Weedar 64® at 2 – 4 pints/acre in wetter areas. Some infested areas may require the mowing of old growth prior to herbicide application. Tamarisk may be hand pulled where appropriate. When stump cut, stumps of tamarisk will be treated with Garlon® 4 Ultra herbicide at the recommended label rate. Tamarisk without a central leader; i.e., first year growth, may respond to foliar Garlon® applications.

Segment 4 (22.5 Acres)

The majority of the noxious and invasive weed species plaguing the SEC site are both tolerant of high salts in the soil, and thrive in areas which experience seasonally wet soils. These conditions are present in almost all of the wetlands in Segment 4. There are some small areas where suitable wetland vegetation is establishing well, for example the excavated area along Steamboat Creek just north of Pembroke, where the grading plans provided habitat for the obligate wetland species mentioned on the previous page. All other areas are more suitable for saltgrass and creeping wildrye, and the adjacent, undisturbed areas support both of these species, which establish best from underground rhizomes. Saltgrass in particular is slow-growing from seed. While it might be useful to overseed these areas with creeping wildrye, unfortunately, seed has twice been washed away in high flows, and at least half of the area that was intended to benefit from seeding sat underwater for most of the growing season.

Again the best approach would be to aggressively control weeds in these areas. This means cutting/mowing the early season annual weeds, (*Bromus tectorum*) and herb Sophia or tansy mustard (*Descurainia sophia*), before they go to seed in April and May, then mowing the late season weeds, smotherweed and burningbush (*Bassia* spp.) before they go to seed in July. In addition the two most problematic noxious weeds-- perennial pepperweed (*Lepidium perfoliatum*), and tamarisk/salt cedar (*Tamarix* spp.) --need to be aggressively treated with appropriate herbicides.

EXHIBIT A

Treatment Protocol/Techniques – As described above for other similar areas, cutting/mowing the early season annual weeds-- cheatgrass (*Bromus tectorum*) and herb Sophia or tansy mustard (*Descurainia sophia*) --before they go to seed in April and May, then mowing the late season weeds, smotherweed and burningbush (*Bassia* spp.) before they go to seed in July would be the recommended maintenance. In addition, the two most problematic noxious weeds, perennial pepperweed (*Lepidium perfoliatum*), and tamarisk/salt cedar (*Tamarix* spp.), will be aggressively treated with appropriate herbicides. For perennial pepperweed, again, Soil-Tech will utilize 0.75 - 2 oz./acre Chlorosulfuron (Telar®) in upland areas, or Weedar 64® at 2 – 4 pints/acre in wetter areas. Some infested areas may require the mowing of old growth prior to herbicide application. Tamarisk may be hand pulled where appropriate. When stump cut, stumps of tamarisk will be treated with Garlon® 4 Ultra herbicide at the recommended label rate. Tamarisk without a central leader; i.e., first year growth, may respond to Garlon® foliar applications.

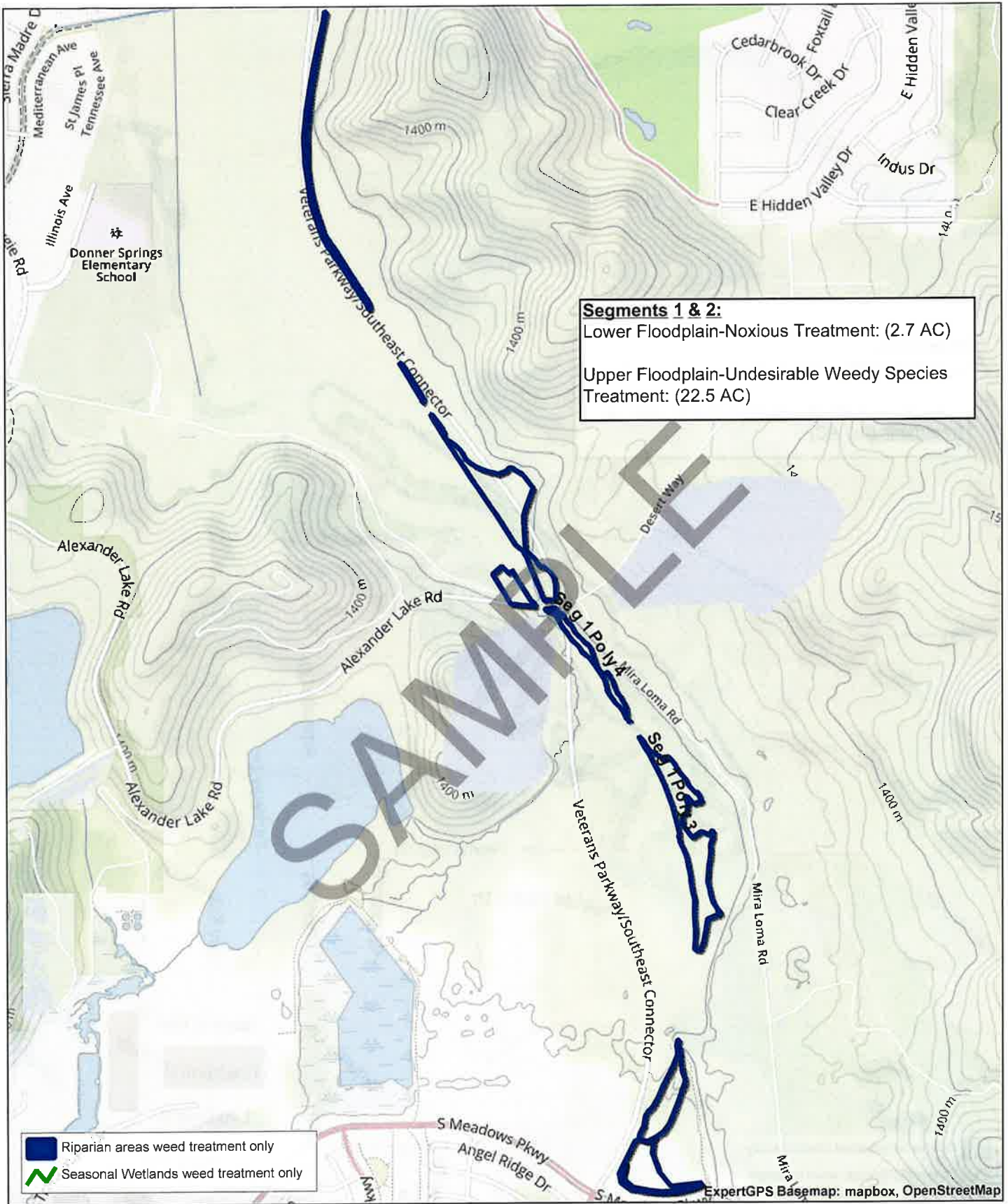
As stated in the introduction, all treatment protocols, chemical labels and uses identified in this management plan have been ongoing practices and are consistent with 404 permit applications, previous management plans and submittals. We are only recommending an increase in effort due to flood related conditions identified previously.

SAMPLE

Attachment 1
Maps of Flood Affected Areas with Poor Vegetation
Establishment

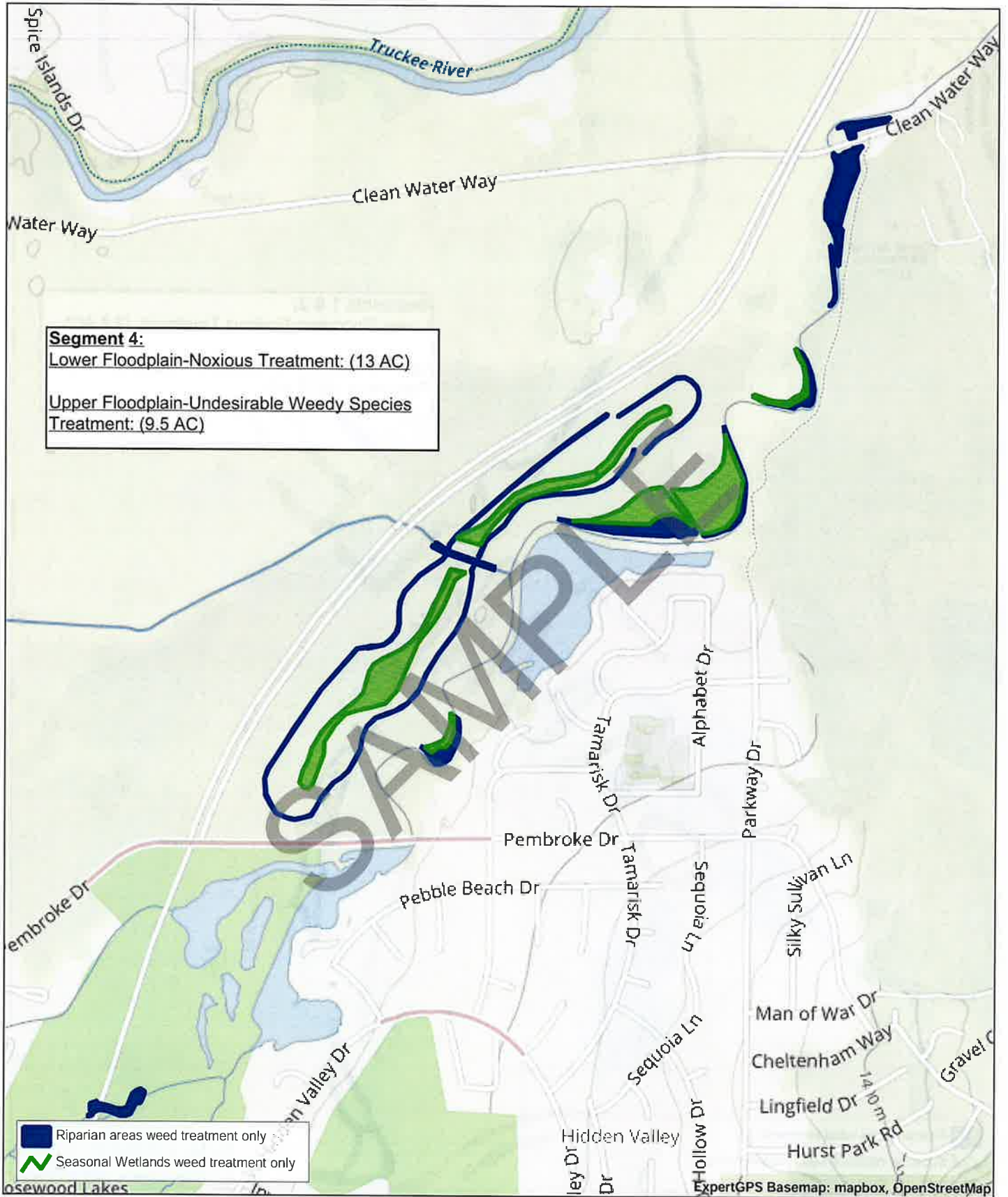
SAMPLE

EXHIBIT A



Segments 1 and 2 Flood Affected Areas with Poor Vegetation Establishment

EXHIBIT A



Segments 3 and 4 Flood Affected Areas with Poor Vegetation Establishment

