



PROPOSED CHANGE ORDER REQUEST

Department of Watershed Management

Contract Name: Snapfinger Advanced Wastewater Treatment Facilities Expansion - Phase 2 Date: 1/11/2023

Contractor: Archer Western Construction, LLC

Contract Number: 972548 Contract Amendment Number: 15

Contract Amendment Category: ☒ Cost ☐ Schedule ☒ Scope ☐ Deliverables

Original Contract \$ Amount:	Contract Start Date:	Original Contract Days:(TERM)	Original Contract End Date
\$187,869,380.00	8/5/2015	1669	2/29/2020

NTP Start Date:	Original Performance Days:(TIME)	Original Performance End Date:
8/26/2015	1640	2/21/2020

Previous Change Order:	Previous Time Extensions Days:	Previous Changes to \$ Amount:
Change Order No. 1: Amend't No.1	0	\$350,797.46
Change Order No. 2: Amend't No.1	0	\$599,549.04
Change Order No. 3: Amend't No.1	90	\$0.00
Change Order No. 4: Amend't No.2	120	\$1,650,000.00
Change Order No. 5: Amend't No.2	0	\$465,000.00
Change Order No. 6: Amend't No.2	0	\$106,519.11
Change Order No. 7: Amend't No.3	0	\$271,526.74
Change Order No. 8: Amend't No.3	0	\$1,000,000.00
Change Order No. 9: Amend't No.4	0	\$225,345.72
Change Order No. 10: Amend't No.5	0	\$0.00
Change Order No. 11: Amend't No.6	0	\$2,278,092.21
Change Order No. 12: Amend't No.7	0	\$1,111,640.00
Change Order No. 13: Amend't No.8	0	\$0.00
Change Order No. 14: Amend't No.9	0	\$1,795,139.65

Current Contract Amount:	Current Performance Time (Days):	Current Performance End Date:	Current Contract End Date:
\$197,722,989.93	1850	9/18/2020	11/30/2023

Description of Proposed Changes: **1. RFP#74 - Geotechnical Instruments Removal** A dispute exists between the Contractor and the Construction Manager/Engineer as to whether the Owner is eligible for a credit for the for the removal and discontinuation of monitoring and reporting of the geotechnical instruments prior to completion of construction. This change is due to "Unforeseen Conditions". **2. PCO#072G - Additional Concrete and Rock Disposal at Soil Nail Wall** A dispute exists between the Contractor and the Construction Manager/Engineer as to the number of cubic yards of additional cast-in-place concrete the Contractor is eligible for reimbursement; and excavation, handling and disposal of excavated material at the Soil Nail Wall. This change is due to "Unforeseen Conditions". **3. PCO#180B - Below Grade Waterproofing – Wet Areas** A dispute exists between the Contractor and the Construction Manager as to the whether the Contractor is eligible for reimbursement for furnishing and installing below grade waterproofing opposite of water containing structures that have interior coatings. This change is due to "Design Changes". The County and the Contractor agreed to settle each of these three (3) disputes for a negotiated lump sum amount of \$525,000.00.

Justification of Proposed Changes:

This change will enable prompt authorization of any additional work required and mitigate future claims by the Contractor due to idled equipment cost(s) and construction delays.

Proposed Additional Performance Days:	Proposed Cumulative Performance Days:	Proposed Performance End Date:	Proposed Contract End Date:
0	0	N/A	N/A
Proposed Changes to Dollar Amount:	Proposed Cumulative Contract Amount:	Amount Spent To Date as of (1/11/2023):	
\$525,000.00	\$198,247,989.93	\$180,047,333.53	

Describe Any Risk Associated With This Change:

None

Effect of NOT Approving This Change:

Future claims by the Contractor for reimbursement of costs associated with idled equipment and construction delays.

Engineering Manager's Approval:

☒ Accepted
☐ Rejected

Signature: Cassandra Marshall, PMP

Digitally signed by Cassandra Marshall, PMP
Date: 2023.01.18 14:00:47 -05'00'

Print Name: Cassandra Marshall

Date: 01/18/23

Watershed Director's Approval:

☒ Accepted
☐ Rejected

Signature: David Hayes

Digitally signed by David Hayes
Date: 2023.01.18 15:58:45 -05'00'

Print Name: David Hayes

Date: 1.23.2023

Chief Operating Officer's Approval:

☒ Accepted
☐ Rejected

Signature: 

Print Name: Zachary L. Williams

Date: 5-11-23

Contract Name: Snapfinger Advanced Wastewater Treatment Facilities Expansion - Phase 2

Contractor: Archer Western Construction, LLC

Contract Number: 972548

Contract Amendment Number: 15



November 7, 2022

Mr. Wendell Brown
Construction Manager
DeKalb County Department of Watershed Management
Snapfinger Advanced Wastewater Treatment Facility
4124 Flakes Mill Road
Decatur GA, 30034

**Reference: Contract No. 972548, Archer Western Construction, LLC
Snapfinger Advanced Wastewater Treatment Facilities Exp. Phase 2**

Subject: Proposed Change Order Request #15

Dear Mr. Brown,

The referenced project is approximately 92% complete. To date a large amount of design and construction changes have been necessary to accommodate design modifications, varying subsurface utilities and construction issues. In an effort to mitigate cost and delay impacts to the project, two hundred and thirty (230) Field Orders and sixty-two (62) Allowance Directives have been executed to date. To further assist the Owner with management and corresponding contract adjustments for these types of changes, a lump sum settlement agreement between the Contractor and the Owner is requested for your consideration.

Please see the summary table titled *Exhibit "A"* on the next page for the lump sum settlement agreement details with supporting documentation attached herein. This agreement has been reviewed and accepted by the project team members, however, approval of additional funds to issue them will require review and acceptance by the Board of Commissioners.

Sincerely,

A handwritten signature in black ink that reads 'Jillian Jack'. The signature is written in a cursive, flowing style.

Jillian Jack, P.E.
Vice President

cc: Mark Hedden



Exhibit A

Description	Total
RFP#74 Geotechnical Instruments Removal A dispute exists between the Contractor and the Construction Manager/Engineer as to whether the Owner is entitled to a credit for the for the removal and discontinuation of monitoring and reporting of the geotechnical instruments prior to completion of construction. <i>This change is due to "Unforeseen Conditions".</i>	
PCO#072G Additional Concrete and Rock Disposal at Soil Nail Wall A dispute exists between the Contractor and the Construction Manager/Engineer as to the number of cubic yards of additional cast-in-place concrete the Contractor is eligible for reimbursement; and excavation, handling and disposal of excavated material at the Soil Nail Wall. <i>This change is due to "Unforeseen Conditions".</i>	
PCO#180B Below Grade Waterproofing – Wet Areas A dispute exists between the Contractor and the Construction Manager as to the whether the Contractor is eligible for reimbursement for furnishing and installing below grade waterproofing opposite of water containing structures that have interior coatings. <i>This change is due to "Design Changes".</i>	
The County and Contractor agreed to settle each of these three (3) disputes for a negotiated lump sum amount of \$525,000.00.	\$525,000.00

MEMO

To: Brian Kuhnle

Cc: Russell Sloss, Wendell Brown, Catherine Riley, Jillian Jack, Brad Fraker,
EdRoy Adolphin

From: Mark Hedden

Date: June 27, 2022

Subject: Snapfinger AWTF Expansion Phase 2; Contract No. 972548
Settlement Agreement (PCOs #72G, #180B; RFP#0074)

Tetra Tech has no exception with the lump sum settlement agreement between the Owner and the Contractor in the amount of \$525,000.00 and will forward the agreement to the Owner for further processing.



June 22nd, 2022

AW 215091 – 1806

Brad Fraker
Tetra Tech
2110 Powers Ferry Road SE
Suite 202
Atlanta, GA 30339

Wendell H. Brown
Department of Watershed
Management, Dekalb County
1641 Roadhaven Drive
Stone Mountain, GA 30083

Catherine Riley
AECOM
1641 Roadhaven Drive
Stone Mountain, GA 30083

PROJECT: Snapfinger Advanced Wastewater Treatment Facilities Expansion Phase 2
(Snapfinger AWTF-Phase 2)

CONTRACT NO. 972548

SUBJECT: Disputed PCO Settlement Package – PCO#72G, PCO#180B, and RFP-0074

Dear Mr. Fraker, Ms. Riley, and Mr. Brown:

The following PCO and RFP packages have been subject to dispute and/or negotiations between Archer Western (AW) and Dekalb County:

- PCO#72G – Additional Concrete and Rock Disposal
 - o Originally submitted by Archer Western in November 2019
 - o Current PCO Value as submitted - \$423,659.94
- PCO#180B – Below Grade Waterproofing – Wet Areas (RFP-0049)
 - o Originally submitted by Archer Western in June 2017
 - o Current PCO Value as submitted - \$306,202.94
- RFP-0074 – Geotechnical Instruments Removal
 - o Owner issued credit RFP
 - o Archer Western's position is that the credit request is unfounded
 - o Owner's position that a credit of ~\$220,000.00 should be offered

In addition to numerous letters, memos, and emails between AW, the Construction Manager, and Dekalb County, the above listed PCOs and RFPs have been the topic of many meetings between the Owner and AW over the past five years. In good faith, AW and the Owner recently held additional negotiation meetings to resolve these disputed PCOs and RFPs. Per the latest meetings, the parties are still in disagreement regarding justification, but have agreed to resolve these disputed cost changes. Archer Western is willing to accept the following offer as tendered by the Owner:

The Lump Sum Settlement Agreement of \$525,000.00 for the following PCOs and RFPs:

- o PCO#72G – Additional Concrete and Rock Disposal
- o RFP-0049 – PCO#180B – Below grade Waterproofing – Wet Areas
- o RFP-0074 – Geotechnical Instruments Removal

The work scope included in this settlement agreement is already complete; therefore, Archer Western requests a fully executed change order to be issued by the Owner in a timely fashion. Archer Western reserves the right to submit a time extension request for your review and approval.



Please advise if you have any questions. Your help in this matter has been, and is much appreciated.

Sincerely,
ARCHER WESTERN CONSTRUCTION

A handwritten signature in blue ink, appearing to read 'Russell Sloss'.

Russell Sloss
Project Manager

CotoPerez, Angela

From: Brown, Wendell H. <whbrown@dekalbcountyga.gov>
Sent: Tuesday, June 21, 2022 10:06 AM
To: Sloss, Russell
Cc: Kuhnle, Brian; Riley, Catherine; CotoPerez, Angela; Hedden, Mark; Brown, Wendell H.
Subject: RE: PCO Package Settlement Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

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Russell,

The County agrees to the lump sum settlement of \$525,000 for the following PCO Settlement Package:

- PCO#72G – Additional Concrete at the CIP Wall
- RFP-0074 – Geotechnical Instruments; Owner requested Credit
- PCO#108B – Below Grade Waterproofing Wet Areas



This will be compensated under CO#15.

Thank you,

Wendell H. Brown

*Senior Construction Manager
DeKalb County Department of Watershed Management*

Snapfinger AWTF Expansion
4124 Flakes Mill Road
Decatur, Georgia 30034
whbrown@dekalbcountyga.gov

 470.440.3583 Ext. 113
 404.606.4293

DeKalbCountyGA.gov



From: Sloss, Russell <rsloss@walshgroup.com>
Sent: Monday, June 20, 2022 1:25 PM
To: Brown, Wendell H. <whbrown@dekalbcountyga.gov>
Cc: Kuhnle, Brian <bkuhnle@walshgroup.com>
Subject: RE: PCO Package Settlement Discussion

Wendell,

Wanted to touch base on the below correspondence confirming the lump sum settlement of \$525,000 for the three open disputed PCOs listed below. Once confirmed AW will issue a formal settlement letter to document the agreement. If you have any questions feel free to call either myself or Brian.

Thank you,

Russell Sloss
Snapfinger AWTF – Phase 2
Project Manager
Archer Western Contractors, LLC
Mobile: 678-523-3931

From: Sloss, Russell
Sent: Thursday, June 16, 2022 4:27 PM
To: 'Brown, Wendell H.' <whbrown@dekalbcountyga.gov>
Cc: Kuhnle, Brian <bkuhnle@walshgroup.com>
Subject: RE: PCO Package Settlement Discussion

Wendell,

Us (AW) trying to get to the \$550,000 number has muddled up the PCO Package Settlement discussions. To clear it up, we would propose to resort back to the settlement offer discussed during Wednesday's roundtable. AW will agree to the lump sum settlement of \$525,000 for the following PCO Settlement Package:

- PCO#72G – Additional Concrete at the CIP Wall
- RFP-0074 – Geotechnical Instruments; Owner requested Credit
- PCO#108B – Below Grade Waterproofing Wet Areas

The other PCOs that were attempted to be stuffed into this settlement will remain separate and subject to individual review and negotiation. We appreciate the cooperation of the County to work together to reach a settlement agreement that will closeout these three long outstanding open PCOs. Please confirm with either myself or Brian tomorrow and we will issue a formal settlement agreement and send to the rest of the Project Team.

Thank you,

Russell Sloss
Snapfinger AWTF – Phase 2
Project Manager
Archer Western Contractors, LLC
Mobile: 678-523-3931

From: Sloss, Russell
Sent: Thursday, June 16, 2022 10:47 AM
To: Brown, Wendell H. <whbrown@dekalbcountyga.gov>
Cc: Kuhnle, Brian <bkuhnle@walshgroup.com>
Subject: PCO Package Settlement Discussion

Wendell,

Quick re-cap on our conversation this morning regarding the proposed PCO settlement offer. Archer Western is proposing to settle the below listed change orders as a lump sum settlement agreement of \$550,000. Settlement package will include the following four items:

- PCO#072G – Additional Concrete at CIP Wall
- RFP-0074 – Geotechnical Instruments; Owner requested Credit
- PCO#180B – Below grade waterproofing wet areas
- PCO#376 – RFP-149 Future WAS Pump Openings (New item offered per this morning's discussion)

As discussed, we will wait to hear back from you by this afternoon concerning this proposed revised settlement offer. Once we come to agreement we will formalize the settlement and send it to the rest of the Project Team.

Thank you,

Russell Sloss
Snapfinger AWTF – Phase 2
Project Manager
Archer Western Contractors, LLC
Mobile: 678-523-3931