

COTTONWOOD HEIGHTS

RESOLUTION NO. 2014-29

A RESOLUTION APPROVING UDOT CONSULTANT SERVICES  
LOCAL GOVERNMENT CONTRACT MODIFICATION  
(BIG COTTONWOOD TRAIL-PHASE I)

**WHEREAS**, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) met on 10 June 2014 to consider, among other things, approving and ratifying a “UDOT Consultant Services Local Government Contract Modification” (the “*Agreement*”) with Utah Department of Transportation (“*UDOT*”) and Gilson Engineering, Inc. (“*Gilson*”) whereunder, among other things, the fees to be paid to Gilson through UDOT in connection with Phase I of the Big Cottonwood Trail (Project No. 5296213C) are increased by \$54,619.99 (to a new total of \$149,982.17) and the termination date of the underlying contract is extended to 31 August 2014, on the terms and conditions specified in the Agreement; and

**WHEREAS**, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto as an exhibit; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City’s entry into the Agreement as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of Cottonwood Heights that the attached Agreement is hereby approved and ratified, and that the City’s mayor and recorder are authorized and directed to execute and deliver the Agreement on behalf of the City.

This Resolution, assigned no. 2014-29, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 10<sup>th</sup> day of June 2014.

**COTTONWOOD HEIGHTS CITY COUNCIL**



ATTEST:

By   
Kelvyn H. Cullimore, Jr., Mayor

  
Kory Solorio, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 10<sup>th</sup> day of June 2014.

**RECORDED** this 11 day of June 2014.

620982.1



**COMPTROLLER'S COPY**  
**UDOT CONSULTANT SERVICES**  
**LOCAL GOVERNMENT CONTRACT MODIFICATION**

STATE OF UTAH  
 UTAH DEPARTMENT OF TRANSPORTATION  
 ENGINEERING SERVICES  
 2010-2013 LG POOL (DIRECT SELECT)  
 UNIT PRICE

EFFECTIVE DATE \_\_\_\_\_  
 TRACKING NO. \_\_\_\_\_  
 COOP NO. \_\_\_\_\_  
 CONTRACT NO. 13-8067  
 MOD NO. 1

**Consultant** Gilson Engineering, Inc  
**Project No.:** F-LC35(192)  
**PIN Description:** BIG COTTONWOOD TRAIL - PHASE I  
**Job/Proj. No.:** 5296213C  
**PIN No.:** 7718  
**Work Discipline:** Construction Engineering Management

This Modification is to be attached and made part of Contract No. 13-8067 between CITY OF COTTONWOOD HEIGHTS referred to as the LOCAL AUTHORITY, and Gilson Engineering, Inc, referred to as CONSULTANT, and as approved by the Utah Department of Transportation, referred to as DEPARTMENT.

It has been determined that contract modifications are required to complete the work specified by this Contract. The CONSULTANT agrees to the modifications as specified below.

**CONTRACT MODIFICATIONS**

- Exhibit A - The "Services Provided by the CONSULTANT" contained in "Attachment C" to the Contract is changed.
- Exhibit B - The fixed fee amount, overhead rate, or hourly wages in "Attachment D, Fees" of the Contract is revised.
- Exhibit B - The maximum disbursement from "Attachment D, Fees" to the Contract is increased by \$54,619.99 for a new total of \$149,982.17.
- Exhibit C - The termination date for the Contract is extended to August 31, 2014.
- Exhibit D - Insurance.
- Other:

The parties hereto agree to abide by all provisions of the original Contract as well as the provisions of this and any previous contract modifications.

IN WITNESS WHEREOF, they sign and cause this Contract Modification to be executed.

CONSULTANT - Gilson Engineering, Inc

UTAH DEPARTMENT OF TRANSPORTATION

By: [Signature]  
 Title: \_\_\_\_\_ Date: 5-29-14

By: [Signature]  
 Title: Engineer for Preconstruction Date: 5-28-14

LOCAL AUTHORITY - CITY OF COTTONWOOD HEIGHTS

DEPARTMENT Comptroller's Office

By: \_\_\_\_\_  
 Title: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Title: Contract Administrator Date: \_\_\_\_\_

**Contract No. 13-8067 Mod. No. 1**

**EXHIBIT A**

**Scope of Services**

The Scope of Services is expanded to allow for additional work as requested by John Montoya, Region 2, in the memorandum dated March 14, 2014 on Page 3 of this Exhibit.

For further details, see Pages 2 through 7 of this Exhibit.



# UDOT Consultant Services Contract Approval Memo

Memo Printed on: May 7, 2014 2:12 PM



PM Approval Date: May 14, 2014

UDOT PM: John Montoya

The Project Manager has reviewed and approved the contract/modification documents: Executive Summary, Work Plan, QC/QA Plan and Checklist, Staffing Plan, Work Schedule, and Cost Proposal.

## PROJECT INFORMATION

PIN: 7718  
 Project No.: F-LC35(192)  
 Job/Proj: 5296213C  
 PIN Description: BIG COTTONWOOD TRAIL - PHASE I

## CONTRACT INFORMATION

CS Admin: Michael R. Udot Butler  
 Contract No.: 13-8067 Construction Engineering Services  
 Mod No.: 1 Additional CEM Efforts  
 Expiration Date: August 31, 2014  
 Contract/Mod Amount: \$54,619.99  
 Fee Type: UNIT PRICE  
 Selection Method: POOL - GE / LG (DIRECT SELECT)  
 Period: 2010-2013 GE / LG  
 Phase: CONSTRUCTION ENGINEERING  
 Discipline: CONSTRUCTION ENGINEERING MANAGEMENT

## CONTACTS

### Consultant

GILSON ENGINEERING, INC  
  
 12401 SOUTH 450 EAST #C2  
 DRAPER, UT 84020

### Local Government

CITY OF COTTONWOOD HE  
 Mike Allen  
 1265 E. FORT UNION BLVD  
 COTTONWOOD HEIGHTS, U  
  
 (801) 944-7090  
 MALLEN@COTTONWOODH



Michael Butler <michaelbutler@utah.gov>

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**Local Government Approval (Gilson CE Mod) ~ Project No. F-LC35(192) / PIN 7718**

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**Mike Allen** <MAllen@cottonwoodheights.utah.gov>  
To: Michael Butler <michaelbutler@utah.gov>  
Cc: Troy Peterson <tlpeterson@utah.gov>

Tue, Mar 18, 2014 at 9:15 AM

Michael,

Cottonwood Heights is OK with this contract modification.

Thanks for your help!

Mike Allen

↳ limit?

**From:** Michael Butler [mailto:michaelbutler@utah.gov]

**Sent:** Tuesday, March 18, 2014 6:53 AM

**To:** Mike Allen

**Cc:** Troy Peterson

**Subject:** Fwd: Local Government Approval (Gilson CE Mod) ~ Project No. F-LC35(192) / PIN 7718

[Quoted text hidden]



Michael Butler <michaelbutler@utah.gov>

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**Local Government Approval (Gilson CE Mod) ~ Project No. F-LC35(192) / PIN 7718**

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Mike Allen <MAllen@cottonwoodheights.utah.gov>  
To: Michael Butler <michaelbutler@utah.gov>

Thu, Mar 20, 2014 at 8:52 AM

I'm sorry Michael I thought I had sent this already.

Cottonwood Heights understands the limit is \$150,000 for the life of the contract.

Mike Allen

Cottonwood Heights Public Works

**From:** Michael Butler [mailto:michaelbutler@utah.gov]

**Sent:** Thursday, March 20, 2014 7:02 AM

**To:** Mike Allen

**Subject:** Re: Local Government Approval (Gilson CE Mod) ~ Project No. F-LC35(192) / PIN 7718

[Quoted text hidden]

UDOT Executive Summary

Contract Number:	138067	Mod:	1		
Project Number:	F-LC35(192)	PIN:	7718	UDOT Project Manager:	Troy Peterson
PIN Description:	BIG COTTONWOOD TRAIL - PHASE I				

**Brief Description**

Hours estimated for the CEM have been exceeded. This change order is needed to account for additional time (i.e. additional construction days charged to the project). The original contract was based on 60 construction days, this has been exceeded by 74 days, resulting in additional costs for Gilson Engineering and GeoStrata.

**Project Team**

Gilson Engineering, Inc. will be the prime consultant for the project with GeoStrata as the sub-consultant.

More detailed descriptions of what each company will be doing for the change order will be listed under the Hours Derivations (Construction, Materials Testing, and Final Close-Out).

**Assumptions**

The Construction Engineering Management (CEM) Contract for this project was a unit price based on estimated hours for each task identified in the Contract. The Contract under the section titled "Assumptions" states:

"Project unknowns consist of total hours and schedule. Schedule and hours will be based on Contractor's decisions and schedule, along with reaction to project issues as necessary. The hours provided are only an estimate."

Hours estimated for the CEM have been exceeded. This change order is needed to account for additional time (i.e. additional construction days charged to the project).

**Phasing**

No phasing for this project.

**Fee Type**

The contract is a Unit Price. Due to undefined portions of hours and schedule, this is the best option to reduce risk to the Department, Gilson and Geostrata.

UDOT Work Plan

Contract Number:	138067	Mod:	1		
Project Number:	F-LC35(192)	PIN:	7718	UDOT Project Manager:	Troy Peterson
PIN Description:	BIG COTTONWOOD TRAIL - PHASE I				

**Activity: X003**

Due to various unforeseen conditions resulting in construction change order #1 (14 days) and change order #2 (17 days) 31 calendar days were added to the original contract which was originally 60 calendar days for construction. Change order #1 and #2 were approved and the construction contract time was amended to 91 days. Due to the referenced construction change orders, Contractor; scheduling, decisions, and delays, a total of 134 days have been charged to the contract (See UDOT Monthly Status of Contract Time - ProjectWise). Substantial completion was met on 24-JUN-13. This exceeds the original construction contract days by (134-60 = 74 days).

The additional days has required more hours from Gilson Engineering's resident engineer, project manager (field engineer) and office manager. Hours for coordination with the contractor, site visits, weekly progress meetings and additional documentation. Documentation including construction change orders for additional days, inspector daily reports, documentation related to the liquidated damages, correspondence and material testing.

**Activity: X004**

Contractors original schedule was extended more than twice the original contract days which required more work on our behalf.

**Activity: X005**

The Construction Engineering Management (CEM) Contract for this project was a unit price based on estimated hours for each task identified in the Contract. The Contract under the section titled "Assumptions"states:

"Project unknowns consist of total hours and schedule. Schedule and hours will be based on Contractor's decisions and schedule, along with reaction to project issues as necessary. The hours provided are only an estimate."

Hours estimated for the CEM have been exceeded. This contract modification is needed to account for additional time (i.e. additional construction days charged to the project resulting in additional hours for Gilson Engineering).

Final closeout requires more hours due to additional documentation, construction change orders and coordination.

Documentation including construction change orders for additional days, inspector daily reports, documentation related to the liquidated damages, correspondence and material testing.

### UDOT Staffing Plan

<b>Contract Number:</b> 13-8067	<b>Mod:</b> 1
<b>Project Number:</b> F-LC35(192)	<b>PIN:</b> 7718
<b>Project Location:</b> BIG COTTONWOOD TRAIL PHASE I	
<b>UDOT Project Manager:</b> Troy Peterson	

Employee Name	Contract Job Title	Education/Certification	License Number	Hours	Current Rate	Proposal Rate	Approval Date
GILSON, LARRY	RESIDENT ENGINEER	MS CIVIL ENGINEERING	UT-132501-2203	0	\$48.00	\$142.84	07/23/2012
GILSON, BRAD	RESIDENT ENGINEER	MASTERS	UT-362118-2203	61	\$41.64	\$123.91	NTP
MILLIGAN, JAMES	PROJECT MANAGER	BS CIVIL ENGINEERING	UT-4939908-2202	277	\$33.75	\$100.43	07/23/2012
GILSON, ANGIE	OFFICE MANAGER	MBA		105	\$29.60	\$88.09	07/23/2012
Total Hours for GILSON ENGINEERING, INC:				443			

**Contract No. 13-8067 Mod. No. 1**

**EXHIBIT B**

**Fees**

The maximum disbursement is increased from \$95,362.18 by \$54,619.99 for a new total of \$149,982.17 as negotiated and approved by John Montoya, Region 2, in the memorandum dated March 14, 2014 on Page 3 of Exhibit A.

For further details, see Pages 2 through 9 of this Exhibit.

<b>Contract/Modification</b>	<b>Amount</b>	<b>NTP Date</b>	<b>Notes</b>
Base Contract	\$95,362.18	7/23/2012	Construction Engineering Services
Modification No. 1	\$54,619.99	Pending	Additional CEM Efforts
Total	\$149,982.17		

## UDOT Cost Proposal

Contract Number:	13-8067	Mod:	1		
Project Number:	F-LC35(192)	PIN:	7718	UDOT Project Manager:	Troy Peterson
Project Location:	BIG COTTONWOOD TRAIL PHASE I				
Labor Costs					
Employee Name	Contract Job Title	Hours	Proposal Rate	Labor Cost	
GILSON, ANGIE	OFFICE MANAGER	105	\$88.09	\$9,249.45	
GILSON, BRAD	RESIDENT ENGINEER	61	\$123.91	\$7,558.51	
MILLIGAN, JAMES	PROJECT MANAGER	277	\$100.43	\$27,819.11	
		Total Hours:	443		
		Total Direct Labor:		\$44,627.07	
Sub Consultant Costs					
Firm Name					Sub Total Cost
GEOSTRATA ENGINEERING & GEOSCIENCES					\$9,992.92
Total Sub Consultant Costs:					\$9,992.92
Total Contract Cost:					\$54,619.99

### UDOT Hours Derivation

Contract Number:	13-8067	Mod:	1
Project Number:	F-LC35(192)	PIN:	7718
Project Location:	BIG COTTONWOOD TRAIL PHASE I		
UDOT Project Manager:	Troy Peterson		

Employee Name	X003	X004	X005	Total
GILSON, BRAD	51	0	10	61
MILLIGAN, JAMES	257	0	20	277
GILSON, ANGIE	79	1	25	105

### UDOT Hours Derivation

Contract Number:	13-8067	Mod:	1
Project Number:	F-LC35(192)	PIN:	7718
Project Location:	BIG COTTONWOOD TRAIL PHASE I		
		UDOT Project Manager:	Troy Peterson

	X003	X004	X005															Total
Activity Totals:	387	1	55															443
Transaction Activity	387	178	55															Total
Totals:																		620

# GEOSTRATA ENGINEERING & GEOSCIENCES

Sub to GILSON ENGINEERING, INC

## UDOT Work Plan

Contract Number:	138067	Mod:	1		
Project Number:	F-LC35(192)	PIN:	7718	UDOT Project Manager:	Troy Peterson
PIN Description:	BIG COTTONWOOD TRAIL - PHASE I				

### Activity: X004

Contractors original schedule was extended more than twice the original contract days which required more work on our behalf.

We as a company generally estimate materials testing and inspection costs by the contract duration and the quantities of material/areas to be constructed. The amount of time spent on the project performing testing and inspection is completely dependent on the contractors work schedule. We estimated testing and inspection time of 45 working days in accordance with the contractor's schedule. We understand that his work has extended greater than 80 days above and beyond the 45 day contract duration. Our additional time is based on the contractors inefficiencies in performing his work. There were numerous occasions when the contractor asked us to be on-site for testing and inspection, the contractor arrived at the job site.

In estimating laboratory testing costs, we use the contract quantities and divide the quantities by the required testing as defined under UDOT standards. This formula works well for contractors that are efficient in the work they perform. Inefficient contractors however will require additional testing above and beyond our original estimates. Further discussion of how inefficiencies impact our laboratory testing quantities is presented in the following paragraph.

If the contractor is to place 100 yards of concrete and places this concrete in a single pour, then in accordance with UDOT standards, 2 sets of concrete would be required. If however the contractor is inefficient and places the same amount of concrete in 5-20 yard pours, then 5 sets of cylinders would be required under the UDOT standards. It is our opinion that the laboratory testing overage we experienced on this project is due to this type of a scenario. Other causes for increased laboratory testing costs would be changing subsurface conditions or changes in material. If the material (soils) used for construction change frequently, then testing is required for each change. This increased testing would include gradation, atterberg limits and proctor.

UDOT Staffing Plan

Contract Number:	13-8067	Mod:	1
Project Number:	F-LC35(192)	PIN:	7718
Project Location:	BIG COTTONWOOD TRAIL PHASE I		
		UDOT Project Manager:	Troy Peterson

Employee Name	Contract Job Title	Education/Certification	License Number	Hours	Current Rate	Proposal Rate	Approval Date
ALBA, HIRAM	PROJECT MANAGER	BS	UT-175774	11	\$52.88	\$155.26	07/23/2012
CHRISTENSEN, MARK	ENGINEER	MS	UT-188039	0	\$41.39	\$121.53	07/23/2012
ALBA, JOEL	ENGINEERING INSPECTOR	TTQP		166	\$17.00	\$49.91	07/23/2012
FITZGERALD, KEN	SENIOR TECHNICIAN	TTQP		0	\$15.50	\$45.51	07/23/2012
CODY, MATT	SENIOR TECHNICIAN	TTQP		0	\$15.50	\$45.51	07/23/2012
ALBA, PATRICK	FIELD TECHNICIAN	TTQP		0	\$14.50	\$42.58	07/23/2012
Total Hours for GEOSTRATA ENGINEERING & GEOSCIENCES:				177			

Geo

600

GEOSTRATA ENGINEERING & GEOSCIENCES

Sub to GILSON ENGINEERING, INC

UDOT Cost Proposal

Contract Number:	13-8067	Mod:	1
Project Number:	F-LC35(192)	PIN:	7718
UDOT Project Manager:		Troy Peterson	
Project Location:	BIG COTTONWOOD TRAIL PHASE I		

Labor Costs				
Employee Name	Contract Job Title	Hours	Proposal Rate	Labor Cost
ALBA, HIRAM	PROJECT MANAGER	11	\$155.26	\$1,707.86
ALBA, JOEL	ENGINEERING INSPECTOR	166	\$49.91	\$8,285.06
Total Hours:		177		
Total Direct Labor:				\$9,992.92
Total Cost for GEOSTRATA ENGINEERING & GEOSCIENCES:				\$9,992.92

UDOT Hours Derivation

Contract Number:	13-8067	Mod:	1
Project Number:	F-LC35(192)	PIN:	7718
Project Location:	BIG COTTONWOOD TRAIL PHASE I		
	UDOT Project Manager:	Troy Peterson	

Employee Name	X004										Total
ALBA, HIRAM	11										11
ALBA, JOEL	166										166

600



**Contract No. 13-8067 Mod. No. 1**

**EXHIBIT C**

**Contract Date**

The contract completion date for the project is extended to August 31, 2014. The CONSULTANT is required to finish all work by the contract completion date. If additional time is required to complete this project, the CONSULTANT will be required to use the "Contract Time Extension Modification Form" located on the DEPARTMENT website.

For further details regarding the schedule, see Pages 2 through 4 of this Exhibit.







Contract No. 13-8067 Mod. No. 1

EXHIBIT D

Insurance

As stated in the Contract Attachment B Standard Terms and Conditions, services to be provided by the CONSULTANT under this contract are required to be covered by insurance. The CONSULTANT'S insurer must be authorized to do business in Utah and must meet the specified A.M. Best rating or better at the time this contract is executed. Insurance shall be maintained in force until all activities which are required by this contract or as changed by contract modification are completed and accepted by the DEPARTMENT.

Insurance	Waived	Expiration Date	Insurance Carrier	Policy Number	Each Occurrence Limit	General Aggregate Limit	Additional Endorsement
AUTOMOBILE LIABILITY	N	6/30/2014	TRAVELERS INDEMNITY CO	BA9B043413	\$1,000,000	\$0	N
EXCESS/UMBRELLA LIABILITY	N	6/30/2014	TRAVELERS INDEMNITY CO	CUP9B044298	\$1,000,000	\$1,000,000	N
GENERAL LIABILITY	N	6/30/2014	TRAVLERS INDEMNITY CO	6809B040644	\$1,000,000	\$2,000,000	Y
PROFESSIONAL LIABILITY	N	10/8/2014	HUDSON INSURANCE COMPANY	AEE72682-01	\$1,000,000	\$2,000,000	N
WORKERS COMPENSATION	N	6/30/2014	TRAVELERS INDEMNITY CO	UB3920T07A	\$1,000,000	\$0	N