

CITY OF FOSTER CITY

CONTRACT CHANGE ORDER NO. THIRY ONE (31)

DATE: March 6, 2023

CHARGE ACCOUNT: 301-0910-657-4251

PROJECT NAME: FOSTER CITY LEVEE IMPROVEMENTS PROJECT (CIP 301-657)

TO: SHIMMICK CONSTRUCTION, Contractor. 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 of your agreement dated July 20, 2020. All new work herein shall be done in accordance with the applicable provisions of the plans and specifications, except as specifically modified by this contract change order.

CHANGE REQUESTED BY: Shimmick Construction and the City of Foster City

ORIGINAL CONTRACT AMOUNT	\$ 60,218,000.00
NET CHANGES BY PREVIOUSLY AUTHORIZED CHANGE ORDERS	\$ 8,780,635.29
CONTRACT AMOUNT PRIOR TO CCO NO. 31	\$ 68,998,635.29
CHANGES AUTHORIZED BY CCO NO. 31	\$3,193,635.92
REVISED CONTRACT AMOUNT	\$ 72,192,271.21

Description of work to be done and prices to be paid are listed below.

- Acceleration Milestones and dates are identified in this Change Order for the phased reopening of portions of the Project. Acceleration Milestones are identified on the attached Levee Improvements Project – UPD 26 – DEC22, Attachment 1.
- Definition of phased reopening is the safe opening of the trail in phases to the public as beneficial occupancy and shall not be tied to the completion of all punch list items for the phase. “Successful achievement” means the area subject to this acceleration milestone: (a) is opened to the general public, or (b) may be safely opened for use by the general public despite the existence of unfinished punch list work.
- The Contractor shall and does hereby warrant and guaranty that all Work executed under this Contract will be free from defects of materials and workmanship for a period of one (1) year from the date of final acceptance of the project by the City, except certain specific items of Work, materials and equipment requiring a

guaranty or warranty for a greater period of time as hereinafter specified. In the event, however, that portions of the Work are sufficiently complete to allow use or occupancy by the City in the manner and for the purposes intended prior to final completion and acceptance of the Project, the guaranty or warranty period will commence on the successful achievement of the applicable Acceleration Milestone below.

This Change Order provides for the costs associated with acceleration to meet the identified Acceleration Milestone dates on Attachment 1 as follows:

- Payment of \$257,939.71 upon execution of this Change Order.
 - Phased payment in the not-to-exceed amount of \$924,728.41 upon satisfactory completion and achievement of individual acceleration milestones below.
1. Bird Nesting Area (Sta. 343+00 to Sta 202+20)
Acceleration Milestone: March 27, 2023
Terms: Payment of \$369,891.36 upon successful achievement of the Bird Nesting Area Acceleration Milestone date, or a daily deduction of \$1,700.00 from the above amount for each day of delay beyond the Bird Nesting Acceleration Milestone. This daily deduction is applied only if the delay is caused solely by the Contractor or its subcontractors or suppliers. Should Contractor successfully achieve the Bird Nesting Area Acceleration Milestone date of March 27, 2023 without delay, the City will release 20% of withheld retention to the Contractor.
 2. Beach Park Blvd. Area (Sta. 202+20 to Sta 100+00)
Acceleration Milestone: May 31, 2023
Terms: Payment of \$277,418.52 upon successful achievement of Beach Park Blvd. Acceleration Milestone, or a daily deduction of \$1,500.00 from the above amount for each day of delay beyond the Beach Park Blvd. Acceleration Milestone. This daily deduction is applied only if the delay is caused solely by the Contractor or its subcontractors or suppliers. Should Contractor successfully achieve the Beach Park Blvd. Area Acceleration Milestone date of May 31, 2023 without delay, the City will release 15% of withheld retention to the Contractor.
 3. North of San Mateo Bridge Area (Sta. 100+00 to Sta 0+00)
Acceleration Milestone: July 31, 2023
Payment of \$277,418.52 upon successful achievement of North of San Mateo Bridge Acceleration Milestone, or a daily deduction of \$1,500.00 from the above amount for each day of delay beyond the North of San Mateo Bridge Acceleration Milestone. This daily deduction is applied only if the delay is caused solely by the Contractor or its subcontractors or suppliers. Should Contractor successfully achieve the North of San Mateo

Bridge Area Acceleration Milestone date of July 31, 2023 without delay, the City will release 15% of withheld retention to the Contractor.

The parties will negotiate and amend the definitions and relevant Contract Specifications to conform to this Change Order. Nothing in this Change Order affects SECTION 00 52 00, Article 3, Liquidated Damages for Delay in Completion of the Work, which remains in full force and effect.

- This Change Order settles disputed Contractor claims for, among other things, asserted past inefficiencies and related cost impacts on the Project. Although these claims are disputed by the City, in settlement and compromise of these asserted claims, Contractor will be paid \$1,109,375.54 in settlement of its asserted claims, and in consideration for payment Contractor hereby waives and releases all claims for inefficiencies and/or lost productivity on the Project through February 1, 2023, arising out of or relating to Contract Change Order Nos. 18, 22, and 26.
- This Change Order settles forty one (41) outstanding non-formalized contract change orders identified on Attachment 2 in the negotiated amount of \$901,592.26. In consideration for this payment, Contractor hereby waives and releases all claims for costs or impacts arising out of or related in any way to those items identified on Attachment 2.

Contractor is directed to:

- Perform the Work in accordance with above-identified and Attachment 1 Acceleration Milestones to meet the milestone deadlines therein.
- Provide a revised Critical Path Method (CPM) schedule including the Acceleration Milestones shown on Attachment 1 into the next monthly schedule update submittal for review.

1. Finance Changes Authorized by Contract Change Order:

BID ITEM #	DESCRIPTION	BILLING AUTHORIZED	CALENDAR DAYS
COR 31	Acceleration, Inefficiencies and CCOs	\$3,193,635.92	0

2. Time Changes Authorized by Contract Change Order: None

NET AMOUNT OF CHANGES **\$3,193,635.92**

REVISED CONTRACT AMOUNT **\$72,192,271.21**

By reason of these changes, **zero (0) calendar days** extension of time will be allowed. The Contract completion date remains unchanged by this CCO.

BY: _____
BENJAMIN STOCK, CITY ATTORNEY

ATTACHMENTS:

1. Levee Improvements Project – UPD 26 – DEC22
2. Negotiated CORs List – March 2, 2023

Activity ID	Activity Name	Original Duration	Remaining Duration	Start	Finish	Total Float	2023												2024											
							Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul					
LEVEE IMPROVEMENT PROJECT - UPD 26 - DEC22																														
MILESTONES																														
CONTRACTUAL COMPLETION MILESTONES																														
CIP.GEN.FA.1110	WEATHER ALLOWANCE (OCT20 to SEP23)	24	24	22-May-23	23-Jun-23	0	■ WEATHER ALLOWANCE (OCT20 to SEP23)																							
CIP.MS.7000	FOSTER CITY FLOOD PROTECTION IMPROVEMENTS COMPLETE	0	0		23-Jun-23*	1	◆ FOSTER CITY FLOOD PROTECTION IMPROVEMENTS COMPLETE,																							
CIP.GEN.FA.1100	PUNCHLIST / DEMOBILIZATION	66	66	26-Jun-23	29-Sep-23	0	■ PUNCHLIST / DEMOBILIZATION																							
CIP.MS.8000	SUBSTANTIAL COMPLETION	0	0		02-Oct-23*	0	◆ SUBSTANTIAL COMPLETION,																							
CIP.MS.8010	PLANT ESTABLISHMENT PERIOD	101	101	02-Oct-23	10-Jan-24	0	■ PLANT ESTABLISHMENT PERIOD																							
CIP.GEN.FA.1120	PROJECT FLOAT	0	0	02-Oct-23	02-Oct-23	0	■ PROJECT FLOAT																							
CIP.MS.9000	FINAL CONTRACT COMPLETION	0	0		10-Jan-24*	0	◆ FINAL CONTRACT COMPLETION,																							

LEVEE IMPROVEMENT PROJECT - UPD 25 - NOV22 - ACCELERATION																														
MILESTONES																														
CONTRACTUAL COMPLETION MILESTONES																														
ACCELERATION MILESTONES																														
BIRD NESTING AREA																														
CIP.GEN.IMS.PL1	PUNCHLIST BIRD NESTING RESTRICTION COMPLETION	38	38	18-Feb-23	27-Mar-23*	0	■ PUNCHLIST BIRD NESTING RESTRICTION COMPLETION																							
CIP.GEN.IMS.A1	BIRD NESTING RESTRICTION COMPLETION (3/27/23)	0	0		27-Mar-23*	0	◆ BIRD NESTING RESTRICTION COMPLETION (3/27/23)																							
CIP.MS.PMP-100	PLANT MAINTENANCE PERIOD - NON-MITIGATION AREA 1 - BIRD NESTING	120	120	28-Mar-23	25-Jul-23	371	■ PLANT MAINTENANCE PERIOD - NON-MITIGATION AREA 1 - B																							
CIP.MS.PMP-110	PLANT MAINTENANCE PERIOD - MITIGATION AREA 1 - BIRD NESTING	365	365	28-Mar-23	26-Mar-24	126	■ PLANT MAINTENANCE PERIOD - MITIGATION AREA 1 - BIRD NESTING																							
BEACH PARK BLVD																														
CIP.GEN.IMS.PL2	PUNCHLIST BEACH PARK BLVD COMPLETION	30	30	02-May-23	31-May-23	0	■ PUNCHLIST BEACH PARK BLVD COMPLETION																							
CIP.GEN.IMS.A2	BEACH PARK BLVD COMPLETION (5/31/23)	0	0		31-May-23*	0	◆ BEACH PARK BLVD COMPLETION (5/31/23)																							
CIP.MS.PMP-200	PLANT MAINTENANCE PERIOD - NON-MITIGATION AREA 2 - BEACH PARK BLVD	120	120	01-Jun-23	28-Sep-23	306	■ PLANT MAINTENANCE PERIOD - NON-MITIGATION																							
CIP.MS.PMP-210	PLANT MAINTENANCE PERIOD - MITIGATION AREA 2 - BEACH PARK BLVD	365	365	01-Jun-23	30-May-24	61	■ PLANT MAINTENANCE PERIOD - MITIGATION AREA 2 - BEACH PARK BLVD																							
NORTH OF SAN MATEO BRIDGE																														
CIP.GEN.IMS.PL3	PUNCHLIST NORTH OF SAN MATEO BRIDGE COMPLETION	31	31	01-Jul-23	31-Jul-23	0	■ PUNCHLIST NORTH OF SAN MATEO BRIDGE COMPLETION																							
CIP.GEN.IMS.A3	NORTH OF SAN MATEO BRIDGE COMPLETION (7/31/23)	0	0		31-Jul-23*	0	◆ NORTH OF SAN MATEO BRIDGE COMPLETION (7/31/23)																							
CIP.MS.PMP-300	PLANT MAINTENANCE PERIOD - NON-MITIGATION AREA 2 - NORTH OF SAN MATEO BRIDGE	120	120	01-Aug-23	28-Nov-23	245	■ PLANT MAINTENANCE PERIOD - NON-																							
CIP.MS.PMP-310	PLANT MAINTENANCE PERIOD - MITIGATION AREA 2 - NORTH OF SAN MATEO BRIDGE	365	365	01-Aug-23	30-Jul-24	0	■ PLANT MAINTENANCE PERIOD - MITIGATION AREA 2 - NORTH OF SAN MATEO BRIDGE																							

■ Remaining Level of Effort ■ Remaining Work
■ Actual Level of Effort ■ Critical Remaining Work
■ Actual Work ◆ Milestone

FOSTER CITY LEVEE
SHIMMICK CONSTRUCTION
UPDATE 26 - DEC22 - ACCELERATED BIRD NESTING SCHEDULE MILESTONES



ATTACHMENT 2

Negotiated CORs List – March 2, 2023	
No	Description
1	Request for Information (RFI) #57: AP17 & AP18 Backfill - Picnic Table & Bench Demo
2	Request for Information (RFI) #73: Retaining Wall 05 CDF fill on vault, AB work on over-excavated section and sanitary sewer manhole removal
3	Differing Site Condition (DSC): Subgrade Remediation/Stabilization at AP14, AP15 and adjacent retaining walls
4	Request for Quotation (RFQ) 034: Retaining Walls Trench Drain Outlets Design
5	Differing Site Condition (DSC): Subgrade Remediation/Stabilization at AP19, AP20, AP22, Retaining Walls 01 and 02
6	Potholing work to explore existing irrigation lines at Caltrans Right of Way
7	Additional trench drain requirements along Retaining Walls 09, 10, 41, 42, 16 and 44.
8	Potholing work on 54" Sanitary Force Main adjacent to Station 96+00
9	Differing Site Condition (DSC): Existing layer of asphalt and concrete culvert removal at Floodwall 02
10	Additional crew mobilization and demobilization time to support City's work adjacent to RW37
11	Concrete cap expansion joint Trial Repair
12	Differing Site Condition (DSC): Existing manhole and pipe removal adjacent to Station 73+75 (RW02)
13	Differing Site Condition (DSC): Sheet Pile Obstruction at North of San Mateo Bridge
14	Additional support work for solar tower lights and maintenance along Beach Park Blvd
15	Potholing work to explore Comcast Fiber Optic line
16	Request for Information (RFI) #283 - Rework on Bench Platform Walls
17	Differing Site Condition (DSC): Subgrade Remediation/Stabilization at AP16
18	Differing Site Condition (DSC): Subgrade Remediation/Stabilization at AP25
19	Differing Site Condition (DSC): Irrigation line adjustments at AP26
20	Request for Information (RFI) #320: Additional expansion board requirements along trench drains
21	Request for COVID-19 sick pay reimbursements for craft personnel
22	Differing Site Condition (DSC): Utility conduit removal at AP24
23	Request for Information (RFI) #341: Conform Detail at Bridge A-40
24	Request for Information (RFI) #325: AP23 Ramps changes
25	Differing Site Condition (DSC): PG&E Gas Line abandonment work
26	Differing Site Condition (DSC): Capping of existing irrigation line and electrical conduit abandonment work at AP37
27	Rework at Access Points (FW20/21) and AP31
28	Fine grading rework along ~Station 272 to ~Station 306.
29	Belmont Slough (Egress Bridge) sheet pile cut off wall installation
30	Extra precast mold tool (Submittal #03 45 00-0 Revision 0: GFRC Precast Mockup #1 and #2)
31	Request for Quotation (RFQ) 044: Design Changes around Caltrans Right of Way
32	Field Orders No. 001, 002, 003, 005, 006 related to irrigation adjustments and exploration work
33	Request for Information (RFI) #221: FW 11/FW 25 Differing Site Conditions
34	Excavation for AP flatwork thickened edges

ATTACHMENT 2

35	Pilaster Modifications per RFI Nos. 113, 117, & 292
36	Tree Care, HOA Plant Watering, Arborist Report Credit
37	Rubble/Cobble Removal, Sifting, Offhaul
38	Sea Cloud Park Staging Area Restoration
39	Request for Quotation (RFQ) 047: Deletion of Streetlight Foundation Retaining Walls and Adjustment of Pole Base Heights
40	Request for Quotation (RFQ) 055: Deletion of PG&E Over-Wall Access-Handrail and Ladder (RFI#354)
41	Request for Quotation (RFQ) 057: AP Conform Changes
Total Negotiated Change Order Settlement Amount	
	\$901,592.26