

2016-1354 Contract Time Extension Summary:

Section 01 14 00, on page 9 of the Volume I of contract 2016-1354 (see below) clarifies the time for completion based on each milestone. Each milestone is based on construction zones and/or items to be complete. The time for completion for each milestone should have been based on separate Notices to proceed.

SECTION 01 14 00	
TIME FOR COMPLETION, LIQUIDATED DAMAGES, CONTRACTOR'S LICENSE	
PART 1 - GENERAL	
1.1 SECTION INCLUDES	
A.	Overall Time for Completion.
B.	Liquidated Damages and Classification of.
C.	Contractor's License.
1.2 OVERALL TIME FOR COMPLETION AND LIQUIDATED DAMAGES	
A.	This Section describes the Contract Time for the overall completion of the entire Work and this section describes the Contract Time for the overall completion of the entire Project and Intermediate milestones and their associated liquidated Damages.
B.	<u>The Contractor shall achieve substantial Completion of Work in Construction Zones 8, 9, 10, 11, 12, 13 and 14 under the Contract referred to as Milestone No. 1 in 334 calendar day following the date specified in the Notice-to-Proceed Part 1. This work includes the following improvements:</u>
1.	<u>Signs</u>
2.	<u>Pavement excluding final lift of RHMA-G</u>
3.	<u>Sidewalks, Curb Ramps, and Driveways</u>
4.	<u>Drainage</u>
5.	<u>Concrete work for station platforms</u>
6.	<u>Station platform power supplies</u>
7.	<u>Traffic signals</u>
8.	<u>Temporary signal timing</u>

The District and the Contractor revised this section through **Change Order 87** below

<p><u>Adjustment of Contract Time</u></p> <p>In accordance with Section 00 72 00 Part 8.01 of the Contract General Conditions, the Contract Completion Date is extended from May 31, 2018 to January 31, 2019 which is an extension of 245 Calendar Days.</p> <p><u>Revised Contract Provisions</u></p> <p>General Condition Section 01 14 00 Part 1.2, "OVERALL TIME FOR COMPLETION AND LIQUIDATED DAMAGES" is amended to read as follows:</p> <p>A. This Section describes the Contract Time for the overall completion of the entire work and this section describes the Contract Time for the overall completion of the entire Project and Intermediate milestones and their associated liquidated Damages.</p> <p>B. Contractor shall complete the entire work in all Construction Zones under this Contract by the approved contract completion date with consideration granted for any approved non-working days after April 4, 2017, and any other approved Contract Change Orders adjusting the time of completion.</p> <p>Failure to complete the project work within the contract time allotted will result in the assessment of Liquidated Damages in the amount of \$8,000 per calendar day until the work is completed to the satisfaction of the Engineer.</p> <p>C. Division 1, Section 01 55 26, Part 3.11 for Liquidated Damages associated with Traffic Control.</p>

Change Order 107 modified the zones and allowed the Contractor to work concurrently in each zone:

1.5 SEQUENCE OF THE WORK

- As a minimum requirement, the Contractor shall begin construction of the project as part of Milestone No. 1, which including Phase 1 (construction zones 8, 10, and 12 and 14), and then Phase 2 (construction zones 9, 11, and 13).
- As part of Milestone No. 2 of construction, the contractor is to construct Phase 3 (construction zones 2, 5, and 7), and then Phase 4 (construction zones 1, 3, 4, and 6).
- The Contractor must complete Milestone No. 3 the final pavement overlay, communication systems, signal testing, installation of structural and architectural components, installation of artistic enhancement components, and permanent striping for all zones.

- As part of Milestone No. 4 of construction, the contractor is to complete the construction zone 15 (Allowance Bid Item 433 - San Leandro Transit Center), which includes all work on San Leandro Blvd and San Leandro BART Station.
- As part of Milestone 5 of construction, the contractor is to complete the construction zone 16 (Allowance Item 434 - Northern Layover), which includes all work at the northern layover.
- As part of Milestone No. 6, the contractor shall complete within all construction zones the landscaping all documentation for Contract Closeout. The landscaping cannot start until Milestones No. 1 and 2 have been completed.
- Milestones No. 1, 2, 3, 4, and 5 may be constructed concurrently.
- Construction zone limits may be modified, per written request and an approved implementation plan, submitted by the Contractor for approval by the District. No adjacent zones can be constructed concurrently, except as noted:
- Zones 3 and 4 are exempt from the adjacent zone restriction because they are on different streets.
- Zones 8, 9, 10, 11, 12, 13, 14, 15 and 16 are also exempt from the adjacent zone restriction because permits and work plans have already been defined, referenced, and issued within specific zone limits in Segment A.
- Communications, systems, signal and lighting work is exempt from adjacent zone restrictions, subject to an approved implementation plan with permits issued/modified, to be submitted by the Contractor for approval by the District.
- Work will be considered for approval with permits issued/modified in consecutive zones per written request and an approved implementation plan, submitted by the Contractor for approval by the District.

Amendment 1- Increased the period of performance by 56 days (Original 668+ 245 days from CCO 05 + 48 days from TIAs 1-3)

*“The new period of performance of this contract will be from **August 1, 2016 through March 18, 2019.**”*

Contractor shall complete the entire Work under this Contract in **961** calendar days beginning with the date specified in the Notice-to-Proceed. This includes satisfactory completion of all landscaping including hardscape, inspections, tests, documentation, as-built drawings, punchlist, final clean-up and full demobilization. This will be referred to as Milestone No. 3. Failure to complete by this number of days will result in the assessment of Liquidated Damages in the amount of \$8,000 per calendar day until the Work is completed. If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the District in the amount of \$8,000 for each calendar day of delay until the work is completed or accepted to the satisfaction of the BRT Engineer.

Amendment 2- Increase the period of performance by 253 days (Original 668+ 245 days+ 56+253 through TIAs 4 & 5 modified)

*“The new period of performance of this contract will be from **August 1, 2016 through December 6, 2019.**”*

Contractor shall complete the entire Work under this Contract in **1222** calendar days beginning with the date specified in the Notice-to-Proceed. This includes satisfactory completion of all landscaping including hardscape, inspections, tests, documentation, as-built drawings, punchlist, final clean-up and full demobilization. This will be referred to as Milestone No. 6. Failure to complete by this number of days will result in the assessment of Liquidated Damages in the amount of \$8,000 per calendar day until the Work is completed. If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the District in the amount of \$8,000 for each calendar day of delay until the work is completed or accepted to the satisfaction of the BRT Engineer.

Amendment 3 (Draft)

- 1) Clarify contract term for administrative purposes
- 2) Revised milestones to clarify the items required for Readiness for Service
- 3) Link Milestones with completion dates based on NTP for the Liquidated Damages
 - Milestone 3 (Final overlay, Artistic Enhancements...) – NTP2 issued **8/1/2016**? 1222 days to complete – LD \$8,000/day
 - Milestone 4 (SL Transit Center (Zone 15)) – NTP4 issued on **4/1/2019** 630 days to complete– LD \$13,000/day Excluding the Operator Restroom.
 - Milestone 5 (Northern Layover) – NTP issued? 90 calendar days to complete — LD \$13,000/day
 - Milestone 6 (Landscaping, Final Inspection. Including the Operator restroom at San Leandro) – NTP2 issued **8/1/2016** 1222 days to complete – LD \$8,000/day.

Any construction area that is open for 5 days without any construction activity, due to an unforeseen condition at the subject area which prevents completion of the work, shall be backfilled the following day with suitable material to restore pedestrian circulation. This work will be paid in accordance with General Conditions, Section 007200, Part 6.01 Changes, “Extra Work.”

The AC Transit East Bay Bus Rapid Transit project is divided into 16 construction zones. The construction zones are as follows:

- Construction Zone 1 – Broadway (between 20th and 11th Streets)
- Construction Zone 2 – 12th Street (between Broadway and Lake Merritt Blvd.) and 11th Street (between Broadway and Lake Merritt Blvd.)
- Construction Zone 3 – E. 12th Street (between Lake Merritt Blvd. and 14th Avenue)
- Construction Zone 4 – International Blvd. (between Lake Merritt Blvd. and 14th Avenue)
- Construction Zone 5 – 14th Avenue (between 12th and 15th Avenues) and International Blvd. (between 15th and 23rd Avenues)
- Construction Zone 6 – International Blvd. (between 23rd and 32nd Avenues)
- Construction Zone 7 – International Blvd. (between 32nd and 41st Avenues)
- Construction Zone 8 – International Blvd. (between 41st and 52nd Avenues)
- Construction Zone 9 – International Blvd. (between 52nd and 62nd Avenues)
- Construction Zone 10 – International Blvd. (between 62nd and 71st Avenues)
- Construction Zone 11 – International Blvd. (between 71st and 82nd Avenues)
- Construction Zone 12 – International Blvd. (between 82nd and 94th Avenues)
- Construction Zone 13 – International Blvd. (between 94th Avenue and Durant Blvd.)
- Construction Zone 14 – E. 14th St. (between Durant Blvd and Davis Street) and Davis St (between E. 14th Street and San Leandro Blvd)
- Construction Zone 15 – BRT Station improvement inside San Leandro Transit Center at San Leandro BART Station (on San Leandro Blvd between Davis St and W. Juana Ave) (Allowance Bid Item 433)
- Construction Zone 16 – Northern Layover - curbside along Grand Ave. between Castro St and 21st St. (Allowance Bid Item 434)