


**CITY OF MARYSVILLE AGENDA BILL**  
**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: July 27<sup>th</sup>, 2020**

<b>AGENDA ITEM:</b>	
Amendment No. 1 – 2020 Biosolids Removal and Reuse Project	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b> 
Karen Latimer, Utility Manager	
<b>DEPARTMENT:</b>	
Public Works - Wastewater	
<b>ATTACHMENTS:</b>	
Amendment No. 1, Change Order No. 2	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
402305594.563000, S2001	\$10,101,157.60
<b>SUMMARY:</b>	

On April 13, 2020, City Council authorized the Mayor to sign and execute the 2020 Biosolids Removal and Reuse project contract with American Process Group, Inc. (APG) in the amount of \$8,397,697.00 and approved a management reserve of \$419,884.85 for a total allocation of \$8,817,581.85.

The approved project included onsite dredging, screening, and dewatering of 15,100 dry tons of biosolids from the City’s wastewater treatment plant (WWTP) lagoons (Ponds 7, 8, 9, and 10), along with the hauling and land application of the dewatered and screened biosolids at a Washington State Department of Ecology (DOE) permitted Beneficial Use Facility. Estimation of the 15,100 dry tons of biosolids was based on combined data collected by a professional licensed surveyor during an on-water survey and grab samples and laboratory analysis of total suspended solids performed by WWTP personnel.

Biosolids removal work performed by APG to date revealed a greater concentration of biosolids than originally estimated. As of July 20, 2020, APG has removed 10,589 tons, or 70%, of the total estimated 15,100 dry tons of biosolids while completing a portion of the scheduled work in Ponds 7 and 8. There are about 3 days of work remaining in Pond 7 and 16 days of work remaining in Pond 8; this work will generate an additional estimated 990 and 4,800 dry tons respectively. Scheduled work in Ponds 9 and 10 will be amended to focus on limited areas of higher concentration biosolids, yielding an additional estimated 1,435 dry tons. Total combined actual and estimated biosolids removal for the entire project is 17,814 dry tons; this quantity is 18% greater than the approved biosolids quantity.

The proposed change order will allow an additional 2,714 dry tons of biosolids to be removed from the WWTP lagoons. This will allow Ponds 7 and 8, which provide a majority of the treatment process, to have all biosolids removed. Ponds 9 and 10 will have high concentration areas of biosolids removed, allowing them to retain sufficient end treatment performance.

By approving this change order while APG is still mobilized on site, the City will avoid paying significant additional mobilization/demobilization costs that would be incurred if the proposed work was bid at a later date.

Original Contract	\$8,397,697.00
Change Order No. 1	\$256,545.78
<u>First Amendment/Change Order No. 2</u>	<u>\$1,446,914.82</u>
Revised Total Allocation:	\$10,101,157.60

**RECOMMENDED ACTION:**

Staff recommends that Council authorize the Mayor to sign and execute Amendment No. 1 with American Process Group, Inc. increasing the total contract amount to \$10,101,157.60.

**RECOMMENDED MOTION:**

I move to authorize the Mayor to sign and execute Amendment No. 1 with American Process Group, Inc. increasing the total contract amount to \$10,101,157.60.

**FIRST AMENDMENT TO  
PUBLIC WORKS CONTRACT BETWEEN  
CITY OF MARYSVILLE  
AND AMERICAN PROCESS GROUP**

**THIS FIRST AMENDMENT** (“First Amendment”) is made and entered into as of the date of the last signature below, by and between the City of Marysville, a Washington State municipal corporation (“City”) and American Process Group, a corporation organized under the laws of the State of Washington, located and doing business at 946 Boulder Blvd, Stony Plain, AB T7Z OE6, (“Contractor”).

WHEREAS, the parties hereto have previously entered into a public works contract for biosolids removal (the “Original Agreement”), this Original Agreement being dated April 30, 2020; and

WHEREAS, the parties executed Change Order No. 1 for additional work of \$256,545.78, that was within the management reserve; and

WHEREAS, both parties desire to amend the Original Agreement, by expanding the Scope of Services to provide for additional work as described in the change order attached as Exhibit A-1 and to provide compensation therefore;

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein or attached and incorporated, and made a part hereof, the parties hereto agree as follows:

1. Exhibit A, as referenced and incorporated in Section I of the Original Agreement, “SCOPE OF SERVICES”, is supplemented by Exhibit A-1, attached hereto and by this reference made part of this First Amendment, and a part of the Original Agreement.

2. Section II of the Original Agreement, “COMPENSATION”, is amended to include the additional Contractor fee of \$1,446,914.82 and shall read as follows: “The lump sum/total itemized amount of the Contract is Ten Million One Hundred One Thousand One Hundred Fifty-Seven Dollars and sixty cents (\$10,101,157.60) excluding Washington State Sales Tax.”

The total compensation payable to the Contractor is summarized as follows:

Original Agreement	\$8,397,697.00
Change Order No. 1	\$256,545.78
First Amendment	\$1,446,914.82
Grand Total	\$10,101,157.60

3. Each and every provision of the Original Public Works Contract dated April 30, 2020, shall remain in full force and effect, except as modified herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF MARYSVILLE

By \_\_\_\_\_  
Jon Nehring, Mayor

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AMERICAN PROCESS GROUP

By \_\_\_\_\_  
John Prince  
Its: President

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
\_\_\_\_\_, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Jon Walker, City Attorney

**CONTRACT CHANGE ORDER  
No. 2**

Date: July 21<sup>st</sup>, 2020

Project: 2020 Biosolids Removal and Reuse Project

Job No.: \_\_\_\_\_

Job Location: Marysville, WA

Owner: City of Marysville

To: (Contractor) American Process Group, Inc.

cc: (Surety) The Guarantee Company of North America USA

YOU ARE HEREBY INSTRUCTED TO:

- Make changes in plans and specifications as noted below
- Perform extra work as noted below
- Perform extra work per attachments.

- Execute work as noted below
- Delete work as noted below
- Restore areas as noted below

DESCRIPTION AND/OR SKETCH	QTY	UNIT	UNIT PRICE	TOTAL
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*You are ordered to perform the following described work upon receipt of an approved copy of the change order:*

- C. The approved project included onsite dredging, screening, and dewatering of 15,100 dry tons of biosolids from the City’s wastewater treatment plant (WWTP) lagoons (Ponds 7, 8, 9, and 10), along with the hauling and land application of the dewatered and screened biosolids at a Washington State Department of Ecology (DOE) permitted Beneficial Use Facility. Estimation of the 15,100 dry tons of biosolids was based on combined data collected by a professional licensed surveyor during an on-water survey and grab samples and laboratory analysis of total suspended solids performed by WWTP personnel.

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The proposed change order will allow an additional 2,714 dry tons of biosolids to be removed from the WWTP lagoons. This will allow Ponds 7 and 8, which provide a majority of the treatment process, to have all biosolids removed. Ponds 9 and 10 will have high concentration areas of biosolids removed, allowing them to retain sufficient end treatment performance.

Description	Unit Price	Unit Measure	Quantity	Change Amount
<b>Schedule A Changes</b>				
C. Additional Biosolids Removal and Reuse	\$533.13	DRY TONS	2,714	\$1,446,914.82
Schedule A Subtotal				\$1,446,914.82
<b>Total</b>				<b>\$1,446,914.82</b>

Approved by Council:   **N/A**    
 (Date)

Presented to Council:   **N/A**    
 (Date)

All work, materials, and measurement to be in accordance with the provisions of the Standard Specifications and Special Provisions for the type of construction involved.

ORIGINAL CONTRACT AMOUNT (INCL. TAX) <u>\$8,397,697.00</u>	CONTRACT TOTAL AFTER CHANGE <u>\$10,101,157.60</u>	PERCENT CHANGE THIS ORDER <u>17.2%</u>	TOTAL PERCENT CHANGE <u>20.3%</u>
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CONTRACT COMPLETION TIME:

Same                           increase 10 working days

RECOMMENDED FOR APPROVAL BY:         *Alan Bui*         DATE: 7/22/2020  
 (Project Engineer)

APPROVAL BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (City Engineer)

APPROVAL BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (Public Works Director)

APPROVAL BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (Finance Director)

ENDORSED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (Contractor's Signature)