

1999-4943

INTRODUCED BY: CHRIS A. TREGRE
PARISH PRESIDENT

EMERGENCY ORDINANCE NO. 99-10-1

An Emergency Ordinance to approve Change Order No 1 to the Lakewood Drive Drainage Improvements project to decrease the contract amount by \$725,870.70 and to increase the contract time by 113 calendar days and to authorize the Parish President to seek proposals to complete the project.

WHEREAS, the St. Charles Parish Council adopted Ordinance No 98-9-10 on September 21, 1998 approving a contract with J Calderera & Company, Inc for the construction of the Lakewood Drive Drainage Improvements project; and,

WHEREAS, the Parish issued a default termination to Calderera on September 17, 1999 effective September 24, 1999 which was extended to October 1, 1999 by the Parish; and,

WHEREAS, the Parish and Calderera have agreed to settle their dispute which requires the approval of a change order to decrease the contract amount by \$725,870 70 and to increase the contract time by 113 calendar days

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That a Public Emergency is hereby declared for the Lakewood Drive Drainage Improvements Project.

SECTION II. That Change Order No 1 to the above referenced contract to decrease the contract amount by \$725,870 70 and to increase the contract time by 113 calendar days is hereby approved.

SECTION III. That the Parish President is hereby authorized to execute said Change Order No.1 on behalf of St. Charles Parish

SECTION IV. That the Parish President is hereby authorized to prepare plans and specifications and secure sealed proposals, on an emergency basis, from contractors to complete the unfinished portion of said project.

SECTION V. That the Parish Council shall review said proposals and contract by emergency ordinance to complete said work

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows.

YEAS: MINNICH, CHAMPAGNE, AUTHEMENT, JOHNSON, DUHE, SIRMON
NAYS: ALEXANDER, ABADIE
ABSENT: RAMCHANDRAN

And the ordinance was declared adopted this 4th day of October, 1999, to become effective five (5) days after publication in the Official Journal.

E: C Lakewood Drive Drainage Improvements Change Order No 1

CHAIRMAN [Signature]
SECRETARY [Signature]
DLVD/PARISH PRESIDENT Oct 5, 1999
APPROVED [Signature] DISAPPROVED _____
PARISH PRESIDENT Chris A Tregre
RETD/SECRETARY Oct 7, 1999
AT 8:45AM RECD BY [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 2-8-01
AS ENTRY NO. 250954
IN MORTGAGE/CONVEYANCE BOOK
NO. 779 FOLIO 456

470 CANAL STREET
 NEW ORLEANS, La 70119

CONTRACTOR J. Calderera & Company, Inc
 ADDRESS 201 Woodland Drive
 La Place, LA 70068
 GENTLEMEN
 UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
 OWNER, FOR Lakewood Drive Drainage Improvements

DATE 9/30/99
 JOB NO. 9610-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
 Drainage Improvements

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO.				
ITEM NO	DESCRIPTION	QUANTITY	U/M	AMOUNT
1	Bid Item No. 2 - 72" Pipe Install Class D Backfill - Decrease contract quantity from 45LF to OLF	(45.00)	LF	(\$11250.00)
2	Bid Item No. 3 - 64" BRCP/Install/ Class D Backfill - Decrease Contract quantity from 1500 LF to 213.33 LF (56 LF actually laid and 157.33 LF represents "stockpiled" material on site of 29 pieces 8 ft long on 232 LF (\$23,599.50)	(1286.67)	LF	(\$193000.50)

AND ADD TO THE CONTRACT, THE SUM OF _____ TOTAL _____
 DEDUCT FROM _____
 Seven hundred twenty five thousand eight hundred seventy and 70/100 - _____ DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION **New completion date, 11/30/99**

AMOUNT OF ORIGINAL CONTRACT	_____	BURK-KLEINPETER, INC. ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS BY _____ ACCEPTED St. Charles Parish OWNER BY _____ ACCEPTED CONTRACTOR J. Calderera & Company, Inc. BY _____
TOTAL ADDITIONS	_____	
TOTAL DEDUCTIONS #1	_____	
TOTAL CONTRACT TO-DATE	_____	

BURK-KLEINPETER, INC.
4176 CANAL STREET
NEW ORLEANS, LA 70119

CONTRACTOR J Calderera & Company, Inc.
 ADDRESS 201 Woodland Drive
 La Place, LA 70068

DATE 9/30/99
 JOB NO. 9610-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
 Drainage Improvements

GENTLEMEN:
 UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
 OWNER, FOR Lakewood Drive Drainage Improvements

ITEM NO.	WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO: DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
3	Bid Item No. 4 - 40" x 65" RCAP/ Class D. Backfill - Decrease contract quantity from 200 LF to 0 LF	(200.00)	LF	\$165.00	(\$33000.00)
4	Bid Item No. 5 - 36" x 53" RCAP/Class D Backfill - Decrease contract quantity from 440 LF to 0 LF	(440.00)	LF	\$155.00	(\$68200.00)
5	Bid Item No. 6 - 31" x 51" RCAP/Class D Backfill - Decrease contract quantity from 620 LF to 0 LF	(620.00)	LF	\$135.00	(\$83700.00)

AND ADD TO THE CONTRACT, THE SUM OF TOTAL _____
 DEDUCT FROM _____
Seven hundred twenty five thousand eight hundred seventy & 70/100 DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF **113** CALENDER DAYS FOR COMPLETION **new completion date 11/30/99**

AMOUNT OF ORIGINAL CONTRACT	_____	BURK-KLEINPETER, INC. ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS BY _____ ACCEPTED OWNER BY _____ ACCEPTED CONTRACTOR BY _____
TOTAL ADDITIONS	_____	
TOTAL DEDUCTIONS	_____	
TOTAL CONTRACT TO-DATE	_____	

CONTRACTOR J Calderera & Company, Inc
ADDRESS 201 Woodland Drive
La Place, LA 70068

DATE 9/30/99
JOB NO. 9610-10
CHANGE ORDER NO. 1
AMOUNT \$725,870.70
PROJECT Lakewood Drive
Drainage Improvements

GENTLEMEN:
UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
OWNER, FOR Lakewood Drive Drainage Improvements

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO:

ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
6	Bid - Item No 7 - 27" x 44" RCAP/Class D Backfill - Decrease contract quantity from 300 LF to 0 LF	(300.00)	LF	\$110.00	(\$33000.00)
7	Bid Item No. 8 - 23" x 36" RCAP/Class D Backfill - Decrease contract quantity from 345 LF to 0 LF	(345.00)	LF	\$85.00	(\$29325.00)
8	Bid Item No. 9 - 24" RCP/Class D Backfill - Decrease contract quantity from 190 LF to 0 LF	190 00	LF	\$55.00	(\$10450.00)

AND ADD TO THE CONTRACT, THE SUM OF _____ TOTAL _____
 DEDUCT FROM _____
Seven hundred twenty five thousand eight hundred seventy and 70/100. _____ DOLLARS \$ (_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION New completion date 11/30/99

AMOUNT OF ORIGINAL CONTRACT _____
TOTAL ADDITIONS _____
TOTAL DEDUCTIONS _____
TOTAL CONTRACT TO-DATE _____

BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
BY _____
ACCEPTED OWNER
BY _____
ACCEPTED CONTRACTOR
BY _____

CONTRACTOR J. Calderera & Company, Inc.
 ADDRESS 201 Woodland Drive
 LaPlace, LA 70068

DATE 9/30/99
 JOB NO 9610-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
 Drainage Improvements

GENTLEMEN:
 UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
 , OWNER, FOR

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO:					
ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
9	Bid Item No 10 - 18" RCP/Class D Backfill - Decrease contract quantity from 105 LF to 0 LF	(105.00)	LF	\$50.00	(\$5250.00)
10	Bid Item No 11 - Concrete Backfill - Decrease contract from 20 CY to 0 CY	(20.00)	CY	\$125.00	(\$2500.00)
11	Bid Item No. 12 - Tie - in 12" - 24" Lateral Drains - Decrease contract quantity from 14 EA to 0 EA	(14.00)	EA	\$1200.00	(\$16800.00)

AND ADD TO THE CONTRACT, THE SUM OF TOTAL _____
 DEDUCT FROM _____
 Seven hundred twenty five thousand eight hundred seventy and 70/100 DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION **New completion date - 11/30/9**

		BURK-KLEINPETER, INC. ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
		BY _____
AMOUNT OF ORIGINAL CONTRACT	_____	ACCEPTED OWNER
TOTAL ADDITIONS	_____	BY _____
TOTAL DEDUCTIONS	_____	ACCEPTED CONTRACTOR
TOTAL CONTRACT TO-DATE	_____	BY _____

BURK-KLEINPETER, INC.
 4176 CANAL STREET
 NEW ORLEANS, La 70119

DATE 9/30/99
 CONTRACTOR J Calderera & Company, Inc
 ADDRESS 201 Woodland Drive
LAPlace, LA 70068
 JOB NO. 9610-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
Drainage Improvements
 GENTLEMEN,
 UNDER YOUR CONTRACT DATED December 23,, 19 99, WITH St. Charles Parish
, OWNER, FOR Lakewood Drive Drainage Improvements

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO.

ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
12	Bid Item No. 13 - Removal of existing C.B. Decrease contract quantity from 11 EA to 1 each	(10.00)	EA	\$800.00	(\$6000.00)
13	Bid Item No. 14 - Foundation stabilizaion - Decrease contract quantity from CY to 5.83 CY	(44.17)	CY	\$60.00	(\$2650.20)
14	Bid Item No. 15 - New C.B for 54" - Decrease contract quantity from 7 EA to 0 EA	(7.00)	EA	\$3000.00	(\$21000.00)

AND ADD TO THE CONTRACT, THE SUM OF _____ TOTAL _____
 DEDUCT FROM _____
 Seven hundred twenty five thousand eight hundred seventy and 70/100 _____ DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION.

AMOUNT OF ORIGINAL CONTRACT	_____	BURK-KLEINPETER, INC. ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
TOTAL ADDITIONS	_____	BY _____ ACCEPTED OWNER
TOTAL DEDUCTIONS	_____	BY _____ ACCEPTED CONTRACTOR
TOTAL CONTRACT TO-DATE	_____	BY _____

4176 CANAL STREET
NEW ORLEANS, La 70119

CONTRACTOR J. Calderara & Company, Inc

DATE 9/30/99

ADDRESS 201 Woodland Drive
LaPlace, LA 70068

JOB NO 9610-10

CHANGE ORDER NO. 1

AMOUNT \$725,870.70

PROJECT Lakewood Drive
Drainage Improvements

GENTLEMEN:
UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
_____, OWNER, FOR _____

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO:					
ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
15	Bid - Item No. 16 - New C.B. for 40" x 65" RCAP - Decrease contract quantity from 2 EA to 0 EA	(2.00)	EA	\$3000 00	(\$6000.00)
16	Bid - Item No. 17 - New C.B. for 36" x 58" RCAP - Decrease contract quantity from 1 EA to 0 EA	(1.00)	EA	\$3800 00	(\$3800.00)
17	Bid - Item No. 18 - New C.B. for 31" x 51" RCAP - Decrease contract quantity from 2 EA to 0 EA	(2.00)	EA	\$2800.00	(\$5600 00)

AND ADD TO THE CONTRACT, THE SUM OF _____ TOTAL _____
 DEDUCT FROM _____

Seven hundred twenty five thousand eight hundred seventy 5 70/100 DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION. New completion date - 11/30/99

AMOUNT OF ORIGINAL CONTRACT _____
TOTAL ADDITIONS _____
TOTAL DEDUCTIONS _____
TOTAL CONTRACT TO-DATE _____

BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
BY _____
ACCEPTED OWNER
BY _____
ACCEPTED CONTRACTOR
BY _____

4176 CANAL STREET
NEW ORLEANS, LA 70119

CONTRACTOR J. Calderera & Company, Inc.
 ADDRESS 201 Woodland Drive
 LaPlace, LA 70068

DATE 9/30/99
 JOB NO. 9610-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
 Drainage Improvements

GENTLEMEN:
 UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
 , OWNER, FOR Lakewood Drive Drainage Improvements

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO:

ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
18	Bid - Item No. 19 - New C.B. for 24" x 44" RCAP - Decrease contract quantity from 1 EA to 0 EA	(1.00)	EA	\$2300.00	(\$2300.00)
19	Bid - Item No. 20 - New C.B. for 23" x 36" RCAP - Decrease contract quantity from 2 EA to 0 EA	(1.00)	EA	\$2300.00	(\$2300.00)
20	Bid - Item No. 21 - New C.B. for 24" RCP - Decrease contract quantity from 1 EA to 0 EA	(1.00)	EA	\$1000.00	(\$1000.00)

AND ADD TO THE CONTRACT, THE SUM OF _____
 DEDUCT FROM TOTAL _____
 Seven hundred twenty five thousand eight hundred seventy & 70/100 DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION. New completion date - 11/30/99

AMOUNT OF ORIGINAL CONTRACT	_____	BURK-KLEINPETER, INC. ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
TOTAL ADDITIONS	_____	BY _____
TOTAL DEDUCTIONS	_____	ACCEPTED OWNER
TOTAL CONTRACT TO-DATE	_____	BY _____
		ACCEPTED CONTRACTOR
		BY _____

4176 CANAL STREET
NEW ORLEANS, La 70119

CONTRACTOR J. Calderera & Company, Inc.

ADDRESS 201 Woodland Drive
LaPlace, LA 70068

GENTLEMEN:
UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St Charles Parish

DATE 9/30/99

JOB NO. 9610-10

CHANGE ORDER NO. 1

AMOUNT \$725,870.70

PROJECT Lakewood Drive
Drainage Improvements

OWNER, FOR _____

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO.

ITEM NO	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
21	Bid - Item No. 22 - New C.B. for 18" RCP. Decrease contract quantity from 1 EA to 0 EA	(1.00)	EA	\$1000.00	(\$1000.00)
22	Bid - Item No. 23 - Reroute existing sewer service. Decrease contract quantity from 1 LS to 0 LS	(1.00)	LS	\$6000.00	(\$6000.00)
23	Bid - Item No. 24 - Junction Box - Decrease contract quantity from 1 LS to 0 LS	(1.00)	LS	\$6000.00	(\$6000.00)

AND ADD TO THE CONTRACT, THE SUM OF _____ TOTAL _____
 DEDUCT FROM _____

Seven hundred twenty five thousand eight hundred seventy & 70/100 DOLLARS \$(_____)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION. New completion date - 11/30/99

AMOUNT OF ORIGINAL CONTRACT _____

TOTAL ADDITIONS _____

TOTAL DEDUCTIONS _____

TOTAL CONTRACT TO-DATE _____

BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS

BY _____

ACCEPTED OWNER _____

BY _____

ACCEPTED CONTRACTOR _____

BY _____

CONTRACTOR J. Calderera & Company, Inc.
 ADDRESS 201 Woodland Drive
 LaPlace, LA 70068

DATE 9/30/99
 JOB NO 9810-10
 CHANGE ORDER NO. 1
 AMOUNT \$725,870.70
 PROJECT Lakewood Drive
 Drainage Improvements

GENTLEMEN:
 UNDER YOUR CONTRACT DATED December 23, 19 99, WITH St. Charles Parish
 OWNER, FOR Lakewood Drive Drainage Improvements

WE ARE AUTHORIZED BY THE OWNER TO HEREBY DIRECT YOU TO:

ITEM NO.	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT
24	Bid - Item No. 25 - PCCP Drainage - Decrease contract quantity from 4600 SY to 0 SY	(4600.00)	SY	\$65.00	(\$299000.00)
25	Bid Item No. 26 - Concrete curb - Decrease contract quantity from 3900 LF to 0 LF	(3900.00)	LF	\$8.60	(\$33160.00)
26	Payment for materials to be turned over to owner - Concrete pipe - \$188,000.00 less 29,295.00 paid under Bid Item No. 3.0 Precast concrete structures -				158,705.00

AND ADD TO THE CONTRACT, THE SUM OF TOTAL _____
 DEDUCT FROM _____
 Seven hundred twenty five thousand eight hundred seventy and 70/100 DOLLARS \$ (725,870.70)

THERE WILL BE AN EXTENSION OF 113 CALENDER DAYS FOR COMPLETION. new completion date 11/30/99

AMOUNT OF ORIGINAL CONTRACT	\$ 1,926,635.00
TOTAL ADDITIONS	
TOTAL DEDUCTIONS	725,870.70
TOTAL CONTRACT TO-DATE	1,200,764.30

BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS

BY *Michael J. Jackson*
 ACCEPTED OWNER

BY St. Charles Parish *Albert J. Lopez*
 ACCEPTED CONTRACTOR J. Calderera & Co., Inc.
 (Subject to terms of Settlement Agreement dated 10/19/00)

BY *[Signature]*

SETTLEMENT AGREEMENT OUTLINE

WHEREAS, the Parish of St. Charles ("Parish") and J. Calderera & Co., Inc. ("Caldarera") entered into a contract dated December 23, 1998 ("Contract") to construct certain Lakewood Drive Drainage Improvements;

WHEREAS, the Parish issued a default termination to Calderera on September 17, 1999, to be effective September 24, 1999, which effective date was extended to October 1, 1999, by the Parish; and

WHEREAS, Calderera contests the sufficiency of the Parish's default termination;

AFTER a settlement meeting between representatives of the Parish and Calderera was held on September 27, 1999, the Parish and Calderera agreed to settle their dispute as follows:

1. The Parish does hereby rescind the termination for default which shall be considered null and void.
2. Parish and Calderera agree that a Change Order to the Contract will be issued reducing the scope of the Contract work by deleting, effective September 24, 1999, those portions of Item A, Subsurface Drainage Improvements along Lakewood Drive, from the Contract not performed through September 17, 1999.
3. Calderera is to ~~finish~~ *achieve substantial completion of* Item B Contract work, DW4 and DW4.A Pump Stations, by November 30, 1999, and the Change Order will provide for an extension of Contract time through that date which date shall not be considered dispositive of any issue related to Calderera's delay claim.
4. Calderera will waive any claim for, and the Contract price will be reduced by, the Contract amount included for those portions of Item A work not performed through September 17,

1999, including all overhead and profit associated with the deleted work except that the Parish agrees to pay Caldarera the unpaid mobilization line item in the Contract in the amount of Eighty-two thousand four hundred eighty-five and no/100ths (\$82,485.00) dollars.

5. Caldarera does not waive, and may maintain its damage claim for, delay related damages incurred to date associated with the failure of the Contract documents to reflect the fact and location of utility conflicts ^{and alleged unconstructibility of designs;} this reservation shall become a part of the Change Order contemplated by Paragraph 2 herein.

6. In addition to Item B work performed by Caldarera, the Parish will reimburse Caldarera's costs for any Contract materials ordered, received and turned over to the Parish for Item A work.

7. Caldarera and its sub-contractors shall have no tort liability for deleted work not performed.

8. Caldarera shall waive any non-contract claims ^{to date} against the Parish and its representatives, including BKI and CH2M Hill, regarding the Project, including but not limited to the issuance of the termination ^{of} for default.

9. Caldarera shall have no warranty obligations or liability for the deleted work.

10. Caldarera's surety, National Union Fire Insurance Co. of Pittsburgh, is released from all obligations to Parish for the deleted work.

11. Caldarera's ^{and Weststar's} performance or alleged failure to perform the Contract to ^{delete work is} not and shall not be urged as a basis for disqualification of ^{or from} future Parish work, but Caldarera shall not bid and shall not contest the Parish's bid process or award of the Item A work deleted from the Contract.

12. Within forty-five (45) days Caldarera and the Parish including its representatives, BKI and CH2M Hill, agree to commence good faith mediation of Caldarera's delay claim and any dispute arising out of this settlement before resort is had to litigation.

Chris A. Ryan
Parish of St. Charles

9/27/99
Date

J. Caldarera
J. Caldarera & Co., Inc.

9/27/99
Date