

151369
AW

Robert Willis,
Phase I

AFK

Layne-Western Company, Inc.

A Marley Company

LAYNE WESTERN CO., INC.

P.O. Box 336/Dover Street at 24th Street/Moses Lake, Washington 98837/Phone: 509/762-5308

February 2, 1981

EXHIBIT "A"

Mr. Robert F. Willis
CITY OF PORTLAND
Bureau of Water Works
1800 S.W. Sixth Avenue
Portland, OR 97201

Subject: East Well Field - Phase I

Dear Mr. Willis

With this letter, I request we be granted a time extension on the subject contract, extending the completion date from September 30, 1980 to March 1, 1981, for a total of 151 days. The City acknowledged the necessity of this time extension on Change Order Number 1, of purchase order Number 6365, and approved October 21, 1980, and is the basis of this request.

Change Order Number 1 created work that would require more time to perform than the work specified for the original contract. The additional work changed the design of the well from a naturally developed well construction to a gravel packed well construction, creating a need for additional time to construct, specifically as follows:

Item 1. Larger casings were required, than the casing on hand to construct the original well, requiring three weeks (21 days) delivery.

Item 2. Screen and gravel pack materials could not be ordered until the change was official, preventing the order placement until late October. The material was ordered immediately, with manufacture and delivery requiring 20 days.

Item 3. The gravel pack material was ordered, based on selection and specification of the gravel size and supplier by the City, with no input by us. Packaging and shipment of this material required 15 days. The material shipped by the supplier did not conform to the City's specifications, requiring 21 days of sampling and testing to fully establish the gradation discrepancy. Other sources were investigated by both City personnel, and us, without success, requiring an additional 5 days. The material supplier, in an effort to alleviate the problem, furnished a sieve screen for us to sift the sand to meet the requirements established. The construction of a machine to sift with, and the sifting procedure required an additional 21 days.



Layne-Western Company, Inc. A Marley Company

P.O. Box 336/Dover Street at 24th Street/Moses Lake, Washington 98837/Phone: 509/762-5308

February 2, 1981

Mr. Robert F. Willis (Cont.)
CITY OF PORTLAND

Subject: East Well Field - Phase I

Item 4. Installing the screen and gravel pack required an additional 5 days over the installation of the screen in a naturally developed well.

Item 5. The sifting of the gravel pack was performed using makeshift equipment, as no sand supplier in the Portland area could assist, and only eliminated a portion of the fine sized gravel. Installation of this gravel in the well created a necessity for abnormally long development time to remove the fine sized gravel from the area around the outside of the screen. This took 28 days to complete.

Item 6. Additional pump testing of the well, at the request of the City, will add 10 days.

Item 7. Clean up and moving out will take 26 days.

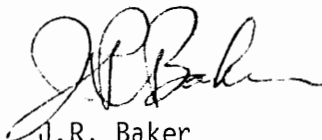
We feel the above clearly indicates the change in well design created the necessity of additional time to complete.

Please review this, and approve the change in the contract time, in order that we may have sufficient time to complete the project.

Should you have any questions, please advise us.

Sincerely,

LAYNE-WESTERN CO., INC.



J.R. Baker
District Manager

JRB:kmb



EXHIBIT "B"

A C C E P T A N C E

The undersigned, by and through its duly authorized representatives, hereby acknowledge that they have read the terms and conditions of Ordinance No. **151369** an Ordinance providing for continuation of progress payments during such interim period of time as may be necessary to complete the construction of the East Well Field Production Wells, Phase I - Contract 17890 and do hereby agree each for the other, that such amendment to the contract will not be used or construed to have waived any rights or constitute a defense to any claim or right of either the City or the undersigned and provided further that the execution of this acceptance does not constitute an admission by the undersigned of any statement or allegation contained in said ordinance.

Layne-Western Company, Inc.

By *J. Baker*
DISTRICT MANAGER (Title)

Seaboard Surety Co. - Bond

Jessie Post
Atty-in-Fact

APPROVED AS TO FORM

Christopher P. Thomas
CITY ATTORNEY

APPROVED AS TO FORM

City Attorney

151269 *AW*
Prod. Willis,
Phase I

Layne-Western Company, Inc.

A Marley Company

P.O. Box 336/Dover Street at 24th Street/Moses Lake, Washington 98837/Phone: 509/762-5308

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February 2, 1981

Mr. Robert F. Willis (Cont.)
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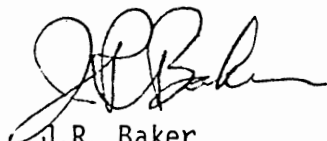
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LAYNE-WESTERN CO., INC.



J.R. Baker
District Manager

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Layne-Western Company, Inc.

By _____

(Title)

APPROVED AS TO FORM

City Attorney

Seaboard Surety Co. - Bond

An Ordinance authorizing an extension of time on a contract with Layne-Western Co., Inc., to construct and test production wells for the Bureau of Water Works, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Water Works has entered into Contract No 17890 with Layne-Western Co., Inc., to construct and test pump production wells.
2. The work detailed in the specifications was to be performed within 270 days of written "NOTICE TO PROCEED", which was issued August 20, 1979. Ordinance No. 150331 extended the completion date to September 30, 1980.
3. Two change orders were issued by the Bureau of Water Works that substantially increased the amount of time necessary to complete the work. Change Order No 1 changed the well design on Well No. 6, while Change Order No. 2 provided for a two-week long pump test of Well No. 6 and re-developing of City Well No's 1, 2, and 4.
4. Layne-Western Co., Inc., has requested that the completion date under Contract No. 17890 be extended because of an increase in the work and delays caused by circumstances beyond their control, which are listed in the attached letter dated February 2, 1981, and by this reference made a part hereof as Exhibit "A".
5. Section 108.06 DELAYS AND EXTENSIONS of the Standard Construction Specifications of the City of Portland permits the contract time to be extended for delays in the performance of the work due to causes beyond the control of the Contractor.
6. The Chief Engineer of the Water Bureau has determined that 129 days of work are allowable under Section 108.06 of the Standard Construction Specifications. An additional 129 days will extend the contract to February 6, 1981. On February 6, 1981, the work in the original contract had been substantially completed, and the contractor continued to do work for Change Order No 2. To

ORDINANCE NO.

continue progress payments beyond February 6, 1981, the Chief Engineer of the Water Bureau recommends that authorization of progress payments beyond the specified completion date of construction take the form of an ordinance with provisions for acceptance by the contractor and the surety.

NOW, THEREFORE, the Council directs:

- a. Contract No. 17890 with Layne-Western Co., Inc., is hereby extended 129 days to February 6, 1981.
- b. The progress payments may continue to be made to the Contractor subsequent to February 6, 1981, said date being the extended contract completion date, and further providing that the payments that are made subsequent to February 6, 1981, will not be held to have waived any rights that the City has, or may have, under the contract to declare the Contractor in default and to insist upon liquidated damages, and that the fact that said payments are authorized and/or made shall not be used by Contractor or Surety as a defense to any action or suit at law that City or Contractor or Surety may hereafter institute in a court of law or equity involving the contract between the parties.
- c. The Bureau of Water Works, with the approval of the Commissioner in Charge, is hereby authorized to continue progress payments to the Contractor if in their combined discretion such payments should continue.
- d. The Mayor and Auditor hereby are authorized to draw and deliver warrants for progress payments to Layne-Western Co., Inc., in such amounts as are requested by and approved by the Chief Engineer of the Bureau of Water Works and the Commissioner in charge.
- e. This Ordinance shall have no force and effect until the acceptance by Layne-Western Co., Inc., and its surety has been filed with the Auditor of the City, in the form of acceptance to be substantially in accordance with the terms and conditions of the form of acceptance which is attached to the original only hereof, marked Exhibit "B", and by reference made part hereof.

ORDINANCE No.

Section 2. The Council declares that an emergency exists because further progress payments are necessary to insure that payment is made for labor and material expended by Layne-Western Co., Inc., and to enable it to meet its commitments to its suppliers and sub-contractors under the contract; therefore, this Ordinance shall, subject to acceptance as set forth in Item 6 of Section 14 hereinabove, be in force and effect from and after its passage by the Council.

Passed by the Council, APR 8 1981

Mayor Francis J. Ivancie
W.F. Hoffstetter:ct
BUC No. 18600374

Attest:



George J. Feinich
Auditor of the City of Portland

Calendar No. 1093

ORDINANCE No. 151369

Title

An Ordinance authorizing an extension of time on a contract with Layne-Western Co., Inc., to construct and test production wells for the Bureau of Water Works, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	/	
Lindberg	/	
Schwab	/	
<i>Ivancie</i>	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed APR 3 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *James M. Howell*
Deputy

INTRODUCED BY
MAYOR FRANCIS J. IVANCIE

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>FJ Ivancie</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
WATER WORKS
Prepared By: _____ Date: _____
W.F. Hoffstetter:ct
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>Carl Goebel</i>
Carl Goebel, Administrator

CALENDAR
Consent _____ Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer