



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCES HEADQUARTERS KANSAS
ADJUTANT GENERAL'S DEPARTMENT
DIRECTOR OF FACILITIES ENGINEERING
2800 SOUTHWEST TOPEKA BOULEVARD
TOPEKA, KS 66611-1287

03 December 2012

Joint Committee On State Building Construction
Topeka, KS 66611-1287

Dear Committee:

The Kansas Army National Guard (KSARNG) would like to submit change order #2 for approval in the amount of \$409,885.00 on state project number 011259, Wichita Field Maintenance Shop (FMS). This project is funded 100% by federal funds issued to the State of Kansas from the National Guard Bureau. This change order is the result of two unfortunate incidents that happened concurrently. The KSARNG is constructing two on one site; the Wichita FMS and the Wichita Readiness Center (RC). The RC and the FMS share the same site. The RC general contractor, Straub Construction, has all of the site work on the two building site to include the FMS building pad. The FMS building contract belongs to Law Company. The following paragraphs are a brief explanation of the two issues and associated timeline.

Straub Construction began construction in October of 2011 and soon after encountered ground contamination. As a result Law Company's Notice to Proceed was delayed until January 2012, and included a mobilization date of April 19, 2012. In March of 2012 non-compactable fill dirt was encountered at the site of the FMS building pad after the soil contamination was cleaned up. The non-compactable dirt needed to be removed and replaced by compactable fill which resulted in delaying Law Company's start date of April 19, 2012 until the dirt work could be completed.

The National Guard Bureau (NGB) informed the KSARNG that the authorized square foot (SF) allotment for the FMS exceeded the SF allotment approved by Congress. The KSARNG issued a stop work notice to Law Company in May of 2012 as a result of this notification. Horst, Terrill, and Karst Architects, the architecture firm of record, were issued additional design funds and instructions for design work associated with this change. A request for proposal was sent to Law Company in July of 2012. A change order request for funding was sent by the KSARNG to NGB in October 2012. NGB and the KSARNG have reviewed all of the documentation and are prepared accept these costs.

The intent of NGB and the KSARNG is to have a change order issued to Law Company No Later Than December 15, 2012 in order to defer any additional delay costs. Thank you for your time and consideration in this matter.

Sincerely,

Eric D. Blankenship - Frank Burman
Lieutenant Colonel, KSARNG
Construction & Facilities
Management Officer

Joint Committee on State Building Construction
December 6, 2012
Attachment 5

JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

Change Order to Construction Contract

30 November 2012

STATE AGENCY: Adjutant General's Department
ACTION REQUESTED: Approval of Change Order for Construction
CHANGE ORDER NO. One

	CURRENT CONTRACT	PROPOSED CONTRACT
PROJECT NAME:	Wichita Readiness Center Field Maintenance Shop	Same
PROJECT NO.:	A-011259	Same
PROJECT LOCATION:	Wichita, Kansas	Same
CONTRACTOR:	The Law Company, Inc. Wichita, Kansas	Same
DESCRIPTION OF CHANGE:	Due to a SF discrepancy between The National Guard Bureau and the U.S. Congress, approximately 2,600 SF was required to be removed from the Field Maintenance Shop building design. There is cost credit returned by the contractor.	
CONTRACT COST:	Before C.O.#1 = \$11,368,800 After C.O.#1 = \$11,317,918.00	C.O.#1 = (- \$50,882.00)
TIME:	Orig. Completion = Aug. 18, 2013 Completion After C.O.#1 = Aug. 18, 2013	C.O.#1 = 0 days
JUSTIFICATION:	The Kansas Army National Guard was ordered by the National Guard Bureau (NGB) to remove the access SF because it was not authorized by Congress. This was a result of human error between NGB and Congress.	
COMMITTEE COMMENTS/RESPONSE:		

JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

Change Order to Construction Contract

30 November 2012

STATE AGENCY: Adjutant General's Department
ACTION REQUESTED: Approval of Change Order for Construction
CHANGE ORDER NO. Two

	CURRENT CONTRACT	PROPOSED CONTRACT
PROJECT NAME:	Wichita Readiness Center Field Maintenance Shop	Same
PROJECT NO.:	A-011259	Same
PROJECT LOCATION:	Wichita, Kansas	Same
CONTRACTOR:	The Law Company, Inc. Wichita, Kansas	Same
DESCRIPTION OF CHANGE:	As a result of the resolving the SF discrepancy between The National Guard Bureau and the U.S. Congress (Change Order No. 1) and the required redesign time; the contractor incurred delay of construction costs in the following amount.	
CONTRACT COST:	Before C.O.#2 = \$11,317,918 After C.O.#2 = \$11,727,803.00	C.O.#2 = + \$409,885.00
TIME:	Orig. Completion = Aug. 18, 2013 Completion After C.O.#2 = Apr. 15, 2014	C.O.#2 = 240 days
JUSTIFICATION:	The contractor had a mobilization date of 19 April 2012. This date was contingent on Straub Construction ¹ , a different and separate contractor, completing the overall site grading and construction of the building pad for the Field Maintenance Shop. On 17 May of 2012 a stop work order was given to Law Company due to the SF variance issue. A RFP was completed by the project Architect that included new drawings and was then sent to Law Company in July of 2012. The site work was not complete until October 2012. However, the stop work order was still in place for the SF variance. The stop work order will be lifted with the acceptance of the first change order, will be No Later Than 15 December 2012. These costs are for the delay costs that were incurred by Law Company.	

Footnote:

1. Straub Construction is the contractor for the main Wichita Readiness Center. Their contract included sitework for the overall Wichita Readiness Center complex, which includes the Field Maintenance Shop. Law Company is the contractor solely on the Field Maintenance Shop project.

COMMITTEE COMMENTS/RESPONSE: