



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
Contract

Order Date: 01-11-2024

CORRECT ORDER NUMBER MUST APPEAR
 ON ALL PACKAGES, INVOICES, AND
 SHIPPING PAPERS. QUESTIONS
 CONCERNING THIS ORDER SHOULD BE
 DIRECTED TO THE DEPARTMENT
 CONTACT.

Order Number:	CCT 0211 4072 GSD2000000009 8	Procurement Folder:	579236
Document Name:	Elevator Modernization - Various Facilities	Reason for Modification:	Change Order 6 To increase and extend the contract..
Document Description:	Elevator Modernization - Various Facilities		
Procurement Type:	Central Contract - Fixed Amt		
Buyer Name:	Melissa Pettrey		
Telephone:	(304) 558-0094		
Email:	melissa.k.pettrey@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2019-10-16
Free on Board:		Effective End Date:	2024-05-03

VENDOR		DEPARTMENT CONTACT	
Vendor Customer Code:	000000229419	Requestor Name:	Patrick S O'Neill
MILLER ENGINEERING INC 429 Laurel Run Rd		Requestor Phone:	304-352-5492
Carmichaels	PA 15320-2543	Requestor Email:	patrick.s.oneill@wv.gov
US			
Vendor Contact Phone:	304-291-2234	Extension:	2
Discount Details:			
	Discount Allowed	Discount Percentage	Discount Days
#1	No	0.0000	0
#2	Not Entered		
#3	Not Entered		
#4	Not Entered		

24
 FILE LOCATION _____

INVOICE TO	SHIP TO
DEPARTMENT OF ADMINISTRATION GENERAL SERVICES DIVISION 103 MICHIGAN AVENUE CHARLESTON WV 25305 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US

1-17-24 61

Total Order Amount:	\$1,057,674.81
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Purchasing Division's File Copy

MKP 01/11/2024

PURCHASING DIVISION AUTHORIZATION DATE: <i>Tina [Signature] 1/17/2024</i> ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM DATE: <i>John S. Gray</i> ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION DATE: <i>Dan Gray 1-23-24</i> ELECTRONIC SIGNATURE ON FILE
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1/23/2024

Extended Description:

Change Order

Change Order No. 6 is issued to extend and increase the original contract to May 2, 2024 (200 Calendar Days), according to all terms, conditions, prices, and specifications contained in the original contract including all authorized change orders.

Effective Date of Increase: October 16, 2023

Extend Contract from October 16, 2023 to May 3, 2024.

Original Contract Price: \$1,307,100.00
 Change Order 2: \$13,166.00
 Change Order 5 Decrease: (356,090.79)
 Change Order 6: \$93,499.60
 New Contract Total: \$1,057,674.81

No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	81100000	0.00000		0.000000	\$465,545.00
Service From	Service To	Manufacturer		Model No	
2019-10-16	2024-05-02				

Commodity Line Description: Elevator Modernization - Various Facilities - Phase 1

Extended Description:

Elevator Modernization - Various Facilities - Phase 1

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	81100000	0.00000		0.000000	\$397,996.00
Service From	Service To	Manufacturer		Model No	
2019-10-16	2024-05-02				

Commodity Line Description: Elevator Modernization - Various Facilities - Phase 2

Extended Description:

Elevator Modernization - Various Facilities - Phase 2

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
3	81100000	0.00000		0.000000	\$87,468.21
Service From	Service To	Manufacturer		Model No	
2019-10-16	2024-05-02				

Commodity Line Description: Elevator Modernization - Various Facilities - Phase 3

Extended Description:

Elevator Modernization - Various Facilities - Phase 3

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
4	81100000	0.00000		0.000000	\$13,166.00
Service From	Service To	Manufacturer		Model No	
2019-10-16	2024-05-02				

Commodity Line Description: Change Order #2 - Phase 1 additional services

Extended Description:

Change Order # 2

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
5	81100000	0.00000		0.000000	\$93,499.60
Service From	Service To	Manufacturer	Model No		
2019-10-16	2024-05-02				

Commodity Line Description: Change Order #6

Extended Description:
Change Order # 6



13Oct23

James Jones
Procurement Administrator
General Services Division
103 Michigan Avenue
Charleston, WV 25311

Reference: Elevator Modernizations Various Buildings PO# CCT 0211 4072 GSD20*09

Mr. Jones:

At the request of GSD for Miller Engineering Inc. to continue to provide the construction contract administration to the completion of the above referenced project, we are requesting a contract change order related to a contract extension and additional services beyond the 15Oct23 end of contract date, along with additional services to date. This request is due to the contractor's failure to perform in a timely manner on both Phase 1 and Phase 2 of the Elevator Modernization Project.

The change order modifies the scope of services as follows:

The contract is extended from 16Oct 23 to 3May2024.

Additional services from 16Oct 23 to 3May24, based on the hourly rates of the original contract, results in an increase of \$41,749.60.

Additional services related to the contractors failure to perform, based on the hourly rates of the original contract, results in an increase of \$51,750.00

As an extension of the original contract, this proposal assumes the outstanding balance for services not completed to date remains available for billing for both Phase 1 and Phase 2 when completed.

The result of the Change Order is a revised Lump Sum Fee of One Million, Fifty Seven Thousand Six Hundred Seventy Four Dollars and 81 Cents (\$1,057,674.81), associated with a breakout as follows:

Project A&E Fee after CO#5	\$964,175.21
Additional Services	\$41,749.60
Additional Services	\$51,750.00

Project A&E Fee after CO#6 \$1,057,674.81

The request for additional services for failure to perform is based on the following: the contractor failed to provide competent project management, particularly in regards to the management of subcontractors, the contractor failed to meet the approved project schedule by many months, the contractor and their subcontractor failed to produce timely submittals by many months resulting in delays in equipment delivery and installation, contractor failed to ensure the project was properly manned by their subcontractor, contractor failed to react to the evoked extraordinary measures clause by not producing a plan nor making additional efforts to return to the schedule. The same concerns have occurred on both Phase 1 and Phase 2, which are both being performed by the same contractor.

Our additional effort lies in daily conversations and emails with the contractor, attempting to restore the project to the schedule, suggesting methods and repeatedly developing options to correct the schedule. Additionally, we assisted in the contractor with repeated attempts to develop equipment and component sources with better lead times. We see this additional effort on the Owner's behalf as well beyond what could be considered reasonable for a competent contractor, or which could be reasonably anticipated in the preparation of the original project fee.

Please find attached our newest ACORD form and the other paperwork associated with this request.

Thank you for your consideration, please do not hesitate to call me if you have any questions.

Sincerely,



Craig Miller, PE
President
Miller Engineering, Inc.

WV GSD Approves this Change Order (6)



Cc: file



MILLENG-01

EKEMPER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/4/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Blue Ridge Risk Partners, LLC
INSURED: Miller Engineering Inc
CONTACT: Cincinnati Insurance, BrickStreet Mutual Ins., Underwriters at Lloyds

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, Workers Compensation, and Professional Liability.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) State of West Virginia is additional insured in regards to general, auto and umbrella liability on a primary and noncontributory basis.

CERTIFICATE HOLDER CANCELLATION

Certificate holder: State of West Virginia, WV Department of Administration. Cancellation notice: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.



APPROVED
Z. W. [Signature]
1/10/24

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
GENERAL SERVICES DIVISION
State Capitol
Charleston, West Virginia 25305

Mark D. Scott
Cabinet Secretary

John K. McHugh
Director

MEMORANDUM

To: Melissa Pettrey, Senior Buyer, State Purchasing Division

From: Cody Taylor, Procurement Specialist, General Services Division *Cody Taylor*

Date: January 2, 2024

Ref: GSD579236, Change Order #6 Justification

Melissa:

Please allow this memorandum to serve as written explanation and justification for our request for Change Order #6 to increase and extend CCT 0211 GSD2000000009, with Miller Engineering Inc., for Elevator Modernization – Various Facilities Project, per the attached documentation and the explanation given below.

We are requesting a net increase of \$93,4993.60 to cover the cost of additional services needed to complete the Construction of the Elevator Modernization Projects Phases 1 and 2. \$41,749.60 was needed to cover the extension of the contract using the hourly rates from the original contract. Where the construction projects have run much longer than anticipated, more administrative services have been necessary from Miller Engineering Inc. \$51,750.00 was needed because of the vendors' failure to perform on both construction projects. Extra meetings, submittal reviews, schedule reviews, site visits, and assisting the vendor in finding materials with better lead times were needed on both projects to keep the project moving forward.

We are also requesting an extension of Two-Hundred (200) days to the date of Final Completion of the contract. These extensions are necessary due to the issues in both construction projects related to the services provided in this project. The issues included but were not limited to: project management issues from the vendors involved and primarily their oversight of their subcontractors, submittals were often delayed (which resulted in delays in equipment delivery and installation), and the contractor's failure to react to the evoked extraordinary measures clause by not producing a plan or making efforts to get on a schedule for the remaining work. Both construction projects (Elevator Modernization Phases 1 and 2), were awarded to the same vendor. Both projects have had the same issues.



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
GENERAL SERVICES DIVISION
State Capitol
Charleston, West Virginia 25305

Mark D. Scott
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Original Contract Price: \$1,307,100.00
Change Order 2 (Increase): \$13,166.00
Change Order 5 (Decrease): \$356,290.79
Change Order 6 (Increase): \$93,499.60
New Contract Total: \$1,057,674.81

The Agency made the determination that these changes were warranted and approves the contract to be extended. The Agency is still below the Original Contract total including this change order.

Original Final Completion Date: October 15, 2023
New Final Completion Date: May 2, 2024 (increased the 200 calendar days)

If you have any questions or need additional information, please contact me via email at Cody.G.Taylor@wv.gov or by phone at (304) 352-5531.

COMPLIANCE VERIFICATION CHECKLIST FOR REQUISITION SUBMISSION

<i>Purchasing Division Use:</i> Buyer: <u>01/08/2024</u> Date: _____ Solicitation No. _____ <div style="text-align: center; color: blue; font-size: 1.2em;">C/O 4</div>	Agency: West Virginia General Services Division Procurement Officer Submitting Requisition: Cody Taylor Requisition No. CPO GSD2000000009 PF No.: 579236
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This checklist **MUST** be completed by a state agency's designated procurement officer and submitted with the Purchase Requisition to the Purchasing Division. The purpose of the checklist is to verify that an agency procurement officer has obtained and included required documentation necessary for the Purchasing Division to process the requisition without future processing disruptions. At the agency's preference, the agency **MUST** either submit the checklist by attaching it to the requisition's Header **OR** by placing it in the requisition's Procurement Folder.

FOR ALL SOLICITATION TYPES:

	Compliance Check Type	Required	Provided, if Required	Not Required	Purch. Div. Confirmation
1	Specifications and Pricing Page included	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Use of correct specification template	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Use of correct requisition type [CRQS → CCT or CPO] or [CRQM → CMA]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Use of most current terms and conditions www.state.wv.us/admin/purchase/TCP.pdf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Maximum budgeted amount in wvOASIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Suggested vendors in wvOASIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Capitol Building Commission pre-approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Financing (Governor's Office) pre-approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Fleet Management Division pre-approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Compliance Check Type	Required	Provided, if Required	Not Required	Purch. Div. Confirmation
10	Insurance requirements				
	Commercial General Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Automobile Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Workers' Compensation/Employer's Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cyber Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Builder's Risk/Installation Floater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Professional Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Office of Technology CIO pre-approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Treasurer's Office (banking) pre-approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOR CHANGE ORDERS/RENEWALS:

1	Two-party agreement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Standard change order language	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Office of Technology CIO approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Justification for price increases/backdating/other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Bond Rider (Construction)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Secretary of State Verification	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	State debarment verification	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Federal debarment verification	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Handwritten: MKP Seal 11/2024

**The items pre-checked are required before a Purchase Requisition may be submitted to the Purchasing Division. Failure to complete and verify this documentation may result in rejection of the requisition back to the agency. It is up to the agency procurement officer to determine if pre-approvals, insurance, or other documentation is needed for the purchase. The referenced information below may be used to make this determination.*

For Purchasing Division Use Only:

I have reviewed the requisition identified above and find that it is sufficient to advertise publicly to the vendor community. My review does not preclude the possibility that the vendor community, or some other entity, will identify an area of concern; however, should such issues or concerns arise, they will be reviewed and addressed as may be appropriate.

Signature: Melissa K. Pettray Senior Buyer