

Los Angeles Section

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"Do first what you dread the most."

— Anonymous

PRESIDENT'S MESSAGE

By Neil D. Morrison, P.E.
President, Los Angeles Section, ASCE

Construction Industry: The Many Roles of Civil Engineers

Over the last couple of years, I have been fortunate enough to teach an Overview Course in the Light Construction Development Management certificate program at UC Irvine. Naturally, I discuss how important **civil engineers** are to the construction industry, the largest industry in the United States, encompassing land development, home building, commercial, retail and industrial projects. Here's the way I approach it:

Suppose you have just learned of a nice piece of available property, either raw land or an infill project. The first thing you, the buyer, must do is review local data on recent land sales, get a feel for the marketability of an end product, and, if it looks promising, submit an offer to the seller. If the seller accepts your offer, a Purchase and Sales Agreement is drawn up and signed by both parties, and you, the buyer, place a deposit in escrow. A part of the purchase and sales agreement is the "feasibility period" (ranging from 30 days on a relatively simple piece of property, to months or even years on a large, complex piece of property), during which you have an opportunity to determine if the property is actually developable in accordance with your preliminary review and the information presented to you by the seller.

During this feasibility period, you, the buyer, conduct a thorough review of the property, both in the field and by study of documents made available by the seller. You will retain a **civil engineer** to assist you in reviewing the documents and in obtaining other available documentation such as existing EIRs, General Plans, Specific Plans, Tentative or Final Tract Maps, surveys, Master Plans, and other critical information that could impact the future development of the site. This phase entails meetings with your **civil engineer**, local government officials, planning and engineering departments, and others whose knowledge will assist you in arriving at a decision on whether to move forward with purchasing the land.

You will try to determine the costs of developing the property. This is where you (with your experience on similar types properties), along with your **civil engineer**, put together a preliminary estimate of costs and obstacles (constraints) associated with developing the property. When this estimate is completed—including all related estimated costs for completing the project, including contingencies, overhead costs, financing costs and profit—you can compare these costs with what you have determined to be an appropriate selling price for the end product for the market in which it will be located. The feasibility period ends with a comparison of costs and projected selling price with the limits of your initial offer. If the property is found to be affordable, you may then decide to move forward with the purchase, and your deposit will be released to the seller. You are now committed to at least entitling the project.

VOL_XLV NO_2

In This Issue	page
PRESIDENT'S MESSAGE	1
EDITORIAL	2
CHANGE ORDERS	3
ANNOUNCEMENTS	5-7
EMPLOYMENT OPPORTUNITIES	7-9
PROFESSIONAL DIRECTORY	10-11

Reminder: Copy deadline for the March 2005 newsletter is February 1, 2005; copy deadline for April 2005 issue is March 1, 2005.



President's Message *continued*

When all information is gathered, and decisions are made as to the number of units, square footage, etc., that can be built on the property, a whole new round of steps are set into motion. Your **civil engineer** will work closely with your title company to determine legal constraints such as easements and deed restrictions that could impede the full development of the project. Your **civil engineer** will work closely with the local government agencies to identify any new dedications such as new roadways, widening of existing roadways, and new underground utilities. Your **civil engineer** will review such documents as EIRs to determine any special restrictions, such as identified habitat, preservation of trees, streambed delineations, and others. Your **civil engineer** will order a current topographic map, if one does not exist, and provide a complete boundary based on existing Tract Maps, records of survey or other legal documents. Your **civil engineer** will define drainage courses and establish whether these drainage courses need to be protected. Using all of this information, your **civil engineer** will develop a project constraints/encumbrance map from which preliminary land planning studies can begin. Once the land plan has been determined, and you, the buyer, are comfortable with the end product, your **civil engineer** can begin preparation of final entitlement documents for submittal and approval by the local government agencies.

To develop a final land plan and documents for the entitlement process, it is essential that your **civil engineer** know and understand the key components of the governing agencies' codes, regulations and ordinances, in order to keep the project on the most expeditious schedule possible. Your **civil engineer** will represent you, at times, on key issues, and will be a key player in developing presentation documents to the public and governing agencies. When entitlement documents are complete and submitted, your **civil engineer** will begin a series of studies to fine-tune the plan and clarify any outstanding issues relating to grading, drainage, etc. Your **civil engineer**, will then be responsible for updating the cost estimates and schedule for the project.

Upon approval of entitlement documents by local governmental agencies, you, the buyer, will close escrow, and the property or portions of the property become yours. At this point, your **civil engineer** will undertake the preparation and processing of final working drawings, including the final tract map, rough and precise grading plans, street, sewer, water and storm drain plans, water quality plans, and SWPPP. In addition, your **civil engineer** will be responsible for all the work in the field associated with the drawings he or she prepared and, in many cases, will provide construction staking services for these same improvements.

In addition to all of this vital work just getting the site ready for the construction of a house or other building, many **civil engineers** practice daily in the structural analysis and design for that house or building. Many **civil engineers** are part of the local government's team to assure that public facilities designed and constructed by private parties are completed in accordance with their standards and are acceptable for use by the public.

Civil engineers play key roles in all aspects of the land development light construction building industry. I like to tell people to try flushing the toilet without sewer systems designed by **civil engineers**, or try getting to your house or workplace every day without roads designed by **civil engineers**, or try brushing your teeth without water brought to your home by systems designed by **civil engineers**, or where we would be without storm drain systems designed by **civil engineers**—and, most important, where any of us would be without communities designed and constructed by **civil engineers**.

Civil engineers are vital to the world now and in the future. They will play a very important part in the reconstruction of portions of southern Asia recently devastated by the earthquake and tsunamis. Our hearts go out to all of those people who lost loved ones and are left in the midst of this catastrophic destruction. **Civil engineers** will be among the international throng working to restore infrastructure and communities for the people in that ravaged corner of the world.

Neil D. Morrison, P.E.
President

EDITORIAL

Engineers on the Forefront of Tsunami Relief Efforts

The images of the tsunami disaster in South Asia remain fresh in our minds. Relief efforts would still be continuing by the time you receive this newsletter. The images of that tragedy penetrate deep into our humanity. It is therefore quite uplifting to see the outpouring of support from fortunate individuals around the world.

Nothing in the tsunami's path appears to have been spared. While some structures remain standing, these nevertheless exist in a sea of death and destruction. We may never know exactly how many of our fellow men, women, and children died, but one thing we know is that there is really a need to assist near sea residents in the future in warning them of impending danger from disastrous phenomena, like a tsunami.

Infrastructure needs to be rebuilt, that we know for a fact, in all of these areas. For some, it will take years. For other locations, may be not at all. As we reflect on the images of tragedy beamed through our televisions from halfway around the world, let us not forget that as engineers, we can contribute something in rebuilding these communities. Granted that this implies a herculean effort of coordination and sacrifice, I challenge each and everyone of us, in whatever capacity to organize a reach out to South Asia. There is a need for our skills, let's put them in good use for an excellent cause.

How great of a timing it is then to pose this challenge to all of us and act on it during this month of February, wherein we celebrate Engineer's Week. Go out and contact relief organizations and volunteer your time and energy to support their efforts in the tragedy area. Why not donate cash? As I mentioned, the full extent of this tragedy may never be known. Getting involved in whatever capacity certainly reduces the pain that fact brings.

May God bless us all!

- Cris B. Liban, D.Env.

CHANGE ORDERS

By

*Tony Antich, City Engineer
City of Santa Monica, California*

and

Joyce Klenner, J.A.K. Networks Unlimited

This is the tenth in a series of articles dealing with the keys to successful project management of a public works project. The Project Manager is responsible for ensuring that matters related to extra work, change in scope, time, and money are dealt with in an appropriate manner.

CHANGE ORDERS ARE A MATTER OF CONTRACT

Contrary to common belief, a Change Order is not bad! A Change Order is a Contract Document tool prepared by the Project Manager whenever an addition, deletion or modification to the scope, cost, completion schedule, material or equipment furnished, and/or the nature of work to be performed is made which affects the time or cost of a Construction Contract as defined in the Contract Documents. All such changes must be documented in writing, as they constitute a change in the Contract. No work should be undertaken until the Change Order is complete, except in the case of an unavoidable emergency (in which case the Change Order is completed after the work is authorized). The Project Manager and the Client Department should, when appropriate, jointly agree on Change Orders.

The Contractor usually makes a request for a Change Order. However, the Client Department, the Project Manager, or someone else may also make such a request. All requests must be channeled through the Project Manager since the Project Manager is the point person on all communication matters related to the Contract Documents. A Field Order, which orders the Contractor to do something that may require a Change Order, must be authorized by the Project Manager.

A Change Order form should be prepared and the change order should be classified by category. There is no correct number of categories. The needs will vary from agency to agency. A word to the wise is "keep it simple". For each Change Order item, one of the four causes identified below could apply:

- Unforeseen Conditions — Unknown physical conditions of an unusual nature differing materially from those ordinarily encountered in work of the character being performed and which were not known at the time of the bid (e.g., contaminated soils, utility lines interfering with the construction of the improvement, unsuitable soil conditions, buried concrete material).
- Enhancements, Change in Scope, or Offsite — Includes work that enhances or modifies the original scope of the Contract (e.g., provide silica sand instead of regular sand, construct additional square feet of concrete pavement, provide additional signage). Offsite work is additional work/scope added to the Contract during construction, which may or may not be part of the original project.
- Design Change — Modification or change of the construction detail due to either problem design or field constraints, which requires change of the design detail to work with the site conditions (e.g., construct six [6] inch thick asphalt pavement instead of three [3] inch pavement, modify grading to match existing ramp [may require removal or import of additional material]).
- Value Engineering — Evaluation of construction material, details, and methods which resulted in Contract savings (e.g., reduce concrete pavement thickness from nine [9] inches to seven [7] inches).

If the Change Order is necessitated by an emergency situation, the Project Manager should obtain authorization for the Change Order from the Client Department prior to the commencement of work (and all other appropriate signatures as soon as possible).

TIME MATTERS AND DELAY

There are things to consider when approving an extension of time. An extension of the Contract time shall only be granted by the Project Manager when there is clear authority to do so. If the Contractor wants a time extension, it must be requested in writing to the Project Manager and must specify how much time is requested with a justification. The Project Manager should determine the financial impact of the extension, if any.

The City may also initiate a time extension if it is related to extra work such as City delays which impact the schedule of the project, etc. If the time extension is related to extra work which is authorized or City approved delays, the Project Manager will initiate a Change Order.

There are three types of delays:

- Inexcusable or excusable delays — An inexcusable delay is a contractor caused delay which entitles the Contractor to NO extension of time. An excusable delay is a delay beyond the control of the Contractor such as a strike or unavailability of materials.
- Compensable or non-compensable — A compensable delay means that the Contractor is entitled to money and an extension of time because the City caused the delay. Non-compensable simply means that the Contractor is not entitled to time or money because the city is not at fault.
- Concurrent delays — These are tricky and exist when both the City and Contractor share responsibility. There is no clear answer on how to apportion the time and cost because it depends on the situation.

Any delays, regardless of cause, should be documented in detail, indicating the date, time, description, cause, and impact of the delay.

continued on page 4

CHANGE ORDERS

continued from page 3

It is the Project Manager's responsibility to:

- Review the written request as submitted by the Contractor.
- Determine if it is within the submission time prescribed in the Contract Documents.
- Determine whether the request has merit.
- Approve or deny.

If approved, a Change Order should be processed. If denied, the Project Manager should prepare a letter to the Contractor with the City's decision, backed up by a statement of justification, sign and mail it to the Contractor.

EXTRA WORK

Extra work that is authorized by a Change Order is considered "allowed" extra work. When there is a difference of opinion between the Project Manager and the Contractor as to whether a defined task is included in the Contract Documents or authorized by a Change Order, that task is considered "disputed" extra work.

The Project Manager must be thoroughly familiar with the terms of the Construction Contract, with the work defined in the Contract Documents and with the definition of "extra work."

If the Project Manager and the Contractor cannot agree on whether a task is "allowed" extra work (per the Contract or authorized Change Order), the Project Manager may direct the Contractor to proceed on a time and materials basis, using the City's Time and Material form to track the labor and material costs for the disputed extra work items on a daily basis. The Project Manager should document the specifics of the dispute including, if necessary, photographs, correspondence, etc. It is important to keep the documentation factual, objective, complete, and specific.

The Public Works Inspector or the Project Manager shall sign each Time and Material form at the end of each workday as the City's representative, verifying the number of workers, the equipment, the material, hours of extra work, etc., utilized at the site. If discrepancies are found on a Time and Material form, they shall be indicated on the form. Then the City's representative shall sign the form.

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The Project Manager should make every possible attempt to resolve disputed work as it occurs. As a rule, all disputed work should be resolved by meeting with the Contractor within seven (7) calendar days of being notified of the dispute. The Project Manager should never plan on waiting to resolve "disputed" extra work until the end of the project.

If an agreement can be reached, the Project Manager should recommend approval of the extra work to the Client Department, followed up by completion of a Change Order. If an agreement cannot be reached, the Contractor may choose to proceed with a dispute resolution process which is typically defined in the Construction Documents.

ANNOUNCEMENTS

A Great Idea From the Life Members

The ASCE Life Members' Public Image Committee request that members take their (to be discarded) Civil Engineering magazines to their doctor's office or barber shop and merge them with the stack of magazines. We feel that this will be an effective way to make the general public more aware of what civil engineers do.



The Los Angeles Section

Cordially Invites You and Your Spouse to



Life Member Brunch

March 5, 2005

*In Honor of those members who have advanced to
Life Member status in the society and in recognition of their career achievements.*

Keynote Speaker:

ASCE National Executive Director, Patrick Natale, P.E.

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Dear Colleague:

The Engineering and Technology Committee of the APWA Southern California Chapter is pleased to announce the **6th Annual, 2005 Streets & Technology Conference**. The conference is designed to bring the latest developments in street maintenance and technology in a day of workshops at an affordable price. This event has proven to be very successful in the past. The conference will take place in the City of Carson at the Community Center, 801 East Carson Street, in Carson on Wednesday, April 13th between 8:00 a.m. and 3:30 p.m. and will feature opportunities for vendor exhibits. Take advantage of this excellent opportunity to talk to your peers, suppliers, consultants and representatives from professional associations.

Three seminar tracks –

- > Pavement Maintenance
 - > Sidewalk Maintenance
 - > Fleet Services
- > Productivity & Performance Mgmt.
 - > Prevailing Wages for PW Contracts
 - > Breakdown & Specifics to Prepare Professional Service Contracts
- > Are you ready for the next natural disaster?
 - > NPDES
 - > ADA

Streets & Technology 2005 is a conference organized by the Southern California Chapter, American Public Works Association geared to provide information to solve everyday problems. This is your opportunity to network with your peers, to hear others with the same problems and what they have done to solve them. There will be a drawing for door prizes at the end of the event. The speakers are selected by their field of expertise and experience. Presentations focus on successful, practical ideas that have been tested and implemented.

To request additional information or a copy of our flyer, please contact Sylvia Robles at (714) 647-5674 or email at srobles@ci.santa-ana.ca.us. **Early registration fee is \$135.00 if paid by April 1, 2005. Late registration fee is \$150.00.** The fee includes lunch and material handouts.

If you are interested in speaking on any of these topics, please contact Dean Lehman at (323) 776-7552 or email at dlehman@dpw.co.la.ca.us.

We look forward to seeing you at Streets & Technology 2005.

REGISTRATION FORM

PLEASE PRINT

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Mail completed form to:
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Younger Member Forum (YMF)

Everyone is welcome to attend our upcoming events!!

- SB/RC YMF General Meeting, 2/7/05, Riverside, CA
- LA YMF Board Meeting, 2/8/05, Alhambra, CA
- OC YMF Board Meeting, 2/15/05, Irvine, CA
- OC YMF Speaker Series, 2/22/05, TBD
- LA & OC YMF Popsicle Stick Bridge Competition, 2/25/05, TBD
- SB/RC YMF Speaker Series, TBD

Contact Greg Sommer at gsommer@ladpw.org to be added to the Younger Member e-mail distribution list and receive announcement on all upcoming YMF events, tours, and other activities.

Please visit our websites:

- LA YMF - <<http://www.asce-laymf.org/>>
- OC YMF - <http://www.ascelasection.org/yfm_main.cfm?ID=9>

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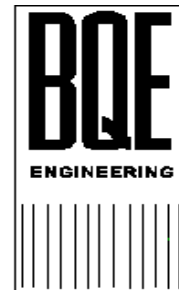
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COUNTY OF LOS ANGELES

Director of Public Works

The County of Los Angeles is looking for a candidate to fill the position of Director of Public Works. This position is appointed by the Board of Supervisors and is responsible for designing, constructing, operating and maintaining roads and highways; flood control and water conservation facilities; and water and sewer systems; operating airports; administering public transit programs; managing capital projects for other County departments; meeting and monitoring environmental requirements; and providing general engineering and building regulation services for the unincorporated areas of the County. In addition, the Department provides services to many cities within Los Angeles County on a contract basis.

MINIMUM REQUIREMENTS: Demonstrated knowledge, skills, and abilities required in managing a major public works and engineering organization engaged in the planning, design, construction, operation and maintenance of major public or private facilities, engineering projects and major public works. Such management includes budget, personnel, fiscal, supply and other administrative functions of an organization as well as the direction of engineering and technical functions.

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Please submit a cover letter, resume, supplemental questionnaire, and current salary information to:

Marco Morejon, Dept of Human Resources,
Kenneth Hahn Hall of Administration,
500 West Temple Street – Room 555
Los Angeles, CA 90012.
Telephone: 213-974-2675, Fax: 213-613-4773,
E-mail: mmorejon@dhr.co.la.ca.us

Resumes must be received no later than 5:00 p.m. on February 14, 2005.

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Our rapidly growing offices need motivated people with residential and commercial land development, water/wastewater and municipal project experience. We have positions available in our Civil Engineering Division in Riverside County and Orange County with salaries ranging from \$40k-\$120k; from CAD Designers to Engineers, from Project Managers to Senior Project Managers. PBS&J has numerous "career ladders" designed to suit your individual growth goals - whether it be through a management path or honing your technical skills. Apply on-line at www.pbsj.com

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