



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

99-013

SYNOPSIS -

AGENDA:

JANUARY 4, 1999

SUBJECT:

SUPPLEMENTAL
AGREEMENT NO. 2 -
SKYWALK CONNECTION

TYPE:

**RESOLUTION
ORDINANCE
RECEIVE/FILE**

SUBMITTED BY:

HAROLD SMITH
CITY ENGINEER

Supplemental Agreement No. 2 with Herbert Lewis Kruse Blunck provides compensation for extra work and additional costs incurred by the consultant associated with the design and construction of the Civic Center/Federal Building/Plaza Condominium Skywalk Connection. The original Agreement anticipated a project design completion in August of 1995. The project experienced multiple stops and delays related to obtaining design and financial approvals from the United States of America General Services Administration, the Civic Center of Greater Des Moines, and others involved in the project. As a result, the consultant did extensive work in preparation of alternate bid packages in response to budget negotiations. Additional costs incurred by the consultant include: preparation of additional cost estimates, duplication of bid preparation work, increase salary rate of employees relating to extension of contract beyond that anticipated in the original Contract, and evaluation of alternate bidding packages. In addition, the consultant experienced an additional cost of \$11,217.04 during the construction phase of the work because the construction period extended eight months beyond the original anticipated completion date. Total compensation to the consultant for all additional work and expenses associated with this project under terms of this Supplemental Agreement shall be \$51,948.04.

FISCAL IMPACT -

Funds for this Supplemental Agreement will be made available from tax increment funds, since the remaining funds in the Downtown Skywalk System Capital Improvement Program (CIP) Account are currently all appropriated.

RECOMMENDATION -

Approval of Supplemental Agreement No. 2 with Herbert Lewis Kruse Blunck.

BACKGROUND -

On August 15, 1994, by Roll Call No. 94-3224, the City Council approved a Professional Services Agreement with Herbert Lewis Kruse Blunck in conjunction with the Civic Center/Federal Building/Plaza Condominium Skywalk Connection.

On July 2, 1996, by Roll Call No. 96-124, the City Council approved Supplemental Agreement No. 1 with the consultant to provide for Construction-Phase Services for the skywalk connections.

Attached is a November 30, 1998, letter from Kirk Blunck, FAIA, of Herbert/Lewis/Kruse/Blunck, outlining the elements of additional work and their cost.

When the contract for the construction of these skywalk bridges was accepted by the City, by Roll Call No. 98-2321, the City retained \$7,500 as liquidated damages against the contractor. These damages were assessed for construction delays that were attributed to his operation. Not all of the construction delays were deemed to be the contractor's. The \$7,500 liquidated damages were assessed to offset the City's additional cost-which included additional consultant expenses caused by the delay. Item 5 of the November 30, 1998, letter of Kirk Blunck identifies the additional consultant expenses of \$11,217.04 for construction administration as a result of the additional construction period. Some of the costs included in Item 5 reflect additional costs due to extension of the construction period, which was beyond the contractor's control.

The consultant previously requested additional compensation on this contract-which the City staff reviewed and has been requesting additional information

from the consultant to verify his claim. That information was recently provided by the consultant.

Attachment

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