



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

99-058

SYNOPSIS -

AGENDA:

FEBRUARY 15, 1999

SUBJECT:

SUPPLEMENTAL
AGREEMENT NO. 2 -
SKYWALK
CONNECTION

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

FLOYD BENTZ
ACTING CITY
ENGINEER

On January 4, 1999, the Council deferred action on Supplement No. 2 with Herbert/Lewis/Kruse/Blunck for additional compensation for extra work in conjunction with design and construction of the Civic Center/Federal Building/Plaza Condominium Skywalk Connection. That request was for \$51,948.04, which included compensation for additional work in the design phase, bid phase, and construction phases of the project. The first request for additional compensation was on November 28, 1995, when the consultant requested \$53,782 additional compensation for extra work related to design- and bid-phase documents only. As a result of that request, staff requested additional supporting documents and justification for that request. These additional costs were not included in the previous supplemental agreement because at that time agreement had not been reached between City staff and the consultant as to just compensation. Since that initial request, the consultant also requested additional compensation for construction-phase services in the amount of \$11,217.04 and additional special testing services during the construction in the amount of \$3,043. A resolution on the extra compensation request was finally reached by the City Engineering Department and the consultant in December of 1998, which resulted in Supplemental Agreement No. 2, which was presented to the Council initially on December 21, 1998, and subsequently on January 4, 1999.

Additional negotiations with the consultant have resulted in the following recommendations:

1. \$11,238 for compensation as a result of the bid process being started and stopped three times before bids were finally received-resulting in extra and duplicate work by the consultant.

2. \$20,762 for compensation to redo the plans and specifications on the skywalk to separate parts of the skywalk

to satisfy funding agreements with the GSA and Civic Center.

3. \$11,217.04 for compensation because the construction contract extended beyond the contract completion date. The construction contractor was assessed liquidated damages in the amount of \$7,500 on his contract, which were determined as damages attributed directly to his delay. It was determined that there were other project delays that were beyond the control of the contractor. The City Council granted the contractor three extensions of time totaling 205 calendar days.

4. \$3,043 for compensation to a subconsultant for additional special testing services to comply with the special inspections provision of the Building Code.

The contractor has agreed to remove from his request \$3,198 attributed to salary expense escalation during the contract period and \$2,500 attributed to preparation of additional cost estimates.

The revised Supplemental Agreement No. 2 provides for additional compensation of \$46,285.04.

FISCAL IMPACT -

Funds for this Supplemental Agreement will be made available from Tax Increment Funds.

RECOMMENDATION -

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