

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: October 25, 2010
	Agenda Item No. 8G Roll Call No. [_____] Communication No. <u>10-654</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Accepting completed construction and approving final payment for the 2009 Sidewalk Replacement Program, Absolute Concrete Construction, Inc., Sonny E. Hall, President, P.O. Box 148, Slater, IA 50244.

SYNOPSIS:

Approve the final acceptance of the work performed under the 2009 Sidewalk Replacement program and authorize final payment to the contractor.

FISCAL IMPACT:

Amount: \$289,451.22 As-Built Contract Cost

Funding Source: 2010-2011 CIP, Page Street-10, City-wide Sidewalk Replacement, STR084, G. O. Bonds.

ADDITIONAL INFORMATION:

On June 8, 2009, under Roll Call No. 09-1039, the City Council awarded a contract to Absolute Concrete Construction, Inc. for the construction of the following improvement:

2009 Sidewalk Replacement Program, 09-2009-003

The improvement included reconstruction of Class A and Class B Portland cement concrete sidewalks four inches thick, (six inches thick at driveways), together with all appurtenances; in accordance with the contract documents at various locations City-wide. Sidewalk was replaced at locations inspected by the Public Works Department. Handicapped accessible ramps were also constructed in the vicinity where sidewalks will be replaced.

The work commenced on July 13, 2009 and proceeded to repair portions of sidewalk identified by the Public Works Department as not meeting City standards. The contract provided for repairing small sections of sidewalk at hundreds of locations throughout the City. Sidewalk that meets the minimum City standards was not replaced. It was determined that the work issued was substantially complete by the end of September 2010 and then the final payment was presented to Council for consideration and acceptance.

On September 27, 2010, under Roll Call No. 10-1534, the City Council continued the action to accept the completed construction and approval of final payment for the 2009 Sidewalk Replacement Program, pending resolution of any outstanding complaints of adjoining property owners. In early October 2010, Engineering Department staff met with Councilmember Moore and the adjoining residents in the 2500 block of Arthur Avenue to discuss any outstanding issues with the sidewalk construction. While the quality and finish of the sidewalk was acknowledged by all present to be of a high quality, the primary complaint rested with the indentations within the border area next to the curb. The extremely wet conditions during the past year resulted in some indentations in the border due to the contractor's equipment traversing the border area to remove the defective sidewalk. The contractor had made an attempt to restore these areas, but not to the satisfaction of the adjoining property owners. While the specifications that have been used for many years require a general restoration through topdressing and seeding, the result in this location did not satisfy the adjoining property owners. While latent defects could be remedied through the maintenance bond, it was agreed that the best course of action was to have the contractor do additional border area restoration before being presented to Council. In addition, it was requested to have the restoration specification be reviewed before for next year's program. The contractor, Absolute Concrete Construction, Inc., during the week of October 18, 2010 performed additional border area restoration in order to satisfy the adjoining property owners.

Based upon the concrete sidewalk placed throughout the City and the additional restoration, it is now recommended to accept the completed work of said improvement in the amount of \$289,451.22, of which \$269,165.81 has been paid to the contractor and \$5,812.85 is now due and the remaining balance of \$14,472.56 is to be paid at the end of thirty days, with funds retained for unresolved claims on file in accordance with Iowa Code Chapter 573.

PREVIOUS COUNCIL ACTION(S):

Date: September 27, 2010

Roll Call Number: [10-1534](#)

Action: Accepting completed construction and approving final payment to the following: (A) [Absolute Concrete Construction, Inc.](#) – 2009 Sidewalk Replacement Program. Moved by Moore to continue to October 11, 2010 Council Meeting. Motion Carried 6-1.

Date: June 8, 2009

Roll Call Number: [09-1039](#)

Action: (A) [Approving](#) contract and bond and permission to sublet. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: June 8, 2009

Roll Call Number: [09-1038](#)

Action: [On](#) 2009 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$283,371.65. ([Council Communication No. 09-367](#))

Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Final payment to the contractor and final acceptance of work.

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