

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 15, 2013
	Agenda Item No. 7 Roll Call No. <u>13-1078</u> Communication No. <u>13-348</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Communication from contractors requesting permission to sublet certain items on public improvement projects.

SYNOPSIS:

Recommend approval of the Permissions to Sublet work including the permission to allow Jenco Construction Inc. to sublet \$569,205.40 of work to Herberger Construction Company, Inc. on the Grand Avenue over Walnut Creek Bridge Replacement project in order to accelerate the schedule due to the prime contractor currently being behind schedule.

FISCAL IMPACT:

Amount: N/A

Funding Source: The subcontractors are paid by the prime contractor, and these actions do not increase the contract amount.

ADDITIONAL INFORMATION:

On April 9, 2012, under Roll Call No. 12-0568, the City Council awarded a contract to Jenco Construction, Inc. to rebuild the Grand Avenue over Walnut Creek Bridge. The original contract included an intermediate completion date of November 5, 2012 where the contractor was required to have the bridge open to three lanes of traffic. As part of the reconstruction, CenturyLink was to relocate a major communication line within the bridge. Due to delays in the relocation of the utility, the project was delayed until 2013 by Change Order No. 1 approved by Roll Call No. 12-0768 on May 21, 2012. Jenco started construction on the Grand Avenue Bridge on March 25, 2013. During demolition, asbestos was discovered and required removal by a qualified contractor. This environmental work delayed the contract, and by Change Order No. 5, approved by Roll Call No. 13-0881 on June 10, 2013, an adjustment to the completion schedule was approved requiring Jenco to have three lanes of traffic open on September 27, 2013. The contractor recently submitted a revised schedule for the construction of the bridge showing that three lanes of traffic would not open until December 2013. The City communicated strongly to Jenco that this schedule was unacceptable and that the intermediate completion date of September 27, 2013 has not changed, will not change, and that liquidated damages of \$5,000 per day will be charged after September 27, 2013. Since then, the City and Jenco have been attempting to find opportunities to complete the bridge by the intermediate completion date. Jenco has proposed to bring another bridge contractor, Herberger Construction, on the site as a subcontractor to Jenco. This will allow work on both abutments to be done simultaneously

thus improving the completion schedule. Council's action to approve the subcontractor will not change the current intermediate completion date of September 27, 2013. If the contractor does not have three lanes of traffic open by September 27, 2013, then liquidated damages of \$5,000 per day will be assessed. The final impact of the subcontracting of the work to Herberger is yet to be determined; however, it is unlikely that Jenco will have the bridge open to three lanes of traffic by September 27 and therefore liquidated damages are anticipated.

PREVIOUS COUNCIL ACTION(S):

Date: June 10, 2013

Roll Call Number: [13-0881](#)

Action: [Approving](#) Change Order No. 5 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge Project, not to exceed \$34,656. ([Council Communication No. 13-271](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 21, 2012

Roll Call Number: [12-0768](#)

Action: [Approving](#) Change Order No. 1 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge over Walnut Creek, not to exceed \$129,000. ([Council Communication No. 12-254](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 7, 2012

Roll Call Number: [12-0674](#)

Action: [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Grand Avenue over Walnut Creek Bridge Replacement. ([Council Communication No. 12-215](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: April 9, 2012

Roll Call Number: [12-0567](#) and [12-0568](#)

Action: [On](#) Grand Avenue Bridge Over Walnut Creek: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jenco Construction, Inc., (Herluf H.S. Jensen, President), \$3,316,610.69. ([Council Communication No. 12-155](#)) Moved by Hensley to adopt. Motion Carried 7-0.

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

Date: March 12, 2012

Roll Call Number: [12-0374](#)

Action: Ordering construction of the following:

- (A) [Grand](#) Avenue Bridge over Walnut Creek: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$3,189,754.65). ([Council Communication No. 12-116](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 18, 2009

Roll Call Number: [09-825](#)

Action: Approving Professional Services Agreements for the following:

- (D) [Shuck](#)-Britson, Inc. for evaluation, design and construction phase services for the Grand Avenue over Walnut Creek Bridge Replacement, not to exceed \$267,864. ([Council Communication No. 09-334](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

Date: March 24, 2008

Roll Call Number: [08-463](#)

Action: [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Grand Avenue over Walnut Creek Bridge Replacement. ([Council Communication No. 08-159](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Partial payments to the contractor and final acceptance of work.

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