



## AGENDA MEMORANDUM

Future Item for the City Council Meeting of August 21, 2012  
Action Item for the City Council Meeting of August 28, 2012

**DATE:** July 19, 2012  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Daniel Biles, P. E., Director of Engineering Services  
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**Execute Change Order No. 8**  
**ADA Sidewalk Accessibility Improvements**  
**Staples Street from Leopard Street to Six Points**  
**(Bond Issue 2004)**

### **CAPTION:**

Motion authorizing the City Manager, or designee, to execute Change Order No. 8 with Safeco Insurance Company of America in the amount of \$281,019.24 for the ADA Sidewalk Accessibility Improvements along Staples Street from Leopard Street to Six Points for under-run items, over-run items, additional sidewalk improvements, additional storm water improvements, additional detectable warning surfaces, and reconstruction of curb inlet tops. (Bond Issue 2004)

### **PURPOSE:**

The purpose of this Agenda Item is to obtain authority to execute Change Order No. 8 for the ADA Sidewalk Accessibility Improvements along Staples Street from Leopard Street to Six Points (Project).

### **BACKGROUND AND FINDINGS:**

Change Order No. 8 provides for additional funds to accommodate additional construction resulting from unforeseen changes during construction, including additional sidewalk improvements to accommodate the bus stop area adjacent to City Hall, storm water improvements to correct existing system inadequacies, curb inlet top reconstruction to accommodate storm water maintenance equipment, and under-runs and over-runs of various bid items. This change order is largely a reflection of the non-availability of record drawings depicting existing infrastructure in this older section of town as well as issues related to contractor default near the end of project construction duration. This change order was negotiated with the bonding company to resolve all outstanding project construction issues and facilitate project closeout with the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA). Reconstruction of the curb inlet tops resulted from a design error and associated costs have been deducted from the A/E consultant's contract and previously credited to the project through administrative action. The changes include:

• Sidewalk Improvements along the west side of Staples Street from Lipan to Leopard (adjacent to City Hall) including resurfacing the bus stop area	\$ 24,456.00
• Additional Storm Water Improvements Required	\$ 35,025.88
• Detectable Warning Surface at nine Ramps	\$ 4,800.00
• Reconstruction of curb inlet tops	\$131,010.00
• Under runs of Various Bid Items	- \$224,059.25
• Over runs of Various Bid Items	<u>\$309,786.61</u>

**Total cost for unforeseen changes      \$281,019.24**

The Project provides for construction of ADA curb ramps and compliant sidewalks along Staples Street from Leopard Street to Six Points, as part of the City's effort to comply with the Americans with Disabilities Act (ADA).

The Project was identified and prioritized by the Committee for Persons with Disabilities (CPWD), and implements parts of both the ADA Transition Plan and the Metropolitan Planning Organization (MPO) Transportation Improvement Program. The City coordinated with TXDOT and the Regional Transportation Authority to maximize resources.

Part of the Bond Issue 2004 package for Street Improvements, the Project falls under Bond Issue 2004 ADA Improvements City-Wide and FY 2010 CIP. The Street Improvement Program includes the construction of ADA-compliant barrier-free ramps and sidewalks.

**ALTERNATIVES:**

1. Execute Change Order No. 8 as recommended.
2. Do not execute Change Order No. 8.

**OTHER CONSIDERATIONS:**

Change Order No. 8 completes the negotiations with the bonding company or surety that took over the contract when the original contractor defaulted. Executing Change Order No. 8 gives the City the ability to finish the construction and close out the contract. Not closing out this contract could seriously affect the City's receipt of TxDOT and FHWA funding. TxDOT and FHWA funding sources are at a critical point, and failure to close out the project within the mandated timeframes may cause the City to lose the federal funds earmarked for this project.

**CONFORMITY TO CITY POLICY:**

Conforms to statutes regarding construction procurement criteria; §2, Article 10 of the City Charter regarding contracts; Tex. Loc. Gov't Code § 252.048 regarding Change Orders; FY 2011-2012 Street Capital Improvement Planning (CIP) Budget.

**EMERGENCY / NON-EMERGENCY:**

Not applicable

**DEPARTMENTAL CLEARANCES:**

Not applicable

**FINANCIAL IMPACT:** CIP

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget	\$3,408,500.00	\$1,591,500.00	\$0.00	\$5,000,000.00
Encumbered / Expended Amount				
This item		\$281,019.24		\$281,019.24
Future Anticipated Expenditures		\$0.00		\$0.00
<b>BALANCE</b>	<b>\$3,408,500.00</b>	<b>\$1,310,480.76</b>	<b>\$0.00</b>	<b>\$4,718,980.76</b>

Fund(s): Street and Storm Water CIP

**Comments:** Change Order No. 8 adds 90 calendar days, with anticipated completion approximately November 2012. Thus, funding for this contract will only be required during Fiscal Year 2012-2013.

**RECOMMENDATION:**

City staff recommends that Change Order No. 8 be executed with Safeco Insurance Company of America in the amount of \$281,019.24 for the ADA Sidewalk Accessibility Improvements along Staples Street from Leopard Street to Six Points.

**LIST OF SUPPORTING DOCUMENTS:**

- Location Map
- Change Order Summary