

AGENDA



Thursday, May 3, 2007

Public Works

Item No. 16

RECOMMENDATION FOR COUNCIL ACTION

Subject: Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD, Belton, TX, for the Albert H. Ullrich Water Treatment Plant 160 MGD Expansion - Contract 4 in the amount of \$1,996,000 plus a \$490,000 contingency, for a total contract amount not to exceed \$2,486,000.

Amount and Source of Funding: Funding in the amount of \$2,486,000 is in the Capital Improvement Budget of the Austin Water Utility.

Fiscal Note: A fiscal note is attached.

For More Information: G. Jay Ulary 974-7113, Jim Randig 972-1791, Laura Bohl 974-7064.

MBE/WBE: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 32.92% MBE and 0.27% WBE subcontractor participation.

In November 2003, the City entered into a construction contract with Archer Western Contractors (AWC) for construction of the Ullrich Water Treatment Plant (WTP) Expansion to 160 MGD (million gallons per day) – Contract 3 Project in the amount of \$60,852,810. The contract required AWC to meet five Interim Contractual milestones with a substantial completion to be achieved by February 8, 2006 and final completion of the project by May 9, 2006. AWC failed to meet four of the five Interim Contractual Milestones and the substantial and final completion dates required by the original schedule. As of this date the project is still not complete. AWC has been given a list of defective or warranty work items that they are refusing to complete. In order to preserve and protect the health and safety of the City and its residents, the City has elected to contract out to complete this remaining work. The City will attempt to recover the cost of this contract from AWC.

The purpose of this project is to complete certain unfinished components of the Ullrich WTP Expansion to 160 MGD Contract 3 Project; the completion of which is necessary to preserve and protect the health and safety of the City and its residents.

Due to the potential for unknown subsurface conditions and utility conflicts when completing defective or warranty of another contractor, a 25% contingency in funding has been included to allow for the expeditious processing of any future change orders. The \$1,996,000 construction contract amount includes a \$25,000 early completion bonus if defined items and or work are completed within 45 days of the Notice to Proceed. The contract allows 330 calendar days for completion of non emergency items.