

AGENDA



Thursday, March 20, 2008

Public Works

Item No. 21

RECOMMENDATION FOR COUNCIL ACTION

Subject: Authorize ratification of a contract payment and associated Change Order # 1 to the construction contract with VIKING CONSTRUCTION, INC., Georgetown, TX for the 2007 Miscellaneous Streets Slurry Seal and Micro-Surfacing in the amount of \$105,105.70, for a total contract amount not to exceed \$1,715,174.05.

Amount and Source of Funding: Funding in the amount of \$105,105.70 is available in the Fiscal Year 2007-2008 Operating Budget of Public Works Department; \$44,105.70 from the Street and Bridge Preventive Maintenance Program and \$61,000 from the Bicycle and Pedestrian Program.

For More Information: Ed Poppitt, P. E. 974-8768, Binaya Sharma 974-8785, Annick Beaudet 974-6505, Robin Field 974-7064

MBE/WBE: The contract was awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprises Procurement Program) with 3.55% MBE and 20.56% WBE subcontractor participation to date including this change order.

Prior Council Action: June 7, 2007: Council authorized the execution of construction contract with Viking Construction, Inc.

The 2007 Miscellaneous Streets Slurry Seal and Micro-Surfacing Contract Project provided street maintenance treatment on 105 lane miles within the city. Slurry seal, an emulsified asphalt, was applied to selected cul-de-sacs and neighborhoods streets; micro-surfacing, a second type of asphaltic treatment, was applied to selected major streets in the city. The contract work was completed in November 2007.

This ratification of a contract payment and associated change order address several additions to the original contract: 1) during the course of the work, the City required the Contractor to provide additional traffic control measures and flagging operations not a part of the original contract; 2) a section of Metric Blvd needing micro-surfacing was added to the contract; and 3) the project was extended to include preparation of a segment of Research Blvd needing reconfiguring for bike lane striping, cost for which (\$61,000) is funded by the Bike and Pedestrian Program. The work was completed before a change order could be executed. The calculated value of the contract payment and associated change order is based on the contractual bid items and the quantity of work performed and, as such, represents a fair and equitable payment for the work performed and in addition constitutes an agreed-to quantum meruit settlement of a claim for additional compensation under the terms of the contract.