



MEMO TO: City Council

FROM: John Marchione, Mayor

DATE: March 5, 2013

SUBJECT: **TERMINATION OF CONSTRUCTION CONTRACT, OVERLAKE  
STORMWATER FACILITIES-LID RETROFIT, PROJECT NO. 20020806**

**I. RECOMMENDED ACTION:**

Terminate the contract with West Coast Construction Co., Inc., of Woodinville, Washington, for the base bid amount of \$1,080,315.20 plus change orders and bid quantity increases and decreases, resulting in a final contract amount of \$634,451.23 for the partial construction of the Overlake Stormwater Facilities – LID Retrofit, Project No. 20020806, as of March 5, 2013.

**II. DEPARTMENT CONTACT PERSONS:**

Tim Fuller, Director of Public Works	425-556-2733
Ron Grant, Assistant Public Works Director/City Engineer	425-556-2742
Patty S. Criddle, Project Manager	425-556-2736

**III. DESCRIPTION:**

On July 31, 2012, City Council awarded a construction contract to West Coast Construction Co., Inc. for the construction of twelve rain gardens in the Overlake Neighborhood. Construction began on September 10, 2012. During construction a number of utility conflicts were encountered, including an unlocated fiberoptic duct bank which ran the length of six of the planned rain gardens along the east side of 152nd Ave NE. The utility company that was responsible for this infrastructure excavated and lowered the duct bank in these locations; however, this created a changed condition to the work bid by West Coast Construction. Due to the number of conflicts encountered, deteriorating weather conditions, and the potential costs and risks from the changed conditions, staff determined that termination of the contract for public convenience is in the best interest of the City.

The project site has been temporarily stabilized for safety through the winter with plans of further work in 2013 needing development. Work completed under this contract serves as the basis for the next phase of the project.

City staff negotiated with the Contractor to settle all issues and costs associated with termination, including delays and deleted work. As a result, there were no contractor claims filed against the City and no liquidated damages were assessed against the contractor. The recommended action terminates the contract, approves the final contract amount, and constitutes final acceptance of the work.

**IV. IMPACT:**

A. Service Delivery: When the project is completed in the next phase of construction, the project will provide flow control and improve water quality by treating stormwater runoff from existing pavement.

B. Fiscal:

**Project Costs to Date:**

<b>Design:</b>	
Consultant (HDR Engineering, Inc.)	\$293,169
Consultant (NW Hydraulics)	19,403
City Administration	71,330
Miscellaneous	<u>2,304</u>
<b>Design Subtotal</b>	<b>\$386,206</b>
<b>Construction:</b>	
Contractor (West Coast Construction Co., Inc.)	\$634,451
Consultant (HDR Engineering, Inc.) Supplemental Agreement No. 2	11,397
City Administration	57,352
Miscellaneous	<u>3,703</u>
<b>Construction Subtotal</b>	<b>\$706,903</b>
<b>Total Project Costs</b>	<b>\$1,093,109</b>

<b>Project Funding:</b>	
Stormwater CIP	<b>\$1,093,109</b>

**V. ALTERNATIVES:**

The City Council could choose not to terminate the contract; however, this action would cause the City to force the current contractor to complete the work thereby exposing the City to significant cost and schedule risks.

**VI. TIME CONSTRAINTS:**

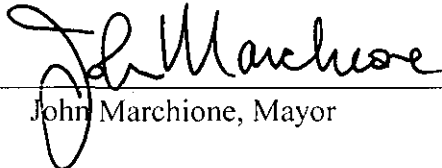
Following contract termination, in accordance with RCW 60.28, the contract retainage will be released upon receipt of clearances from the Washington State Departments of Revenue and Labor and Industries, and a mandatory 45-day waiting period for filing of claims and liens.

**VII. LIST OF ATTACHMENTS:**

A. Vicinity Map

  
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Timothy K. Fuller, Director of Public Works

2/22/13  
Date

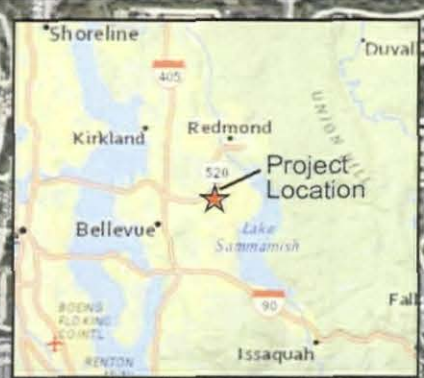
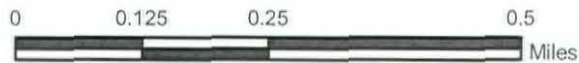
Approved for Council Agenda   
\_\_\_\_\_  
John Marchione, Mayor

2/23/13  
Date



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- Legend**
-  Project Sites
  -  Highway
  -  Arterial



**Vicinity Map**  
 OVERLAKE VILLAGE LID  
 RETROFIT PROJECT  
 City of Redmond