



Legislation Details (With Text)

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**Title:** SE 4th Street Reconstruction Completion Agreement (Williston Road to Depot Avenue) (B)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 210557A\_SE 4th St. Reconstruction Location Map\_20211021

Date	Ver.	Action By	Action	Result
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**SE 4<sup>th</sup> Street Reconstruction Completion Agreement (Williston Road to Depot Avenue) (B)**

This item is a request to enter into an Agreement with Western Surety Company for the completion of the SE 4<sup>th</sup> Street Reconstruction project from Williston Road to Depot Avenue.

On January 12, 2018, the City entered into an Agreement with DAB Constructors, Inc. (DAB) for the reconstruction of SE 4<sup>th</sup> St in the amount of \$5,010,328.88. The contractor failed to furnish adequate resources to complete the project in a timely manner and entered into liquated damages; ultimately DAB abandoned the project and filed for bankruptcy in July 2021. The City holds a Performance Bond with Western Surety Company (WSC) supplied by DAB in accordance with the original construction Agreement. WSC is obligated to complete the project in accordance with the original plans and specifications at a price not-to-exceed the balance of the DAB agreement. The balance on the DAB agreement is approximately \$1.5 million, which will be paid to WSC, plus any required change orders less liquated damages (\$2,811 each and every calendar day) and any cost borne by the City such as legal fees and interim site maintenance.

WSC has hired a vendor to assist with procurement of a new contractor and is committed to completing the project as quickly as possible to minimize the liquated damages that will be assessed. However, no completion timeline is available at this time as WSC is in process of negotiating an agreement with the new contractor.

The SE 4<sup>th</sup> St Reconstruction project consists of a new pavement & drainage system, new sidewalks & cycle tracks on both sides of the roadway, traffic-claiming at the Gainesville/Hawthorne Trail crossing, a new box culvert bridge at Sweetwater Branch Creek, two stormwater treatment ponds for flood control and water quality treatment, undergrounding of overhead utilities and roadway & pedestrian scale lighting. The left side of the roadway, final lift of asphalt, sidewalk & cycle tracks, traffic calming, stormwater ponds, roadway lighting and remediation work remains to be completed.

**Strategic Connection**

This item is connected to Goal 3: A Great Place to Live and Experience in the City’s Strategic Plan and is a normal priority item. This item is related to Vision Zero which is a top priority item.

..Fiscal Note

Available funding for the project totals \$1,976,246.36 in the Local Option Gas Tax Fund and Stormwater Management Utility fund which consists of the \$1,499,073.29 DAB Agreement balance and \$477,173.08 unobligated to expenses.

The City Commission authorizes the City Manager or designee to enter into an Agreement with Western Surety Company not-to-exceed \$1,650,000 and to execute any other necessary documents for the completion of the SE 4<sup>th</sup> Street Reconstruction project, subject to approval by the City Attorney as to form and legality.