



Legislation Text

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Hogtown Creek NW 8th Avenue Culvert Sediment Removal (B)

This item will increase by \$22,500 the amount of the purchase order and contract with Subaqueous Services, Inc. for sediment removal at the Hogtown Creek NW 8th Avenue Culvert.

The City Commission awarded the bid for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert to Subaqueous Services, Inc. on July 25, 2005, and authorized the City Manager to execute the contract and issue the purchase order for \$89,069. During the on site pre-construction meeting, it was determined and verified by Public Works engineering staff that the amount of sediment to be removed exceeded the quantity defined in the bid documents by 400 cubic yards. The contractor's bid price for additional sediment removal is \$10,000 per 100 cubic yards. The City Commission approved the associated change order in the amount of \$40,000.

The City of Gainesville entered into a grant agreement with the United States Natural Resources Conservation Services (NRCS) where they would provide 75% of the funding for this work through their Emergency Watershed Protection Program. The balance is provided by the City's Stormwater Management Utility.

The contractor began work on September 13, 2005. On October 6, 2005 the Northwest Gainesville area experienced a significant rainfall event. The weather station located at the Gainesville Regional Airport reported 2.67" of which most fell within an hour or so. This rainfall event caused elevated creek flows resulting in the deposition of additional sediment in the previously excavated areas of this project. The field engineer for the NRCS informed Public Works that all of the sediment must be removed at the time of their final inspection in order for the terms of the NRCS/City grant agreement to be met, without which no reimbursement to the City would be allowed.

Without the reimbursement from the NRCS, the City would have to cover the entire \$129,069 on this contract. We negotiated a change order agreement that adds 225 additional cubic yards of sediment removal at a cost of \$22,500 (current contract unit cost) with the stipulation that the contractor complete full sediment removal, and have this work complete for the scheduled NRCS final inspection at 9 a.m. on November 15th. Therefore the City of Gainesville will not pay additional costs for the completion and inspection approval by the NRCS.

Staff deemed this action necessary to protect the City's interest as 1) additional significant rainfall events may reoccur that would continue to prevent completion of this project and 2) the contractor met the conditions of the contract by removing 1,100 cubic yards of sediment from the project site within the allowed 60-day period.

Funds are available in the Natural Resources Conservation Services grant account and the Stormwater Management Utility account.

The City Commission authorize the City Manager, or designee, to execute a modification to the existing purchase order and contract for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert issued to Subaqueous Services, Inc. for additional work, increasing the amount of the purchase order from \$129,069 to \$151,569.

Alternative Recommendation A: The City Commission deny the contract amendment request. This action would eliminate funding from the NRCS in the amount of \$113,676.75 plus in kind costs, making the City of Gainesville responsible for the entire project cost of \$151,569 plus in kind costs. These costs would be taken from the Stormwater Management Utility Fund. In addition, the contractor has performed in good faith as per the direction of staff and is entitled to just compensation. Failure to provide that compensation may expose the City to further costs.