



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District B

Item Creation Date: 9/21/2017

20PSK05 Payment of Certain Contract Funds / Times Construction, Inc.

Agenda Item#:

### **Background:**

**SUBJECT:** Adopt an Ordinance approving payment of certain contract funds for Concrete Channel at 10418 Raymondville Road at Charles Street; WBS No. M-420126-0091-4

**RECOMMENDATION: (SUMMARY)** Adopt an Ordinance approving payment of certain contract funds in the amount of \$11,432.38 to Times Construction, Inc. for Concrete Channel at 10418 Raymondville Road at Charles Street.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Capital Improvement Plan and was required to repair areas of structural failure in the existing concrete channel. The repairs to the concrete channel re-established the original designed capacity of the channel to convey storm water and local drainage to Halls Bayou.

**DESCRIPTION/SCOPE:** The project consisted of the construction of a low flow concrete channel which included steel piling sheet walls and concrete slope paving, drainage inlets, storm sewers, concrete headwall construction, asphalt paving, asphalt pavement milling and structure repair, asphalt paving overlay and the cleaning of an existing 84-inch diameter storm sewer. SES Horizons Consulting Engineers, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Times Construction, Inc. with an original Contract amount of \$1,686,523.00.

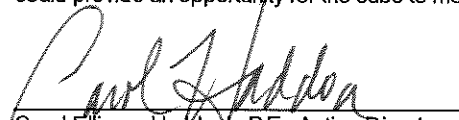
**LOCATION:** This project is located in Council District B. The project area is generally bounded by Raymondville Road to the west, HCFCD P118-00-00 (Halls Bayou) to the east, Moreau Street Liberty to the north and Charles Street to the south. The project is located in Key Map Grid 414W.

**CONTRACT COMPLETION AND COST:** The Contractor, Times Construction, Inc., last performed work under the Contract on November 17, 2016, a date beyond the Original Contract time but within an additional 179 days approved by Change Order Nos. 2 through 5. No further work by the Contractor is contemplated. The Contractor could not proceed with construction of the Concrete Channel due to issues related to sheet pile movement. The project was suspended for 75 days, until January 31, 2017, in accordance with Document 00700-General Conditions, Article 14.3. Due to the length of time anticipated to finalize a design to address the sheet pile movement, Capital Projects has recommended termination of the Contract. The remainder of the Work will be performed under a different Contract due to insufficient funds in this Contract. The City issued a Notice of Termination for Convenience, effective January 31, 2017 in accordance with Article 14.2 of the Document 00700-General Conditions. The final cost of the project with previously approved Change Order Nos. 1 through 5 is \$1,143,237.76. Money remains encumbered under the Contract. This recommended action will authorize the Department of Public Works and Engineering to administratively close this Contract and to pay the net amount of \$11,432.38, the remaining 1% retainage held by the City to the Contractor.

The City notified Contractor of the City's intent to terminate the project for convenience by letter dated 03/30/2017.

City Council's approval will allow the Department of Public Works and Engineering to make all payments due to the Contractor, without any further action or stipulation by the Contractor.

**M/WSBE PARTICIPATION:** The advertised M/WBE contract goal for this project was 18.00%. The M/WSBE plan established for this project was 18.14%. According to the Office of Business Opportunity, the participation was 9.06%. Contractor's M/WSBE performance evaluation was rated Satisfactory based on their good faith efforts. The City cancelled the project for convenience before the Contractor could provide an opportunity for the subs to meet the originally listed goal for this project.

  
Carol Ellinger Haddock, P.E., Acting Director  
Department of Public Works and Engineering

WBS No. M-420126-0091-4

### **Prior Council Action:**

Ordinance 2015-0624, dated 06/24/2015

**Amount of Funding:**

No additional funding required.

Total (original) appropriation of \$1,945,771.00 from Fund No. 4042 – Street & Traffic Control and Storm Drainage DDSRF.

**Contact Information:**

Brian Alcott, P.E., CCM  
Acting Senior Assistant Director, Capital Projects  
Phone: (832) 395-2396

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
Map	Backup Material
OBO	Backup Material
Affidavit of Ownership	Backup Material
Tax Report	Backup Material
Prior Council Action	Backup Material
Change Orders 1-5	Backup Material