

Legislation Details (With Text)

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Title: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR WAIVER AND RELEASE OF CLAIMS BETWEEN THE CITY OF SAN PABLO AND STRAWN CONSTRUCTION FOR THE NEW SAN PABLO LIBRARY IN AN AMOUNT NOT TO EXCEED \$80,528.50

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESO 2018-064 Strawn Const agr Waiver and Release of Claims, 2. Settlement Agreement Strawn - FINAL

Date	Ver.	Action By	Action	Result
5/8/2018	1	City Council	adopted	Pass

PREPARED BY: CHARLES CHING

DATE OF MEETING: 05/07/18

SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR WAIVER AND RELEASE OF CLAIMS BETWEEN THE CITY OF SAN PABLO AND STRAWN CONSTRUCTION FOR THE NEW SAN PABLO LIBRARY IN AN AMOUNT NOT TO EXCEED \$80,528.50

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

Development Projects (Economic Development) - Circle S Project Development is an adopted policy item under the FY 2018-21 City Council Priority Workplan, effective November 1, 2017.

CEQA Compliance Statement

Not a project under CEQA.

BACKGROUND

In September of 2016, the City adopted Resolution 2016-269 awarding the construction contract (the "Contract") for the New San Pablo Library (the "Project") to Strawn Construction (the "Contractor").

On December 18, 2017, the City adopted Resolution 2017-229 authorizing the issuance and recordation of a Notice of Completion for the Project subject to two exceptions needed for the completion of the Project.

On December 6, 2017, the City received an email from the President of the Contractor described as

a “claim for disputed change orders for San Pablo Library” (the “Claim”). The Claim contends that the Contactor is owed more monies for the change orders performed on the Project than what the City has determined. The City also had a liquidated damages claim for unexcused delays.

After months of discussion, the City and the Contractor have agreed to settle the dispute and work towards an amount acceptable to both. The proposed resolution authorizes the City Manager to execute an Agreement for Waiver and Release of Claims (the “Agreement”) attached in substantially final form up to an amount of \$80,528.50. The Agreement resolves the dispute and settles all current and potential claims pertaining to the Contract.

FISCAL IMPACT

The proposed resolution authorizes the City Manager to execute the Agreement up to an amount of \$80,528.50. The amount is available under the project account and no new appropriations are needed.