

ITEM# 28
DATE: 01-14-14

COUNCIL ACTION FORM

SUBJECT: 2009/10 TRAFFIC SIGNAL REPLACEMENT PROGRAM (LINCOLN WAY & ASH AVENUE)

BACKGROUND:

This project included removal and salvage of the existing traffic signal facilities at Lincoln Way and Ash Avenue, and installation of new traffic signal poles, cabinet, radar based vehicle-bike detection, Americans with Disabilities Act (ADA) vibrotactial pedestrian push-buttons, ADA compliant pedestrian ramps, and required pavement markings. This project brought this traffic signal system into compliance with existing local, state, and federal requirements.

On October 23, 2012, City Council awarded the contract to KWS, Inc. of Cedar Falls, Iowa, in the amount of \$160,919.23. Construction was completed in the amount of \$165,600.51. Engineering costs were estimated in the amount of \$11,509.91, bringing total project costs to \$177,110.42.

This project was included in the 2009/10 Capital Improvements Plan with funding in the amount of \$175,000 from Road Use Tax and \$50,000 from a Traffic Safety Improvement Grant program for eligible items only. Total project funding was in the amount of \$225,000. Project savings estimated in the amount of \$47,889.58 will be used cover project overages in the 2010/11 Traffic Signal Program that totaled \$12,690.26. This leaves a savings of \$35,199.32 to be returned to the Road Use Tax Fund.

CONTRACTOR PERFORMANCE:

KWS, Inc. began work on the Lincoln Way and Ash Avenue traffic signal replacement project on May 13, 2013, as scheduled. Minor setbacks relating to utility conflicts, pedestrian facility design, and weather impeded the completion of the project by nearly 10 working days. The new traffic signals were put into service on June 27, 2013, and were considered substantially complete by the scheduled completion date of July 19, 2013.

On July 1, 2013, our City staff began inspections of the installed portions of the traffic signals and noticed several items were not installed per the manufacturer's recommendations or in the manner specified in the project plans. Additionally, several tasks were not completed to the workmanship standards we expect in order to ensure the quality and reliability of these improvements for years to come.

On July 3, 2013, a list of issues related to the project's completion was sent to the project manager, and a meeting to discuss these issues was requested. In this meeting, the contractor was provided with clear expectations of the safety, quality, and reliability of work that must be achieved before final acceptance. Over the course of four months following this meeting, City staff spent several hours communicating remaining issues, re-inspecting, training, and assisting the contractor in completing the project. On November 8, 2013, all punch list items were finished.

Liquidated damages, as specified in the contract, are \$400 per calendar day. Because the project was considered substantially complete and a meeting with the contractor to discuss the remaining issues and possible solutions had taken place, liquidated damages were not assessed following the scheduled completion date of July 19, 2013. However, on October 18, 2013, we found the contractor was not resolving the remaining issues in a timely manner and drafted a letter to the contractor stating liquidated damages would be assessed if the remaining issues were not resolved within 30 days. Following this letter, the contractor resolved these issues on November 8, 2013.

Given the difficult experience and extended amount of staff time involved with inspecting, training, and assisting the contractor with completing the project, careful consideration will be given regarding whether or not to award future projects to this company.

ALTERNATIVES:

1. Accept the 2009/10 Traffic Signal Replacement Program (Lincoln Way & Ash Avenue) as completed by KWS, Inc. of Cedar Falls, Iowa, in the amount of \$165,600.51.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

After lengthy efforts to assure that this project was installed in an acceptable manner and in accordance with the City's specifications, the work has now been completed.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.