

## **COUNCIL ACTION FORM**

**SUBJECT: AMES POLICE SHOOTING RANGE**

**BACKGROUND:**

For many years, the Police Department has operated and maintained a shooting range for police officer training and required firearms certification. The range is located west of Dayton Road just north of the railroad tracks on a former City landfill. The close proximity of the firing range to Ames allows officers to maintain skills in this critical area at minimal expense and inconvenience.

After extensive review of the existing aged range, it was decided to change the line of fire, to construct a new earthen berm, and to re-orient the existing shed on the property. The new earthen berm is 25 feet in height, which is five feet over the recommended police shooting range height identified in the National Rifle Association (NRA) Range Design Handbook.

On November 11, 2009, Council awarded a contract for this project to Keller Excavating Inc., of Boone, Iowa, in the amount of \$99,292.75. Construction was completed in the amount of \$93,350.10. These costs include a negotiated \$8,800 credit to the contract in liquidated damages for failure to complete work according to the contract completion date.

Engineering design and administration were in the amount of \$8,600, bringing total costs to \$101,950. Financing was programmed in the 2009/10 Capital Improvements Plan at \$102,000 from Local Option Sales Tax.

**CONTRACTOR PERFORMANCE:**

Keller Excavating did not start work on the contract until late January 2010 and worked through the month of February 2010. On March 1, 2010, Keller mobilized off the project to perform work on other non-City of Ames projects. Keller remobilized in mid-May 2010 and began working towards the contract completion date of May 28, 2010. The site was not substantially complete for use until September 1, 2010, or a total of 94 days past the contracted completion date. Of these 94 days, 45 were taken out of the liquidated damage calculation due to work related to utility installations not part of the contract, as well as to holidays and monitoring of the shooting range berm slope.

Liquidated damages specified in the contract are at \$400 per day. The actual amount of liquidated damages assessed was determined through negotiations with the contractor, contractor's legal counsel, the City's Legal Department, and Public Works Department.

**Given the difficult experience staff had working with the contractor on this project, careful consideration will be given as whether or not to award future projects to this company.**

**ALTERNATIVES:**

1. Accept the Police Shooting Range Project as completed by Keller Excavating, Inc., of Boone, Iowa, in the amount of \$93,350.10.
2. Direct staff to pursue additional liquidated damages against this contractor.

**MANAGER'S RECOMMENDED ACTION:**

This project was completed in accordance with the approved specifications, but was 94 days past the specified completion date. Negotiations with the company and its legal counsel reduced the liquidated damages to 22 days.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the Police Shooting Range Project as completed by Keller Excavating, Inc., of Boone, Iowa, in the amount of \$93,350.10.