



Request for City Council Committee Action From the Department of Public Works

Date: July 13, 2010
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral to: Honorable Betsy Hodges, Chair Ways & Means/Budget Committee
Subject: **Settlement Agreement and Contract for Replacement of Spalling Sidewalks**

Recommendation:

That the City Council approve the Settlement Agreement & Contract for Sidewalk Replacement negotiated by the City Attorney and Public Works, and Standard Sidewalk Inc., and authorize the proper City Officers to execute the agreement and proceed with the work.

Previous Directives:

None

Prepared by: Michael D. Kennedy, (612) 673-3759

Approved by:

Steven A. Kotke, Director of Public Works/City Engineer

Presenters: Michael D. Kennedy, Director, Transportation Maintenance & Repair

Reviews

Permanent Review Committee (PRC)	Approval <input type="checkbox"/>	Not applicable <input checked="" type="checkbox"/>
Civil Rights	Approval <input type="checkbox"/>	Not applicable <input checked="" type="checkbox"/>
Policy review Group (PRG)	Approval <input type="checkbox"/>	Not applicable <input checked="" type="checkbox"/>

Financial Impact

Action requires an appropriation increase to the Operating Budget

Background/Supporting Information

In 2009, Public Works became aware of significant problems associated with sidewalk work performed by various contractors under our Sidewalk Condemnation Program. Many concrete sidewalk panels were exhibiting a condition often referred to as spalling, which is a flaking or chipping of the concrete surface. It was observed in varying levels of severity in work done as far back as 2003, and by several contractors.

Public Works surveyed the problems, created a severity rating, and grouped the results into three categories: low, medium and high severity. During the summer of 2009, Public Works ordered the replacement of all identified problems from the construction years 2008 and 2007, in accordance with the warranty provisions of the respective contracts. However, work

completed by one contractor, Standard Sidewalk, was outside of that warranty period, so the automatic ordering of warranty repairs was not available.

City staff and Standard Sidewalk have reached a proposed settlement in lieu of litigation.

Public Works recommends that all spalled sidewalks in the medium to severe category that were constructed in 2005 and 2006 should be replaced by the City at no cost to the property owner who originally paid for 100 percent of the work. The Agreement requires Standard Sidewalk to replace the 2005 and 2006 medium to severe category identified sidewalk at 40% of their 2010 contract price. The value of their contribution is approximately \$100,000.

The City will be responsible for the remaining replacement cost of approximately \$100,000 (\$68,605 plus construction inspection and departmental overheads). Funding for the work will come from the Sidewalk Inspection, 04100-6070100, requiring an appropriation increase to the Sidewalk Inspection operating budget, with revenues coming from permit fees and overhead charges. The Agreement is limited to spalled sidewalk panels as surveyed and rated by Public Works as of April of 2010.

Letters have been sent to all the property owners whose affected sidewalks will be replaced as identified by our rating criteria. If approved, the work will be performed this construction season.

Therefore, it is recommended that this Agreement be approved and the proper City officers execute an agreement and order the work to be completed.