City of Carroll

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MEMO TO: Mike Pogge-Weaver, City Manager MSP-W

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: August 7, 2019

SUBJECT: Downtown Streetscape Phase 9
Contract Closure

The Certificate of Substantial Completion for the Downtown Streetscape Phase 9 project was accepted on January 14, 2019, with a December 14, 2018 substantial completion date. At the time of acceptance of the Certificate, retainage in the amount of $16,892.00 was withheld from release. A portion of that amount was for completion of work, and a portion was termed non-assessed liquidated damages.

The work to be completed in the retainage as well as other items to be completed or corrected have been completed. Payment for those items was approved June 10, 2019.

An issue at this time is the resolution of the non-assessed liquidated damages in the amount of $11,000.00. A 22-day delay in completion of the project past the contract completion date, due to extended light unit delivery, was reported on January 14, 2019. Upon further review, including City Manager and City Attorney, it is concluded that completion delay due to extended light unit delivery was beyond control of the contractor. It was also determined that the actual damage to the City as a result of the completion delay was minimal.

RECOMMENDATION: Mayor and City Council consideration of waiver of the currently retained non-assessed liquidated damages in the amount of $11,000.00 and approval of payment to the Contractor for the Downtown Streetscape Phase 9 project.

RMK:ds