



Agenda Memorandum

Agenda Item - VII.E

City Council Meeting
August 21, 2023

Subject: SE Infrastructure Project Phase 2 - Final Pay Request #9 -
\$177,178.84 - H&W Contracting

Prepared By: Claire Baartman, City Administration

Background of Issue:

Attached is Pay Request #9 in the amount of \$177,178.84, the final closeout documents and the Engineers Correspondence. The South East Infrastructure Second Phase was completed in 2022. The City has been working with H&W Contracting to finalize terms to closeout the project. The City and the contractor have reached an agreement that H&W will sign off on the final paperwork to closeout the First Phase project acknowledging liquidated damages associated with that project. The City will then agree to proceed with the final pay request for the Second Phase project and waive the liquidated damages associated with the completion of the second phase project. This pay request reflects a total amount of \$177,178.84. This pay request is inclusive of the \$78,000 of liquidated damages that had been calculated by DGR Engineering associated with contractual obligations and timelines that were not met accordingly. The City is reaching an agreement to waive these liquidated damages in order to mutually close this project out with H&W Contracting.

It is important to note that the approval of this final pay request and signature of final project documents is contingent upon H&W Contracting completing one punch list item. The City will agree to release the final payment upon completion of the sealing of the pavement edges on 6th Street as identified by the locations prescribed by DGR Engineering.

H&W Contracting has signed both the First Phase and Second Phase documents in full and has agreed to complete the repair of the 6th Street paving issues in the coming weeks.

Recommendation

Recommend the Council approve the Final Pay Request #9 to close out the SE Infrastructure Project Phase 2 in the amount of \$177,178.84 payable to H&W Contracting. This Pay Request is inclusive of waiving liquidated damages and will be paid contingent upon the contractor completing the repairs to 6th Street in accordance with the areas identified by DGR Engineering.

ATTACHMENTS:

[026_Ltr_Proj Closeout \(1\).pdf](#)

[669077 - Pay Req #9 & FINAL \(1\).pdf](#)

[CRT&INDM \(1\).pdf](#)

[EngFinalComp&OwnerAccept 669077.pdf](#)