



# McAlester City Council

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## NOTICE OF MEETING

### Special Meeting of the City Council Agenda

Monday, July 28, 2014 - 5:30 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

Steve Harrison.....Mayor  
Weldon Smith..... Ward One  
John Titsworth..... Ward Two  
Travis Read..... Vice Mayor, Ward Three  
Robert Karr..... Ward Four  
Buddy Garvin..... Ward Five  
Jason Barnett..... Ward Six

Peter J. Stasiak..... City Manager  
William J. Ervin..... City Attorney  
Cora M. Middleton..... City Clerk

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

#### **CALL TO ORDER**

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*Announce the presence of a Quorum.*

#### **ROLL CALL**

#### **SCHEDULED BUSINESS**

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1. Consider, and act upon, approval of Change Order No. 4R, for an extension of ten days to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.
  2. Consider, and act upon, approval of Change Order No. 5, to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

3. Consider, and act upon, an amendment to the Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

## **RECESS COUNCIL MEETING**

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### **CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Confirm action taken on City Council Agenda Item 1, approval of Change Order No. 4R, for an extension of ten days to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.
- Confirm action taken on City Council Agenda Item 2, approval of Change Order No. 5, to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.
- Confirm action taken on City Council Agenda Item 3, an amendment to the Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

## **ADJOURN MPWA**

## **RECONVENE COUNCIL MEETING**

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### **EXECUTIVE SESSION**

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*Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:*

- Proposed executive session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green

## **ADJOURNMENT**

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## **CERTIFICATION**

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*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2014 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**



# McAlester City Council

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## AGENDA REPORT

**Meeting Date:** July 28, 2014  
**Department:** Public Works/Engineering  
**Prepared By:** John C. Modzelewski, PE  
**Date Prepared:** July 24, 2014

**Item Number:** 1  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider, and act upon, approval of Change Order No. 4R, for an extension of ten days to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

### Recommendation

Motion to approve Change Order No. 4R for the extension of time to the construction contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

### Discussion

This request for an extension of time includes ten days due to weather conditions that impacted the construction schedule. Change Order No. 4, requesting a forty day extension, was submitted to City Council on May 19, 2014. This request was revised to an extension of ten days, resulting in this Change Order 4R, which also has a statement allowing Austin Paving, LLC the right to claim or re-assert any previously requested time. It is recommended by the City's consulting engineer, EST, that the City Council approves Change Order No. 4R with Austin Paving, LLC to extend the contract time by ten days which will change the substantial completion date to July 28, 2014.

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>	<u>JCM</u>	<u>07/24/14</u>
<b>City Manager</b>	<u>PJS</u>	<u>                    </u>

**CITY OF McALESTER, OKLAHOMA**

**CHANGE ORDER NO. 4R**

**OWNER:** CITY OF McALESTER

**DATE OF AGREEMENT:** 11/26/13

**CONTRACTOR:** Austin Paving, LLC

**DATE OF CHANGE ORDER:** 5/19/14

**PROJECT:**

C I P #1: Seventeenth Street from Comanche to South Avenue

*The following changes are made to the CONTRACT Documents:*  
This Change Order requests an extension of ten (10) calendar days to the contract time resulting from a change in the construction method (equipment) required to complete the paving operations. The ten (10) contract extension was agreed and acted upon by the City Council during the special meeting held on May 19, 2014.

**JUSTIFICATION:**

Original CONTRACT Price:	\$584,042.05
Present CONTRACT Price:	\$633,488.92
The CONTRACT price due to this Change Order No. <u>4</u> will be (Increased) <del>(Decreased)</del> by:	\$ 0.00
The new CONTRACT price including this Change Order will be:	\$633,488.92

THE DATE FOR SUBSTANTIAL COMPLETION WILL BE:

July 28, 2014

ATTEST:

CITY OF McALESTER

By: \_\_\_\_\_  
Cora Middleton, City Clerk

By: \_\_\_\_\_  
Steve Harrison, Mayor

(SEAL)

CONTRACTOR

ATTEST:

BY: Austin Paving LLC  
Tony Mc...

By Signing This Change Order, Austin Paving is not waiving and rights or remedies in connection to any request for weather-related days but expressly reserves the right to claim or re-assert any previously requested time Initial AP TJM Initial COM \_\_\_\_\_



# McAlester City Council

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## AGENDA REPORT

**Meeting Date:** July 28, 2014      **Item Number:** 2  
**Department:** Public Works/Engineering  
**Prepared By:** John C. Modzelewski, PE      **Account Code:** \_\_\_\_\_  
**Date Prepared:** July 24, 2014      **Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider, and act upon, approval of Change Order No. 5, to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

### Recommendation

Motion to approve Change Order No. 5 for the extension of 47 days to the construction contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue which will change the substantial completion date to September 13, 2014.

### Discussion

This request for an extension of time includes thirty days due to weather conditions that impacted the construction schedule that was originally submitted to City Council on May 19, 2014 as Change Order No. 4. This Change Order No. 5 also includes an extension of seventeen days due to weather conditions that impacted the construction schedule. It is recommended by the City's consulting engineer, EST, that the City Council approves Change Order No. 5 with Austin Paving, LLC to extend the contract time by 47 days which will change the substantial completion date to September 13, 2014.

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>	JCM	07/24/14
<b>City Manager</b>	PJS	

CITY OF McALESTER, OKLAHOMA

CHANGE ORDER NO. 5

OWNER: CITY OF McALESTER

DATE OF AGREEMENT: 11/26/13

CONTRACTOR: Austin Paving, LLC

DATE OF CHANGE ORDER: 7/28/14

PROJECT:

C I P #1: Seventeenth Street from Comanche to South Avenue

*The following changes are made to the CONTRACT Documents:*  
This Change Order requests the re-consideration of an extension of thirty (30) calendar days to the contract time resulting from weather impacts due to rain events and resulting attempts to work and dry the subgrade material that was dismissed at the May 19, 2014 City Council Meeting. In addition, this change order requests consideration of an additional seventeen (17) calendar day extension to the contract time resulting from weather days incurred since that meeting.

JUSTIFICATION:

Original CONTRACT Price:	\$584,042.05
Present CONTRACT Price:	\$633,488.92
The CONTRACT price due to this Change Order No. <u>5</u> will be (Increased) <del>(Decreased)</del> by:	\$ 0.00
The new CONTRACT price including this Change Order will be:	\$633,488.92

THE DATE FOR SUBSTANTIAL COMPLETION WILL BE:

September 13, 2014

ATTEST:

CITY OF McALESTER

By: \_\_\_\_\_  
Cora Middleton, City Clerk

By: \_\_\_\_\_  
Steve Harrison, Mayor

(SEAL)

CONTRACTOR

\_\_\_\_\_  
ATTEST:

Austin Paving, LLC  
BY: Tony McIsaac  
Austin Paving, LLC



# McAlester City Council

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## AGENDA REPORT

**Meeting Date:** July 28, 2014      **Item Number:** 3  
**Department:** Public Works-Engineering  
**Prepared By:** John C. Modzelewski, PE      **Account Code:** \_\_\_\_\_  
**Date Prepared:** July 24, 2014      **Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider, and act upon, an amendment to the Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

### Recommendation

Motion to approve authorizing the Mayor to sign the Supplemental Agreement to the existing Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The total fee to perform these services is a lump sum amount of \$35,000.

### Discussion

This agreement will allow the consultant to continue to provide Construction Management Services for the road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The construction schedule, as submitted by the contractor, has a completion date of September 24, 2014. These services include engineering oversight, daily onsite observation, documentation, estimate preparation and review, audit and testing services.

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>	JCM	07/24/14
<b>City Manager</b>	PJS	



July 23, 2014

City of McAlester  
28 E. Washington  
McAlester, OK 74501

Attn: John Modzelewski

**Re: Construction Management Services  
17<sup>th</sup> Street from South Avenue to Comanche Avenue**

EST, Inc. is submitting the following request for a Supplemental Agreement to our existing contract to continue providing construction inspection and certified lab technician services on the above referenced contract. As a result of project delays, field modifications and Change Orders, the original contract time has been increased. This resulted in an extension of the service that we are providing to the City of McAlester.

EST, Inc. has prepared a Fee Proposal based upon the Scope of Services outlined in Exhibit A of the City of McAlester's Professional Services Agreement. The supplemental amount requested to continue performing these services is a lump sum amount of \$35,000. This additional fee is based upon extending our services thru September 24, 2014 (the current proposed completion date) reflected on the latest construction schedule submitted by Austin Paving, LLC.

**General:**

This proposal is submitted for the exclusive use of the City of McAlester for the specific project referenced. If our outlined Scope of Services change, this fee will change accordingly. We will notify the client prior to making changes to the scope of services that may adjust our fee.

We appreciate the opportunity to provide these services and are available to answer any questions regarding this proposal. Should you have any questions, please contact us at (405) 815-3600.

If you are in agreement with this proposal, please indicate your acceptance by signing the Notice to Proceed provided and returning it to the address shown above or via email to [tammy@estinc.net](mailto:tammy@estinc.net)

Respectfully,

Tammy Robinson, P.E., C.P.M.  
Director of Construction Management

Enclosures: Notice to Proceed



**NOTICE TO PROCEED**

**To:** John Modzelewski

City of McAlester  
28 E. Washington  
McAlester, OK 74501

**Re: Construction Management Support Services  
Supplement Agreement No. 1**

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Please Print)

For: \_\_\_\_\_  
Name and Address of Firm if different than addressed

Date: \_\_\_\_\_