



Post Office Box 9010

Addison, Texas 75001-9010

5300 Belt Line Road

(972) 450-7000
FAX (972) 450-7043

AGENDA
MEETING OF THE CITY COUNCIL
SEPTEMBER 6, 2005
6:00 P.M.
TOWN HALL
5300 BELT LINE ROAD

MEETING

Item #1 - Photography session of the City Council

Item #2 - Update on the Town of Addison's efforts to provide relief to the New Orleans refugees.

Item #3 - Discussion of FY 2005-06 Budget.

Item #4 - Discussion of zoning on Belt Line Road.

Item #5 - Consideration and approval of final payment for the Belt Line asphalt overlay project.

Attachments:

1. Council Agenda Item Overview
2. Letter of Agreement

Administrative Recommendation:

Administration recommends approval.

Item #6 - Discussion of the naming opportunities of public buildings, facilities, and parks.

Adjourn Meeting

Posted 3:30 p.m.
September 2, 2005
Carmen Moran
City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

Council Agenda Item: #5

SUMMARY:

This item is for final payment and acceptance of improvements performed by APAC-Texas, Inc., for construction of the Belt Line Road Pavement Rehabilitation, from Marsh Lane to Dallas North Tollway.

FINANCIAL IMPACT:

Original Construction Cost: \$730,766.00
Final Construction Cost: \$534,529.40
Funding Source: \$1.25 million from the proceeds of the 2004 sale of General Obligation Bonds.

BACKGROUND:

The Belt Line Road project was awarded by Council in October 2004 to improve a deteriorated pavement surface. The contract stipulated that all construction must be completed by November 15, 2004, which was 25 calendar days from the Notice to Proceed date of October 17, 2004. An incentive/disincentive provision was also included, whereby; the contractor would be awarded \$20,000 per day for early completion, with a five day maximum. The disincentive amount was \$10,000 per day for every day that construction exceeded the contractual deadline. APAC, Texas, Inc. submitted the lowest responsive bid, in the amount of \$730,766.00. During construction, the Contractor was awarded an additional three calendar days to complete the project due to a change in scope of work related to the application of jointing strips on the existing pavement.

However, the Contractor was unable to substantially complete the project until December 13, 2004. This represented a 30 calendar day increase over the original amount of time established in the contract. At the rate of \$10,000 per day, this placed the Contractor in a position of being subject to a disincentive amount of \$300,000, which the contractor disputed. The Town and Contractor met several times in order to reach an accord on the amount of final disincentive that should be imposed upon the Contractor. After extensive negotiations with the Town of Addison, the Contractor agreed on a final payment settlement of \$534,529.40 (see attachment). The Contractor has submitted the Affidavit of Bills Paid and Consent of Surety Company To Final Payment for this project.

RECOMMENDATION

Staff recommends that Council authorize first and final payment of \$534,529.40 to APAC-Texas, Inc., and accept construction of the Belt Line Road Pavement Rehabilitation, from Marsh Lane to Dallas North Tollway project.

ASHLAND.

Stephen B. Robertson
Division President

APAC-Texas, Inc.

A subsidiary of Ashland Paving And Construction, Inc.
Texas Bitulithic Division
2121 Irving Boulevard, Dallas, TX 75207
P.O. Box 224048, Dallas, TX 75222-4048
Tel: 214 741-3531, Fax: 214 742-3540

August 23, 2005

RECEIVED
AUG 25 2005
CITY MANAGER

Mr. Ron Whitehead
City Manager
Town of Addison
P. O. Box 9010
Addison, Texas 75001-9010

Dear Mr. Whitehead:

John Walker has forwarded to me your letter to him of August 18, 2005. While we still do not agree with the Town's position on the facts, we will reluctantly accept your offer of \$534,529.40 in order to settle the issue and move on.

We will submit the Affidavit of Bills Paid and the Surety Consent form in the very near future. At that time, please forward our check through the normal channels.

Yours very truly,

APAC-TEXAS, INC.
Texas Bitulithic Division



S.B. Robertson
Division President

SBR/tm
cc: John Walker

