

RESOLUTION NO. 52-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A DEDUCTIVE CHANGE ORDER TO PEPPER LAWSON WATERWORKS, LLC, AND ESTABLISHING A FINAL CONTRACT PRICE FOR THE HAMBY WATER RECLAMATION FACILITY INITIAL SHORT-TERM DROUGHT STRATEGY

WHEREAS, in response to the on-going drought and as part of the City of Abilene's overall initial, short-term drought response strategy, the City constructed improvements to the Hamby Water Reclamation Facility to discharge up to 7 million gallons per day of advanced treated wastewater into Lake Fort Phantom Hill; and,

WHEREAS, on September 12, 2013 the City Council approved an oral resolution authorizing the City Manager to negotiate agreements with Pepper Lawson Waterworks, LLC (Pepper Lawson) to serve as the Construction Manager at Risk (CMAR) for the Hamby Water Reclamation Facility which is a required part of the strategy to discharge advanced treated wastewater into Lake Fort Phantom Hill; and,

WHEREAS, under the agreement with Pepper Lawson the contract price for the Hamby Water Reclamation Facility is established based on the CMAR's fee and Guarantee Maximum Price (GMP) proposals and Change Orders accepted by the City; and,

WHEREAS, the initial agreement established Preconstruction Phase Services in the amount of \$550,000 and the CMAR's fee of 2.6% for major equipment packages and 4.6% for construction phase services; and,

WHEREAS, GMP No. 1 was authorized by the City Council on November 21, 2013 in the amount of \$41,400,000; and,

WHEREAS, GMP Proposal No. 2 was authorized by the City Council on January 23, 2014 in the amount of \$17,250,000; and,

WHEREAS, GMP Proposal No. 3 was authorized by the City Council on September 11, 2014 in the amount of \$26,550,000; and,

WHEREAS, on January 14, 2016 a Change Order was authorized by the City Council for installation of a floating pump system at the Ivie raw water intake in the amount of \$826,000; and,

WHEREAS, collectively, the Preconstruction Phase Services and approved GMPs and Change Orders establish the current contract price at \$86,576,000; and,

WHEREAS, Pepper Lawson has presented a DEDUCT of \$908,181.90 from the current contract price for the Hamby Water Reclamation Facility to account for "as-built" quantities and the decision by Pepper Lawson to decline any split between Pepper Lawson and the City for cost savings below the contract price as allowed for under applicable provisions of the contract between Pepper Lawson and the City;

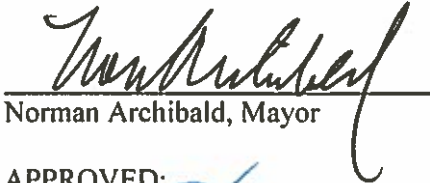
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1: The City Manager is hereby authorized to execute any documents necessary to accept Pepper Lawson's DEDUCT of \$908,181.90 for "as-built" quantities, and the deletion of provisions in the Agreement between Pepper Lawson and the City related to sharing in cost savings related to the Hamby Water Reclamation Facility project, to establish a final contract price of \$85,667,818.10.

ADOPTED this 27th day of April, 2017.

ATTEST:


Danette Dunlap, City Secretary


Norman Archibald, Mayor

APPROVED:


Stanley Smith, City Attorney