

**RESOLUTION NO. \_\_\_\_ - 2021**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

**and**

**RESOLUTION NO. ID \_\_\_\_-2021**

**RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD**

**APPROVING CONTRACT CHANGE ORDER NO. 2 WITH AKEFF CONSTRUCTION SERVICES, INC. FOR THE MAPLE STREET STORM DRAIN AND ALLEY REHABILITATION PROJECT (PWP-00116), INCREASING THE CONTRACT BY \$82,700.00 BY APPROVING BUDGET AMENDMENT NO. 2022-09 TO APPROPRIATE FUNDS FROM THE WASTE WATER CAPITAL RESERVE (FUND 715) TO STREETS PROJECT FUND (ACCOUNT 420-4870-0731) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,334,054.00**

**WHEREAS**, the Fort Bragg City Council entered into a Contract on April 12, 2021 in the amount of \$1,226,354.00 with Akeff Construction Services, Inc. (“Contractor”) for construction services on several local alleys and on Maple Street as part of the Maple Street Storm Drain and Alley Rehabilitation Project (City Project PWP-00116); and

**WHEREAS**, throughout the months of June and July 2021, the City and the Contractor became aware of numerous utility conflicts between the proposed storm drain alignment and existing sewer mains and water mains in multiple locations; and

**WHEREAS**, on August 16, 2021 the City received and processed Contract Change Order No.1 for an additional 15 working days and an increase in the contract amount of up to \$25,000 for force account work for site specific corrections; and

**WHEREAS**, after careful consideration of each individual conflict by staff, consulting engineers, and Contractor, most utility conflicts were resolved via Contract Change Order No.1; and

**WHEREAS**, on August 25, 2021, it was determined that for one of these utility conflicts occurring at the corner of Maple Street and Alley S300K, where the proposed storm drain main is in direct conflict with multiple sewer laterals, removal and relocation of the sewer main is the best resolution to this issue; and

**WHEREAS**, since the existing sewer main is an old brittle clay pipe that is likely to fail, removal and relocation of pipe will resolve the utility conflict and ensure the newly paved alleyway doesn’t need to be dug up again in the near future for repairs; and

**WHEREAS**, until a solution to the unground utility conflicts in this location are authorized, additional unavoidable delays will accumulate, resulting in additional costs and time to the City; and

**WHEREAS**, while there remain sufficient funds budgeted for this project in the streets project account, the scope of work associated with the added costs are directly related to non-routine maintenance of a waste water utility main; and

**WHEREAS**, the Waste Water Enterprise Capital Reserve Fund 715 has sufficient funds to cover the additional costs associated with Budget Amendment No. 2022-09; and

**WHEREAS**, based on all the evidence presented, the City Council/District Board finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Resolution.
2. Completion of this sewer main replacement and relocation are necessary to keep the project moving.
3. Sufficient funds are available to cover the additional costs associated with Budget Amendment No. 2022-09.
4. Akeff Construction Services, Inc. agrees to complete the additional work in the amount of Contract Change Order No. 2.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby accept the contract change order No. 2 with Akeff Construction Services, Inc. for the increased costs associated with the sewer main replacement and relocation for the completion of City Streets Project PWP-00116 and authorizes the City Manager to execute the same (Amount Not to Exceed \$82,700.00; transfer from Fund 715).

**BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby amend the previously adopted FY 2021-22 Budget to incorporate the changes enumerated in Exhibit A approving Budget Amendment No. 2022-09 to appropriate funds in the amount of \$82,700.00 from the Waste Water Capital Reserve 715 to Account 420-4870-0731.

**The above and foregoing Resolution was introduced by Council/Board Member \_\_\_\_\_, seconded by Council/Board Member \_\_\_\_\_, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 30<sup>th</sup> day of August, 2021, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

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**BERNIE NORVELL**  
**Mayor/Chair**

**ATTEST:**

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**June Lemos, CMC**  
**City/District Clerk**