



# McAlester City Council

---

## NOTICE OF MEETING

### Special City Council Meeting Agenda

Monday, May 19, 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

*Announce the presence of a Quorum.*

### ROLL CALL

### SCHEDULED BUSINESS

1. Consider, and act upon, Change Order No. 3 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of ten days and an increase of the contract

price in the amount of \$22,007.75. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 3 for the installation of geogrid reinforcement to bridge unsuitable subgrade material.

2. Consider, and act upon, Change Order No. 4 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of forty days to the substantial completion date. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 4 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 due to weather impacts from rain and snow events, and change in the construction method to complete the paving operations.

3. Tabled from previous meeting. Consider, and act upon, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management Services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve payment and authorize the Mayor to sign payment requisition.

## **RECESS COUNCIL MEETING**

---

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

---

*Majority of a Quorum required for approval*

- Confirm action taken on City Council Agenda Item 1, Change Order No. 3 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of ten days and an increase of the contract price in the amount of \$22,007.75. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 2, Consider, and act upon, Change Order No. 4 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of forty days to the substantial completion date. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 3, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management Services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

#### ADJOURN MPWA

#### **RECONVENE COUNCIL MEETING**

*Take any action necessary from Executive Session discussion.*

---

#### **ADJOURNMENT**

---

#### **CERTIFICATION**

---

*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).*

---

**Cora M. Middleton, City Clerk**



# McAlester City Council

## AGENDA REPORT

Meeting Date: May 19, 2014  
Department: Public Works/Engineering  
Prepared By: John C. Modzelewski, PE  
Date Prepared: May 16, 2014

Item Number: 1  
Account Code: \_\_\_\_\_  
Budgeted Amount: \_\_\_\_\_  
Exhibits: 3

### Subject

Consider, and act upon, Change Order No. 3 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of ten days and an increase of the contract price in the amount of \$22,007.75.

### Recommendation

Motion to approve Change Order No. 3 for the installation of geogrid reinforcement to bridge unsuitable subgrade material.

### Discussion

The Contractor has been executing the necessary Subgrade Method B to establish the subgrade on this project. During this work, the Contractor has encountered a variance of subgrade material ranging from rock to a fat clay material. The Contractor has attempted to "rip", dry and rework the subgrade material to meet the Specification requirements with success throughout the majority of the of the project limits. However, there are isolated areas that remain unsuitable and are not drying out. These areas have been discussed at length and all parties propose to proceed with the addition of geogrid reinforcement in those areas to "bridge" the unsuitable material in order to move forward with the construction of this project. It is recommended by the City's consulting engineer, EST that the City Council approves Change Order No. 3 with Austin Paving, LLC to extend the contract time by ten days which will change the substantial completion date to July 18, 2014, and to increase the contract price in the amount of \$22,007.75 to a total contract price of \$633,488.92.

### Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	JCM	05/16/14
City Manager	P. Stasiak	05/16/14
	_____	_____
	_____	_____



Comprehensive Engineering Services

1905 N. 13<sup>th</sup>, Suite A  
McAlester, Oklahoma 74501  
P (918) 423.4877 F (918) 429.0200

May 16, 2014

City of McAlester  
PO Box 578  
McAlester, OK 74502

Attn: John Modzelewski

**RE: Change Order 3  
17<sup>th</sup> Street Roadway Improvements**

The project typical section calls for the use of Subgrade Method B to establish the subgrade on 17<sup>th</sup> Street, from South Avenue to Comanche Avenue. During the execution of this work, the Contractor has encountered a variance of subgrade material ranging from rock to a fat clay material. The Contractor has attempted to "rip", dry and rework the subgrade material to meet the Specification requirements with success throughout the majority of the project limits.

However, there are isolated areas that remain unsuitable and are not drying out. These areas have been discussed at length and all parties propose to proceed with the addition of a geogrid reinforcement in these areas to "bridge" the unsuitable material in order to move forward with the construction of this project.

This extra work falls under the provisions of Specification Section 109.04, "Differing Site Conditions, Changes, and Extra Work". The attached cost breakdown has been compiled in accordance with the Specifications and industry accepted standards for determining a fair and equitable price for the additional work. This price is based upon estimated labor, material, equipment costs and associated markups for overhead and profit.

There were 10 calendar days when the progress was stalled due to the discussions surrounding the alternatives available to bridge areas of unsuitable subgrade material. This change order proposal includes a request to add those days to the contract as the delay was a result of the unknown field conditions.

If you have any questions regarding this matter, feel free to contact me at (405) 206-5119 to discuss.

Respectfully,

Tammy Robinson, P.E.  
Resident Engineer

cc: Tony McDonald, Austin Paving  
Jared Eddy, Project Inspector  
File

Colorado

Oklahoma

Texas

CITY OF McALESTER, OKLAHOMA

CHANGE ORDER NO. 3

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 additional funding to install geogrid reinforcement to bridge unsuitable subgrade material. The Resident Engineer and Contractor agree that this work is the result of a differing site condition resulting in extra work that was not included with the scope of the contract. Therefore, the associated cost was developed in accordance with Specification Section 109.04. This request includes an extension of ten (10) calendar days to the adjusted contract time to address the project shutdown to determine the chosen alternate.

JUSTIFICATION:

Original CONTRACT Price:	\$584,042.05
Present CONTRACT Price:	\$611,481.17
The CONTRACT price due to this Change Order No. <u>3</u> will be (Increased) <del>(Decreased)</del> by:	\$ 22,007.75
The new CONTRACT price including this Change Order will be:	\$633,488.92

THE DATE FOR SUBSTANTIAL COMPLETION WILL BE:

July 18, 2014

ATTEST:

CITY OF McALESTER

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

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

(SEAL)

\_\_\_\_\_

ATTEST:

CONTRACTOR:  


By: Tony McSearles



Contract ID \_\_\_\_\_ CIP #1 \_\_\_\_\_

## Oklahoma Department of Transportation

Cost Breakdown For Differing Site Conditions, Changes & Extra Work

Project No. 17th St from South Avenue to Comanche Avenue Date 05/15/2014

County Pittsburg Contractor Austin Paving

Description of Work Add Item for geogrid to stabilize poor subgrade material

1. <b>Labor Total</b> (Refer to Attachment A)					\$5,728.00
a) Labor Overhead & Profit	%	25.00			\$1,432.00
2. <b>Material Total</b> (Refer to Attachment B)					\$3,195.00
a) Material Overhead & Profit	%	20.00			\$639.00
3. <b>Equipment Total</b> (Refer to Attachment C)					\$6,560.00
a) Equipment Additional Administrative Cost & Profit	%	20.00			\$1,312.00
4. a) Bonds	%	1.00			\$154.83
b) Property Damage & Liability Insurance	Rate / \$1000 of Payroll	104.76			\$600.07
c) Workers Compensation	Rate / \$100 of Payroll	10.22			\$585.40
d) Unemployment Insurance Contribution	%	3.80			\$217.66
e) Social Security Taxes	%	7.65			\$438.19
f) Employment Fringe Benefits	%	20.00			\$1,145.60
5. <b>Subcontracted Work Total</b>					
a) Prime Contractor Overhead on Subcontracted Work	%	10.00			
6. <b>Work of a Non-Highway Construction Nature</b>					
a) Prime Contractor Overhead on Subcontracted Work	%	10.00			
7. <b>Total Cost of Work</b>					\$22,007.75
a) Unit Price	\$22,007.75	Quantity	1	Units	LSUM
					\$22,007.75

### Attachment A - Labor Total

Contract ID: CIP #1

Description: Add Item for geogrid to stabilize poor subgrade material

Labor Classification	No.	Rate / Hour	Total Hours	Total for Each Labor Class
superintendent	1.00	36.00	32.00	1,152.00
operator	2.00	34.00	32.00	2,176.00
laborer	3.00	25.00	32.00	2,400.00
<b>Labor Total</b>				<b>5,728.00</b>



### Attachment B - Material Total

Contract ID: CIP #1

Description: Add Item for geogrid to stabilize poor subgrade material

[illegible]

### Attachment C - Equipment Total

Contract ID: CIP #1

Description: Add Item for geogrid to stabilize poor subgrade material

Equipment Type	No.	Cost / Hour	Total Hours	Amount For Each Type
motograder	1.00	80.00	32.00	\$2,560.00
drum roller	1.00	50.00	32.00	\$1,600.00
pickup	2.00	15.00	32.00	\$960.00
bobcat	1.00	45.00	32.00	\$1,440.00
<b>Equipment Total</b>				<b>\$6,560.00</b>



# McAlester City Council

## AGENDA REPORT

Meeting Date: May 19, 2014  
Department: Public Works/Engineering  
Prepared By: John C. Modzelewski, PE  
Date Prepared: May 16, 2014

Item Number: 2  
Account Code:  
Budgeted Amount:  
Exhibits: 2

### Subject

Consider, and act upon, Change Order No. 4 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of forty days to the substantial completion date.

### Recommendation

Motion to approve Change Order No. 4 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 due to weather impacts from rain and snow events, and change in the construction method to complete the paving operations.

### Discussion

This request for an extension of time includes thirty days due to rain and days lost to rain; and ten days due to the change in construction method to complete the paving operations. It is recommended by the City's consulting engineer, EST, that the City Council approves Change Order No. 4 with Austin Paving, LLC to extend the contract time by forty days which will change the substantial completion date to August 27, 2014.

### Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	JCM	05/16/14
City Manager	P. Stasiak	05/16/14

May 16, 2014

City of McAlester  
PO Box 578  
McAlester, OK 74502

Attn: John Modzelewski

**RE: Change Order 4**  
**17<sup>th</sup> Street Roadway Improvements**

We have reviewed the Daily Work Reports to determine the impact to the critical path based upon weather days. This typically results from a rain or snow event occurring followed by days of no work due to conditions not being conducive to perform the work activities critical to contract completion. In addition to weather, there were days that were impacted by discovering unmarked utilities that impacted the progress of work. From this review, we agreed upon 30 calendar days that were affected in accordance with the 2009 Specifications, Section 108.07(1).

An additional side effect of the unsuitable fill materials located along the outside edge of pavement was the need to change the planned approach of paving. The Contractor will have to change his paving method from utilizing a slip-form paver to setting forms and hand pouring due to the inability to construct a working platform to run the paver across. This results in a projected increase of 10 calendar days to complete the paving operations and associated cure time required.

These calendar impacts result in the request represented by Change Order No. 4 to add 40 calendar days to the contract time. This addition of time will adjust the completion date to August 27, 2014.

If you have any questions regarding this matter, feel free to contact me at (405) 206-5119 to discuss.

Respectfully,



Tammy Robinson, P.E.  
Resident Engineer

cc: Tony McDonald, Austin Paving  
Jared Eddy, Project Inspector  
File

CITY OF McALESTER, OKLAHOMA

CHANGE ORDER NO. 4

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 forty (40) calendar days to the contract time resulting from weather impacts due to rain events, attempts to work and dry the material, and the resulting change in the construction method (equipment) required to complete the paving operations.

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:

August 27, 2014

ATTEST:

CITY OF McALESTER

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

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

(SEAL)

ATTEST:

CONTRACTOR:  
  
By: Tony McSweeney



# McAlester City Council

## AGENDA REPORT

Meeting Date: May 19, 2014  
Department: Public Works/Engineering  
Prepared By: John Modzelewski, PE  
Date Prepared: May 16, 2014

Item Number: 3  
Account Code:  
Budgeted Amount:  
Exhibits: 2

### Subject

Tabled from previous meeting. Consider and act upon, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management Services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

### Recommendation

Motion to approve payment and authorize the Mayor to sign payment requisition.

### Discussion

### Approved By

	Initial	Date
Department Head		
City Manager	P. Stasiak	5/16/2014

## SCHEDULE "D"

### FORM OF PAYMENT REQUISITION

PAYMENT REQUISITION  
SERIES 2013 PROJECT ACCOUNT  
THE MCALESTER PUBLIC WORKS AUTHORITY CONSTRUCTION FUND

FROM: Trustees of The McAlester Public Works Authority

TO: BancFirst

DATE: April 28, 2014

Pursuant to the provisions the Series 1999 Revenue Bond Indenture dated as of May 1, 1999, as heretofore supplemented and amended by a Series 2002 Revenue Bond Indenture dated as of July 1, 2002, as supplemented and amended by a Series 2012 Supplemental Note Indenture dated as of December 1, 2012, and as further supplemented and amended by a Series 2013 Supplemental Note Indenture dated as of June 1, 2013 (collectively, the "Indenture"), all by and between The McAlester Public Works Authority and BancFirst, as Trustee, you are directed to pay Creditor from the Series 2013 Project Account within the Construction Fund of said Authority as indicated below, the amounts shown for the purposes set forth in this Requisition.

EST	874081029
CREDITOR	TRUST NO.

615 N Hudson, Suite 300 Oklahoma City, OK 73102  
MAILING ADDRESS

Construction Services	Invoice: 32134
ITEM	ITEM NO.

<u>April 16, 2014</u>	<u>CIP #1</u>	<u>\$13,170.00</u>
DATE	PURPOSE	AMOUNT

#### AUTHORIZATION AND CERTIFICATE OF CITY MANAGER/CHAIRMAN

With reference to the above requisition, the undersigned certifies:

1. The above requisition is approved.
2. Each obligation therein has been properly incurred and is now due and unpaid and that insofar as such obligation was incurred for work, materials, equipment or supplies, such work was

actually performed, and such materials, equipment or supplies were actually installed or delivered to or for the Project as evidenced by the certificate of the supervising architect or engineer or other appropriate certification.

3. That obligations in the stated amounts have been incurred by the Authority and that each item is a proper charge against the Construction Fund and has not been paid.

4. That there has not been filed with or served upon the Authority, notice of any lien, right to lien, or attachment upon, or claim affecting the right of any such persons, firms or corporations to receive payment of, the respective amounts stated in this requisition which has not been released or will not be released simultaneously with this payment.

5. That such requisition contains no item representing payment on account of any retained percentages which the Authority is at the date of such certificate entitled to retain.

THE MCALESTER PUBLIC WORKS AUTHORITY

 4-28-14  
City Manager or Chairman

Date: April 28, 2014

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

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

\_\_\_\_\_  
Authorized Officer

Submit in triplicate:

1 to Trustee Bank

1 to Authority

1 to City





615 N Hudson, Suite 300  
Oklahoma City, OK 73102  
Phone: (405) 815-3600  
Fax: (405) 815-4080

April 16, 2014

Project No: 6004066.000  
Invoice No: 32134

City of McAlester  
Public Works Department - John Modzelewski  
28 East Washington Avenue  
McAlester, OK 74501

Project 6004066.000 17th Street from Comanche Ave to South Ave  
Fee

Billing Phase	Fee	Percent Complete	Earned
Design Ready Topographic Survey	9,200.00	100.00	9,200.00
Right of Way / Boundary Survey	2,800.00	100.00	2,800.00
Geotechnical Services	5,000.00	100.00	5,000.00
Roadway Plans	35,000.00	100.00	35,000.00
Waterline Plans	6,500.00	100.00	6,500.00
Bidding Process	1,500.00	100.00	1,500.00
Construction Management Services	65,850.00	50.00	32,925.00
Total Fee	125,850.00		92,925.00
		Previous Fee Billing	79,755.00
		Current Fee Billing	13,170.00
	Total Fee		13,170.00
		Total this Invoice	\$13,170.00

RECEIVED  
APR 23 2014

BY: .....