

RESOLUTION NO. 2481-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AUTHORIZING FINAL SETTLEMENT OF THE CONSTRUCTION CONTRACT WITH GHILOTTI BROS., INC., FOR CONSTRUCTION OF THE MITCHELL SHILOH CONDE ASSESSMENT DISTRICT PHASE 2 PROJECT

WHEREAS, on May 2, 2007, the Town Council adopted Resolution 2047-07 accepting the bid and awarding to Ghilotti Bros., Inc., the contract for construction of the Mitchell Shiloh Conde Assessment District Phase 2 Project ("Project") in the amount of \$2,792,462.45; authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget; and authorizing the Director of Administrative Services to pay all proper claims for performance of the contract; and

WHEREAS, on May 15, 2007, the Town Manager executed a contract with Ghilotti Bros., Inc. for construction of the Project; and

WHEREAS, the work of said contract was substantially completed on March 26, 2008; and

WHEREAS, on June 8, 2008, Ghilotti Bros., Inc., submitted a request in the amount of \$668,700.00 for additional compensation for costs associated with adverse impacts, work inefficiencies, loss of production, delays, extended home office overhead, and various other issues not anticipated in the contract documents and not addressed in previously executed change orders; and

WHEREAS, the Town's contracted Project Manager, PB Americas, after analyzing said request and negotiating the amount of additional compensation due with Ghilotti Bros., Inc., has recommended final settlement in the amount of \$399,000.00 as full and complete compensation for all direct and indirect costs incurred as a result of unforeseen site conditions and various impacts to the work and in resolution off any and all pending and future issues connected with the contract work; and

WHEREAS, Ghilotti Bros., Inc. is in agreement with said final settlement in the amount of \$399,000.00 and Town staff concurs;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Windsor that the Town Manager is hereby authorized to execute a settlement agreement and a final change order in the amount of \$399,000.00 to the contract with Ghilotti Bros., Inc., for construction of the Mitchell Shiloh Conde Assessment District Phase 2 Project as full and complete compensation for all direct and indirect costs incurred as a result of unforeseen site conditions and various impacts to the work and in resolution of any and all pending and future issues connected with the contract work, said settlement agreement and change order being subject to the waiver by Ghilotti Bros., Inc., of all rights to any further claims or requests for further compensation with respect to the contract work; and

BE IT FURTHER RESOLVED that the Town Council hereby authorizes the Director of Administrative Services to pay all amounts due under said settlement agreement and change order.

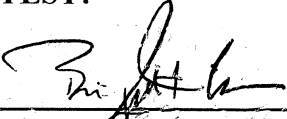
PASSED, APPROVED AND ADOPTED this 17th day of June 2009, by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON AND MAYOR GOBLE
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER SCHOLAR



ROBIN R. GOBLE, MAYOR

ATTEST:



BRIGITTE GRAHAM, DEPUTY TOWN CLERK