

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 22nd day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 11:10 a.m. on the 23rd day of November, 2022.



Cynthia J. Price, City of Durant

**MINUTES OF THE SPECIAL CALLED MEETING OF DURANT CITY COUNCIL
November 28, 2022 AT 1:00 PM
Roscoe J. Hatfield Council Chambers
300 West Evergreen
Durant, Oklahoma**

CALL TO ORDER

Mayor Grube called the meeting to order at 1:07 p.m.

INVOCATION/FLAG SALUTE

A moment of silent prayer was observed. Vice Mayor Danny Sherrer led the flag salute.

ROLL CALL

Present:

Council Member Steve Brittingham
Council Member Humphrey Miller
Council Member Curtis Morris
Vice Mayor Danny Sherrer
Mayor Oden Grube
City Attorney Tom Marcum
City Manager Lisa Taylor
City Clerk Cynthia J. Price

Absent:

None

ORDER OF BUSINESS

1. Administration

- a. Discussion and Consideration of Action Regarding the Contract with Schiralli Construction, Inc., on the West University Boulevard Construction Project

Motion To: Authorize City Manager to Rescind Contract Termination

Motion By: Curtis Morris

Seconded By: Danny Sherrer

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Motion To: Approve Change Order No. 4 with Amendments as Discussed

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- b. Discussion, Consideration, and Possible Action for Resolution R-2022-18 for Project Sponsorship Related to the Proposed OK Department of Transportation 2022 Transportation Alternatives Program (TAP) Grant Request in the Amount of \$674,080 Necessary to Construct the Pedestrian Bridge over Chuckwa Creek to Continue the Rails to Trails Project.

Motion To: Approve Resolution R-2022-18 Resolution of Project Sponsorship for a Transportation Alternatives Program Application and Maintenance Commitment

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Humphrey Miller

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

CONTRACT CONDITIONS INCLUDED WITH CHANGE ORDER #4

1. By execution of Change Order #4, Owner, City of Durant ("City") agree to:
 - a) Rescind termination of Contract and reinstate Contract as executed except for items listed herein
 - b) Increase Contract Time to substantial / final completion by 270 days
 - (i) Substantial Completion 06/23/2023
 - (ii) Final Completion 07/24/2023
 - c) Adjust any milestone dates subject to adjustment for weather days and other delays requested and approved by the City.
 - d) Waive liquidated damages accrued to date
 - e) Pay actual remobilization costs of subcontractors W. Brown Enterprises, Inc., and Action Safety Supply Co. Costs will include detailed invoicing of equipment, employees, mileage, and other costs actually incurred and associated with remobilization only. Remobilization costs not to exceed \$60,000.00 combined. Agreed remobilization costs shall be divided into four equal installments and shall be paid to Contractor contingent upon the milestone completion deadlines set forth herein below. For each milestone deadline successfully completed, the City will distribute an installment of the agreed remobilization costs. Failure by Contractor to successfully complete work contemplated by any milestone deadline will result in the forfeiture of all unpaid remobilization installments and retention of installments by the City.
2. By execution of Change Order #4, Contractor, Schiralli Construction Corp. ("Contractor") agree to:
 - a) Mobilize and continue the project in accordance with original Contract except for items listed herein
 - b) Waive any/all claims for items including, but not limited to, extended general conditions and any extra/additional costs associated with performance of the Contract
 - c) Provide to the City by December 7, 2022, an action plan for aggregate base compaction on the portion of project between Gates Avenue and University Place.
 - d) Provide an overall staffing plan for the project by December 7, 2022, and additional weekly staffing plans for each week's planned work.
 - e) Provide a comprehensive traffic control plan by December 7, 2022, corresponding with project schedule updated weekly to reflect any modifications.
 - f) Meet weekly with the City and/or its designee and provide updates as to work completed and work planned for the upcoming week.
 - g) Complete the project for the funds remaining in the existing contract. No additional funds will be provided absent an approved change order.
 - h) Identify the subcontractor engaged to install the traffic signal at University Boulevard and Radio Road by December 7, 2022, and confirm the timing of the installation and the availability of the subcontractor to perform the installation in accordance with dates outlined in submitted schedule.
 - i) Meet the following milestone completion deadlines consistent with the schedule provided to the City by Contractor:

AGENDA ITEM 1(a)

- | | |
|---|------------|
| i) Gates to University Place | 02/03/2023 |
| ii) University Place to Radio Road | 03/20/2023 |
| iii) Radio Road to Westside, West Bound | 05/15/2023 |
| iv) Radio Road to Westside, East Bound | 06/23/2023 |
- j) Pay Liquidated damages for failure to meet milestone deadlines outlined here in the amount of Two Thousand Dollars (\$2,000) per day.
- k) Provide a weekly schedule update to the city in a format consistent with the schedule provided. Schedule should clearly outline any anticipated delays and the course of action to return project to stated milestone completion dates.