

PUBLIC SAFETY COMMITTEE

January 14, 2020

A meeting of the Public Safety Committee was held this date beginning at 3:00 p.m., at 80 Broad Street, City Hall, First Floor Conference Room

Notice of this meeting was sent to all local news media.

PRESENT

Councilmember Shahid, Chair, Councilmember Seekings, Councilmember Sakran, Councilmember Shealy and Mayor Tecklenburg **Staff:** Chief Curia, Amy Wharton, Matt Frohlich, Jason Kronsberg, Tracy McKee, Susan Herdina, Edmund Most, Beth Brownlee, and Bethany Whitaker, Council Secretary

The meeting was opened with an invocation by Councilmember Sakran.

Approval of Minutes

On a motion of Councilmember Seekings, seconded by Mayor Tecklenburg, the Committee voted to approve the minutes of the November 25, 2019 and December 3, 2019 meetings. Councilmembers Shealy and Sakran abstained from voting.

Fire Station #11 Update

Chairman Shahid asked Chief Curia to give a brief history of Fire Station #11. Chief Curia said that the location was on Savannah Highway adjacent to the Sofa Superstore site. It was about a mile and a half from the current site. For the history of the project, he would defer to Mr. Kronsberg. Chairman Shahid said that the Fire Station was a particular concern because it was adjacent to where the Superstore fire was. The design was incorporating being kind of a memorial to the individuals who lost their lives. It was a special project. They broke ground in the summer of 2018 and it wasn't completed. He asked what the expected date of completion was. Mr. Kronsberg stated that the original contract completion date was November of 2019. The current schedule contract had a completion of December 21, 2019. They were beyond that date now and were currently in liquidated damages.

Chairman Shahid asked what the total budget was for the project. Mr. Kronsberg said the original budget was \$5,669,070, and currently it was \$5,846,749. Chairman Shahid asked what the change orders were necessitated by. Ms. Brownlee said that they were either from unforeseen conditions or requests from the City such as an increase in the generator tank size. Originally, there was a 376 gallon tank and they went up to a 2,000 tank. Chairman Shahid said that in addition to increasing the amount paid, he asked if the completion date had also increased. Mr. Kronsberg said that there had been a number of requested days to extend the contract. They requested 139 additional days. Most of those had been denied. Chairman Shahid asked who the contractor was, and Mr. Kronsberg said it was NBM Construction. Mr. Kronsberg said that most of the extension requests were denied by consultants and the staff because they hadn't provided substantial proof that there was delay caused by anything that

would substantiate an extension. Chairman Shahid asked what the expected completion date was now. Mr. Kronsberg said that it easy to say a specific date. They had been working with a third-party scheduler who evaluated the schedule and they gave what their interpretation of the schedule was based on the amount of work that was complete and work that still needed to be done. The contractor was saying March 20, 2020 as the new updated completion date. Based on what the third-party scheduler had seen, and what they had seen to date, they didn't think it could be done by then. Chairman Shahid asked what the third-party scheduler had given. Ms. Brownlee said that they had put a schedule together that indicated April 24, 2020, but since then, the contractor had slipped farther on several items. So, they were now looking at a May 6-20. Councilmember Seekings asked who the third-party scheduler was. Ms. Brownlee said it was Grady Creary from Palmetto Scheduling.

Chairman Shahid recapped what had been said and asked what had happened to cause the delay. Mr. Kronsberg said there were some major milestones and critical path items that had not been completed. One of the biggest considerations was that in the contract there was an approved vendor, and the contractor was supposed to present shop drawings to the design team for approval, but they didn't want to use the approved vendor. So, they went and got another vendor, who couldn't provide shop drawings, so there was some lag time. There were many meetings to come up with another vendor that they could all approve to develop those drawings. It took many months to get through that process, and they still had not received complete shop drawings yet. In order to get DRB approval, the mock-up had to be complete. They couldn't start the next phase of work until they got that DRB approval. Chairman Shahid asked what the explanation was for not going with the proposed vendor. Ms. Brownlee said that the design team, in their specifications, a recommended manufacturer. That's what the plans had been based on. The GC did not necessarily have to go through that manufacturer. He didn't go with that manufacturer, and hadn't given a specific reason. Chairman Shahid asked how much more it would cost to finish the project. Mr. Kronsberg said that had a construction contract with them. They were approximately 60-65% complete, and they had only been paid for what they had completed. He wasn't sure what the remaining value on the contract was. Councilmember Seekings asked if it was a Guaranteed Maximum Price and Mr. Kronsberg said no, that it was a low bid. Ms. Brownlee said they were within their contingency which they had at 18% starting out the project. She didn't know exactly how much they had left.

Councilmember Sakran said that he knew with the school district, they built in contingencies and it benchmarked for the contractor to get the job done on time. Basically, there was a financial incentive for them to get it done. He asked if they did that with other major capital projects, where if a contractor didn't get done by a specific date, they were penalized. Mr. Kronsberg said that there were liquidated damages per day beyond the completion date. The amount was \$1,200 per day. When they saw the scheduling slipping, they met internally, with Legal and the Mayor. They had sent two separate letters to the surety company expressing concern over the contractor's delay on the schedule. The surety company would respond and say that they had talked with the contractor and they thought everything had been resolved. The most recent to the surety company, there was the same response. It had been a challenge getting them back on schedule and it had been delay after delay. They met with the Mayor the previous day, and they came up with a strategy. Their external attorney, Jared, was there and he had

been representing them in all correspondence to the contractor. One of the ideas they came up with was to meet with their attorney and the owner and come up with, potentially, an extended contract date where they would come out of liquidated damages and try to incentivize the contractor to put his best foot forward to get the job complete.

Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice relating to Fire Station #11 if necessary

On the motion of Councilmember Seekings, seconded by Councilmember Shealy, the Committee voted unanimously to go into Executive Session at 3:15 p.m.

On the motion of Councilmember Shealy, seconded by Mayor Tecklenburg, the Committee voted unanimously to come out of Executive Session at 3:31 p.m.

Chairman Shahid stated that no action had been taken in Executive Session.

Councilmember Sakran said he assumed the delay was the subs not getting paid in good time. He asked if they could dictate that the contractor was paying his subs in a timely fashion. Ms. Brownlee said they were already doing that. The issue of delay was mostly the critical path items and getting those done. Mr. Jerue said that they might want to talk about the City having the opportunity to pay the subs.

On the motion of Councilmember Seekings, seconded by Councilmember Shealy, the Committee voted unanimously to meet with the contractor and look at some incentives to get the project finished, as well as having a backstop of time on the project, and that Chief Curia would continue to look for other options for relocation if needed.

Having no further business, the Committee adjourned at 3:33 p.m.

Bethany Whitaker
Council Secretary