

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

ADDITIONAL  
ITEM

MEETING DATE: FEBRUARY 24, 2014 AGENDA ITEM NUMBER: 15

**SUBJECT: RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE NECESSARY DOCUMENTS TO ACCEPT THE FORSYTH COUNTY PUBLIC SAFETY FACILITY PROJECT AS SUBSTANTIALLY COMPLETE AND TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE PROJECT ARCHITECT AND RELEASE PARTIAL RETAINAGE TO FACILITATE SETTLEMENT OF ALL CLAIMS UNDER THE PROJECT (GENERAL SERVICES DEPARTMENT)**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:**

**SUMMARY OF INFORMATION:**

See Attached

ATTACHMENTS:  YES  NO

SIGNATURE: \_\_\_\_\_ DATE: February 21, 2014  
COUNTY MANAGER

**RESOLUTION AUTHORIZING THE COUNTY MANAGER TO  
EXECUTE NECESSARY DOCUMENTS TO ACCEPT THE  
FORSYTH COUNTY PUBLIC SAFETY FACILITY PROJECT AS  
SUBSTANTIALLY COMPLETE AND TO EXECUTE AN AMENDMENT  
TO THE AGREEMENT WITH THE PROJECT ARCHITECT AND  
RELEASE PARTIAL RETAINAGE TO FACILITATE  
SETTLEMENT OF ALL CLAIMS UNDER THE PROJECT  
(GENERAL SERVICES DEPARTMENT)**

**WHEREAS**, on July 1, 2013, CJMW Architecture, P.A. ("the Architect") determined that the Forsyth County Public Safety Facility Project was substantially complete and could be utilized for the purpose for which it was constructed; and

**WHEREAS**, the construction project was completed one hundred seventy-four (174) days beyond the contract completion date, giving the County a claim for liquidated damages under the contract, in addition to claims by New Atlantic Contracting, Inc., the Project Contractor, and CJMW Architecture, P.A., the Project Architect; and

**WHEREAS**, the County staff, the Project Architect and the Project Contractor were able to negotiate a resolution of their respective Project claims, subject to the Board's authorization to amend the architect's agreement and release a portion of the retainage to compensate the Architect for additional services provided to the Project; and

**WHEREAS**, County staff recommends the County Manager be authorized to execute, on behalf of Forsyth County, the necessary documents to accept the Public Safety Facility Project as substantially complete and to authorize execution of an amendment to the Agreement with the Architect and release of partial retainage to the Architect to facilitate settlement of the Architect's claims under the Project; and

**WHEREAS**, there are sufficient funds available under the current contract with New Atlantic Contracting, Inc. to make final payment to the Contractor in settlement of its claims under the Project, therefore, no contract amendment is required to facilitate payment of its claims.

**NOW, THEREFORE, BE IT RESOLVED** by the Forsyth County Board of Commissioners, upon recommendation of CJMW Architecture, P.A., that the County Manager is hereby authorized to execute, on behalf of Forsyth County, the necessary documents to accept the Forsyth County Public Safety Facility Project as substantially complete, subject to a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

**BE IT FURTHER RESOLVED** that the County Manager is hereby authorized to execute an amendment to the Agreement with CJMW Architecture, P.A. and release a portion of the retainage in the negotiated amount of \$127,116 to compensate the Architect for additional services provided to the Project in settlement of the Architect's claims under the Project, subject to a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

**BE IT FURTHER RESOLVED** that the County Manager is hereby authorized to make final payment to New Atlantic Contracting, Inc., the Contractor on the Project, including the release of a portion of the retainage, in the total negotiated amount of \$1,236,597 in settlement of the Contractor's claims under the Project, upon recommendation of the Architect and County staff.

Adopted this the 24<sup>th</sup> day of February 2014.