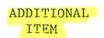
## FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: FEBRUARY 24, 2014



15

AGENDA ITEM NUMBER:

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:		
Attached		
S: X YES NO		
COUNTY MANAGER	_ DATE: _	February 21, 2014
	NECESSARY DOCUMENTS TO ACCEPT THE F SAFETY FACILITY PROJECT AS SUBSTANTIAL EXECUTE AN AMENDMENT TO THE AGREEME ARCHITECT AND RELEASE PARTIAL RETAINATOF ALL CLAIMS UNDER THE PROJECT (GENERAL SERVICES DEPARTMENT)  ANAGER'S RECOMMENDATION OR COMMENTS  OF INFORMATION:  Attached  S: X YES NO	NECESSARY DOCUMENTS TO ACCEPT THE FORSYTH SAFETY FACILITY PROJECT AS SUBSTANTIALLY COMEXECUTE AN AMENDMENT TO THE AGREEMENT WITH ARCHITECT AND RELEASE PARTIAL RETAINAGE TO FOR ALL CLAIMS UNDER THE PROJECT (GENERAL SERVICES DEPARTMENT)  ANAGER'S RECOMMENDATION OR COMMENTS:  OF INFORMATION:  Attached  BY YES NO

## 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.