

Simpkins Remediation – Vegetative Support Layer (PBSWM007)

DCI Contracting, Inc. is working on the 2nd City construction contract as the 1st City construction contract is being done by L.D. Kemp Excavating, Inc. L.D. Kemp will be restoring the landfill cap to the 2-foot minimum per TCEQ to obtain the Subchapter T Permit for the golf course. DCI will begin work once L.D. Kemp has finished up in an area.

This Vegetative Support Layer contract is intended to bring the additional dirt needed for the golf course while also providing a thicker cap over the 2 closed landfills; Elam and South Loop Landfills.

Background: The bidding phase for this project was at an extremely fast paced schedule. Originally, the City was going to pay for the engineering design through a design contract to be awarded on the March 28th council agenda. In order for the construction award to be approved by council on May 28th, the engineering design would have to be completed by March 29th (1 day after council approval) based on our bidding schedule as the City would not approve any improvements through council until the \$20M was met by the golf developer.

As a result, the golf developer hired the engineering firm the City was going to use for this; Pacheco Koch, as they spend about \$150K of their own money. The developer did this to expedite the construction schedule. We awarded the engineering design contract to Pacheco Koch on April 9th for Elam Road, Loop 12 improvements, and Water Transfer Line.

During the bidding phase for this Vegetative Support Layer, we did not get the geotechnical report and boring logs until a day before the construction plans were issued. The grading plans were done by Pacheco Koch but were developed by the golf developers (since they paid for the design and the City provided a borrow source only) as it was based on the volume of borrow soils needed by them. The developers didn't realize they were going that deep into limestone until afterwards. The boring logs were shown in the spec book and plan sheets cross section; see following pages. The technical specs in B-14 describe how limestone was to be processed.

There are 3 boring in the Pond C (Irrigation Pond) area; B-8, B-9, and B-10. The attached figure shows the depths.

Golf Developer: They claim that the other 2 bidders accounted for this rock excavation in their higher bids and that DCI talked to them (before the project started) on how they were going to address the rock in construction. The golf developer's stance is that the plans and specs are clearly shown and no payment will be made by them. Since this project has met the City's \$2M cap for this cap and any additional charges will be paid by the developers. They need about 3 weeks worth of pumping capacity in this irrigation pond if the pumps from the water transfer line near the Trinity River ever fail. They have agreed to raise the rock excavation by about 13 – 15 feet; making rock excavation into limestone shallower than shown on the plans.

Issue: DCI Contracting has been claiming that this limestone excavation may require specialized equipment to handle the rock excavation. From prior jobs they have had in this area, the limestone can be excavated with their planned equipment. If this is the case, they will not ask for rock excavation compensation.

They fear that they will have to use a 15,000 pound hammer on top of a 100,000 pound excavator as this will increase their cost and project schedule. Enclosed is bid tabulation as unclassified excavation is \$0.50 per cubic yard and they want \$16 per cubic yard for rock excavation.