



# City of Broken Arrow

## Request for Action

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**File #: 20-400, Version: 1**

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**Broken Arrow City Council  
Meeting of: 04-07-2020**

**Title:**

Consideration, discussion and possible approval and authorization to execute Resolution No. 1317, a Resolution ratifying the decision of the City Manager to grant Great American Insurance Company an additional ninety (90) days from April 6, 2020, until July 6, 2020, to commence performance of the Tiger Hill Soldier Pile Retaining Wall contract #171703 or make a satisfactory arrangement for continuation of contract #171703

**Background:**

On March 3, 2020 the City of Broken Arrow terminated contract number 171703 with Stronghand LLC for the Tiger Hill Soldier Pile Retaining Wall effective March 3, 2020. The City of Broken Arrow notified Stronghand LLC's Performance Bond Surety, Great American Insurance Company, of the termination, and tendered the remaining obligations of the Contractor under the Contract to the Performance Bond Surety to take over and correct and complete the Work; and commence performance of the Contract or make a satisfactory arrangement for the continuance of the Contract within twenty (20) working days from the Notice of Termination. Pursuant to the contract and service of the notice of termination, Great American Insurance Company had a deadline of April 6, 2020 to either take over and complete the work, or make a satisfactory arrangement for continuance of the Contract.

In light of the COVID-19 pandemic, declarations of a national health emergency from the federal government, executive orders from the State of Oklahoma, and emergency declarations Broken Arrow, Great American Insurance Company has stated its ability to conduct its investigation has been impacted. Great American Insurance Company has retained engineers and inspected the wall on March 24, 2020. On March 25, 2020 Great American continued its investigation by conducting a conference call with the Engineer of Record, Olsson, and third party inspector Scott Miller Engineering as well as discussing the matter with personnel of the City of Broken Arrow. Great American Insurance Company has advised it is continuing its investigation, but needs additional time.

Great American Insurance Company has requested at least a ninety (90) day extension, with the caveat they will likely need another extension of the contract performance time due to the circumstances. Based upon the circumstances, this requested extension was approved by City Manager, Michael Spurgeon on March 28, 2020. This will allow Great American Insurance Company to continue their investigation and retain the experts based upon the deficiencies in the Tiger Hill Soldier Pile Retaining Wall. It is believed that it is to the benefit of the City that Great American Insurance Company be allowed to continue their investigation.

The new deadline for Great American Insurance Company to commence performance of the Tiger Hill Soldier Pile Retaining Wall contract #171703 or make a satisfactory arrangement for continuation of contract #171703 will be July 6, 2020.

The City Attorney recommends that the Council ratify the extension of time to July 6, 2020.

**Cost:** No Cost

**Funding Source:** No Source

**Requested By:** John Bowling, Assistant City Attorney

**Approved By:** City Manager's Office

**Attachments:** Resolution No. 1317

**Recommendation:**

Approve Resolution No. 1317 and authorize its execution.