



City of Broken Arrow

Request for Action

File #: 20-1224, **Version:** 1

Broken Arrow City Council
Meeting of: 10-06-20

Title:

Ratification of Change Order No. 4 for Contract No. 171703 Tiger Hill Soldier Pile wall to implement the approved Settlement Agreement between Stronghand LLC, Great American Insurance Company ("GAIC") and the City of Broken Arrow

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 ("GAIC"), 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.

On May 29, 2020 Stronghand LLC filed suit against the City. On July 14, 2020 the COBA filed its Answer and Counterclaims against Stronghand.

On or about September 9, 2020 Stronghand, GAIC and the COBA entered a memorialized Settlement Agreement to resolve the disagreements between the parties and to complete the Soldier Pile Retaining wall. On September 9, 2020 the City Council approved the Settlement Agreement between the parties and directed staff to rescind the termination of Contract No 171703 through Change Order and issue a Notice to Proceed. On September 16, 2020 a proposed Change Order No. 4 for Contract No. 171703 was delivered to Stronghand.

The City Attorney recommends that the Council ratify the issuance of Change Order No. 4 to effectuate the Settlement Agreement.

Cost: No Cost

Funding Source: No Source

Requested By: John Bowling, Assistant City Attorney

Approved By: City Manager's Office

Attachments: Change Order No. 4

Recommendation:

Ratify Change Order No. 4 for Contract No. 171703