



Board Summary Report

File #: 24-707

Agenda Date: 12/10/2024

Agenda #: 5.v.

To: Board of County Commissioners

Through: Bryan Weimer, PWLF, Director, Public Works & Development

Prepared By:

James Katzer, PE, Transportation Division Manager, Public Works and Development

Subject:

C15-002; Iliff Avenue Improvement Project Trenton Signal Settlement Agreement Approval

Purpose and Request:

Public Works and Development requests the Board of County Commissioners (BOCC) to authorize the Director of Public Works and Development to sign the Settlement Agreement negotiated with Concrete Express, Inc. (“CEI”), the contractor on the Iliff Operational Improvements Project (Case No. C15-002) (“the Project”), and Lumin8 Transportation Technologies (Lumin8). The Settlement Agreement resolves CEI’s and Lumin8’s claims related to the Trenton Traffic Signal repair of damages caused by a third-party accident and represents a negotiated compromise of the County’s and CEI’s and Lumin8’s positions on the costs associated with such recoverable claims.

Background and Discussion: The Project adds operational improvements to the Iliff Avenue corridor from Quebec Street to Parker Road. CEI is the general contractor on the Project and Lumni8 was a subcontractor to CEI. Prior to substantial and final completion of the Project, a one car accident damaged the new traffic signal pole located at the northwest corner of East Iliff Avenue and South Trenton Way. The accident resulted in a need to replace the traffic signal pole and associated appurtenances, as well as a need for a temporary traffic signal. CEI and their subcontractor (Lumin8) provided a temporary traffic signal and replacement of the damaged traffic signal pole and appurtenances.

The Settlement Agreement was negotiated and agreed to in principle. The Settlement Agreement represents a reasonable and fair compromise of CEI’s, Lumin8’s, and the County’s disagreements over the amounts claimed and is recommended for approval.

The Settlement Agreement will be effective immediately, if approved by the BOCC and does the following:

Compensates CEI and its subcontractor (Lumin8) for the repair and other associated costs of the East Iliff Avenue and South Trenton Way traffic signal pole and appurtenances. County pays \$100,000 in full settlement of both CEI and Lumin8's claims for the costs of the emergency response and the repair.

Increases the total contract cost to \$30,929,064.50 million from the current contract amount of \$30,820,064.50 million, which will be implemented through a Change Order on the contract.

Settles and releases all CEI's and Lumin8's claims associated with the Trenton Traffic Signal incident, whether know or unknown.

Alternatives: The Board could decide not to authorize the Public Works and Development Director to sign the Settlement Agreement. This would likely lead to litigation.

Fiscal Impact: The Settlement Agreement increases the total contract amount to \$30,920,064.50, resulting in an increase to the Project amount of approximately \$100,000.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Concurrence: The County Attorney's Office and the Public Works Department recommend approval of the Settlement Agreement.

Resolution: Attached is a copy of the draft resolution.