

MARSHALLTOWN

— I O W A —

Joel Greer, Mayor
 Joe Gaa, City Administrator
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 Marshalltown, IA 50158
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TO: Mayor Greer and City Council
FROM: Heather Thomas, Public Works Director
DATE: November 13, 2023
RE: Coliseum Generator (COL 22-001) Completion

Strategic Plan:

- Strategy 1: Expand and improve development in the community.
- Strategy 2: Enhance Marshalltown’s public image.
- Strategy 3: Continually improve and sustain the City’s infrastructure, organization, and services.
- Strategy 4: Partner with citizens, for-profit, non-profit, and others to improve quality of life.

Plan Objective: Plan and fund improvements to the City’s infrastructure and buildings.

Recommendation: Staff recommends approval of completion, with the understanding that failure to close out this project by the end of 2023 will result in loss of \$135,000 FEMA/State HMGP Funds and city staff will continue to work to resolve transfer switch issue.

Budget Impact: None. Current project budget is as follows:

Construction Costs (K&W):

Change Order #4	\$	789.00	
Change Order #3 (no cost change)	\$	0.00	
Change Order #2	\$	9,724.00	
Change Order #1 (no cost change)	\$	0.00	
Construction Base	\$	<u>209,920.00</u>	<i>K&W Electric</i>
	\$	220,433.00	SUBTOTAL

Construction Costs (Other):

Transfer Switch Repair (placeholder)	\$	8,000.00	<i>estimated</i>
Transfer Switch Diagnostic	\$	3,186.00	<i>Eaton</i>
Fencing	\$	6,100.00	<i>Schneider Fencing Inc</i>
Start-Up w/ Transfer Switch	\$	<u>500.00</u>	<i>K&W Electric</i>
	\$	17,786.00	SUBTOTAL
	\$	238,219.00	TOTAL

Funding Sources

FEMA Grant - HMGP	\$	121,500.00	
State Grant - HMGP	\$	13,500.00	<i>shown less admin \$</i>
Fund 031–Building Maint. *	\$	26,775.00	
United Way Funds (P&R Donation)	\$	<u>82,275.54</u>	
	\$	244,050.54	TOTAL

*\$33,750 in CIP less \$7,242 for KF Eng

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Description/Background:

As described in Change Order 4 of the Coliseum Generator, we negotiated an agreement between the Contractor and the City to essentially close-out this project. The \$500 deduct of this project will essentially be treated as a stand-alone agreement for K&W to provide for one additional trip to finish start-up after an issue that was discovered during construction (and not fault of K&W) is resolved.

Due to FEMA Funding requiring project close out by December 31, 2023 – we need to proceed with closing out the Generator Contract, and cannot delay this project until the issue is resolved. This is not ideal; however, city staff feel it is our best option to avoid loss of \$135,000 grant.

Additional information on the issue discovered during construction is included below:

- a. The Veterans Memorial Coliseum was severely damaged in the 2018 Tornado and underwent a \$3.5 Million renovation. That building project was completed in 2021 and by specifications had a 1-year warranty.
- b. As part of that building project, a Transfer Switch was installed. The Submittal documents from Eaton indicate the product is an “Automatic Transfer Switch” product with a switch type of “non-automatic contactor”. So, in other words, it is a manual transfer switch for all practical purposes.
- c. No generator was installed with that building project. It was the intent that a generator would be installed as a separate project following the Coliseum. The city applied for some Hazard Mitigation Funding for the generator piece that we were awarded from Department of Homeland Security to help with a portion of the generator costs. We were awarded, the city hired KF Engineering to assist with the plans/specs for the generator, it went out to bid and was awarded to KW Electric.
- d. The plans, prepared by KF Engineering, indicated the Transfer Switch is an “ATS”, which the Contractor and City all assumed was an automatic transfer switch because “ATS” which is industry standard language for an Automatic Transfer Switch.
- e. K&W Identified that the ATS was essentially a Manual Transfer Switch during the load testing / start-up of the Generator which resulted in them being unable to complete their work.
- f. As the city looked into the issue, we learned KF Engineering also believed the transfer switch was a true Automatic Transfer Switch based on it being labelled as ATS. Digging into the Coliseum building project further, we were able to determine the ATS was essentially a Manual Transfer Switch that was installed. We also determined the manual transfer switch is not operating as it should. City staff identified two paths/options:
 - a. Install an ATS - KW Electric has indicated a rough ball park of \$43k to supply and install a true Automatic Transfer Switch with a 22-week lead time. They indicated there would need to be new wires pulled from generator to transfer switch to accommodate the change.
 - b. Make the existing Transfer Switch operational - While the intent was for it to be an automatic transfer switch, the city can utilize a manual transfer switch when needed in emergencies.
- g. City staff have made numerous attempts to get assistance from those involved with the transfer switch installation from the building project; however, essentially, it is out of warranty, so the City is in the process of diagnosing and finding resolution to this issue. [The building project’s prime Contractor was Garling Construction, the electrical sub-contractor

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was Van Maanen, and the Transfer Switch distributor was Consolidated Electrical Distributor.] After numerous discussions, we feel that it will be most cost effective and still operable/manageable by city staff to proceed with making the existing transfer switch operational.

- h. We are working with Eaton on a diagnostic review of the transfer switch and will go from there.

Once removing some of the final start-up items from the contract and final reports are submitted, the Contractor has completed all requirements of this construction contract, submitted necessary records, and the Engineer is recommending accepting this project as complete.

The project completion dates are:

Substantial Completion Contract Date: September 20, 2023

Substantial Completion Achieved: August 29, 2023 (Date of Attempted Start-Up of Generator)

Ready for Final Payment Contract Date: November 19, 2023

Ready for Final Payment Achieved: November 13, 2023

Engineer's Notice of Acceptability: November 13, 2023

Council Approval of Completion: November 13, 2023

The substantial completion certificate indicates the date at which the project was sufficiently complete so that the work can be utilized for the purposes for which it was intended and also the date when the warranty/bond period begins. Due to the generator being operational (though the transfer switch is not as intended), this is the date achieved. There is a way currently for the city to hook the generator up and make it operational, but it is not ideal. The achieved substantial completion was within the time of completion allowed by the construction contract, as amended. There is a 4-year warranty bond that is in effect until 4 years after project substantial completion (August 28th, 2027).

The notice of acceptability of work document indicates the date at which the project is complete, without remaining punch list items and the Engineer has received/reviewed any necessary project records. Due to the start-up issues, some of this paperwork has not been received and will be received as part of the separate agreement.

With the Council's approval this evening of completion. Pending no claims, the city may release project retainage that was held after 30 days, but no later than 40 days from today's date.

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