

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 27, 2024

## Item Details

Presenter(s): Angela Reincke, Parks Planning Project Manager

Department(s): Parks, Recreation, and Cultural Resources

### Requested Motion

- A. Motion to approve an amendment to the construction contract awarded with Fred Smith Co., previously approved on August 8, 2023 and September 9, 2023, for the extension of Beaver Creek Greenway Phase 1, 1A, and II and authorize Interim Town Manager, or their designee, to execute on behalf of the Town.
- B. Motion to approve a Supplemental Agreement with Fred Smith Co. for a memorializing contract amendment, and to sign the recommendation of approval of North Carolina Department of Transportation (NCDOT) EB-6021 Supplemental Agreement No. 1, and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

### Approval Recommended?

Yes

### Item Details

North Carolina Department of Transportation (NCDOT) requested two amendments to the construction contract with Fred Smith Co to be approved by Apex Town Council. The first is to provide the latest version of FHWA 1273, Revised October 23, 2023. The second is the removal of Section D ("Retainage") of Paragraph 4 of the Contract, entitled "CONSIDERATION AND PAYMENT OF SERVICES," to amend such that no retainage will be withheld by from the contractor at any time during the life of the contract with respect to N.C.G.S 143-134.1 as it is not allowed for Locally Administered Projects Program (LAPP) projects.

### Attachments

- CN7-A1: Construction Contract Award Amendment - Fred Smith Co. - Beaver Creek Greenway Extension Phase I, IA, and II - and, NCDOT Supplemental Agreement EB-6021
- CN7-A2: Contract Provisions Federal-Aid Construction Contracts - Construction Contract Award Amendment - Fred Smith Co. - Beaver Creek Greenway Extension Phase I, IA, and II - and, NCDOT Supplemental Agreement EB-6021
- CN7-A3: Supplemental Agreement - Construction Contract Award Amendment - Fred Smith Co. - Beaver Creek Greenway Extension Phase I, IA, and II - and, NCDOT Supplemental Agreement EB-6021

