



To the Mayor and Members of the City Council

October 4, 2011
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SUBJECT: EMERGENCY PROCUREMENT – ROBIN DENVER PROJECT

The purpose of this Informal Report is to notify City Council that City staff has initiated an emergency procurement to mitigate a dangerous situation created by a contractor working on a City stormwater capital project. A ratification M&C on this action will be presented to City Council in the near future.

On August 25, 2011 the City's Code Compliance Department received a call from the St. Demetrios Greek Orthodox Church (the Church) located at 2020 NW 21st St. (CD 2) reporting that large pieces of concrete had rolled down the hillside at the rear of their property and into their parking lot. The responding Code officer determined that the material was from an improper dump site behind three residences on Terrace Avenue, uphill from the Church. Based upon discussion with the owners of two of the residential properties it was determined that the fill was being placed on their property, with their consent, by Laughley Bridge and Construction Inc. Contractors (Laughley). Laughley is the prime contractor for a City of Fort Worth stormwater capital project in the near vicinity of the improper fill site. It is believed at this time that much of the material placed behind these residences is spoil material from the nearby stormwater project.

City staff has taken the following actions: ordered Laughley to cease and desist from the dumping activity; notified Laughley's surety and demanded immediate action to remove the fill; engaged a geo-technical engineer to evaluate the site; and placed concrete barriers at the toe of the slope to protect the Church property. Based on the report of the geo-technical engineer the City determined that the fill presented an urgent risk to health and safety and, so, action to remove the fill needed to be initiated as quickly as possible. Neither Laughley nor their surety presented a plan for removal of the fill, therefore, City staff engaged Mario Sinacola Bros. contractors (Sinacola) to remove the fill and notified Laughley's surety that the City was taking action to mitigate the health and safety issue and would be demanding remuneration for all costs associated with this work through Laughley and/or their surety.

The fill removal activity is currently underway and is expected to be completed in mid-late October. Staff is working with Sinacola to establish the final terms of the effort. Once those terms are finalized an M&C will be developed and presented to City Council recommending ratification of the emergency procurement action.

Questions on this matter can be directed to Greg Simmons, Assistant Director, TPW at X7862.

Tom Higgins
Interim City Manager