

To: Mayor and Members of Council

January 23, 2012

Re: McKenzie Pointe Pavement

Background

Administration provided a report to Council at the November 28, 2011 Council Meeting with regards to the pavement at McKenzie Pointe.

As a summary, the review of the pavement testing was found by our engineers to not meet the specifications as required. The main deficiency is the lack of Bituminous Prime, Tack and Flush coat.

Council passed the following motion:

292/11 MCKENZIE POINTE PAVEMENT

Schultz/Schwartz: THAT WHEREAS the pavement that was installed in McKenzie Pointe does not meet specifications;
AND THAT there was no Bituminous Prime, Tack and Flush Coat applied;
THEREFORE BE IT RESOLVED THAT asphalt be removed and the Bituminous Prime, Tack and Coat be applied and the asphalt replaced as per specifications.

CARRIED

Discussion

The Developer is proposing a couple of alternatives to removing the asphalt and repaving.

- 1) Add 1 inch of pavement onto the existing pavement at McKenzie Pointe and extend the warranty by 1 year; or
- 2) Charge financial penalties as prescribed by the City of Regina's spec book and extend the warranty for 3 years.

According to the City of Regina specification manual, the pay factor on McKenzie Pointe would be 96%. However this does not consider penalty for lack of tack coat.

Blair Arn, Mauri Gwyn Developments, Ken Vander Vinne, KGS Group and I met to discuss the deficiencies in the pavement. The proposal to add 1 inch of pavement and offer 3 years warranty on the pavement was well received by Mr. Vander Vinne, however he did insist that the contractor complete certain items prior to adding the 1 inch of pavement. There would have to be the same pavement testing requirements as was required on the original pavement.

The comments from the Developer's Engineer on the pavement are as follows:

"The tests from Clifton should be forwarded to the Town for review. If the town asks my opinion, I intend to recommend that they request an extended warranty period for the asphalt to compensate for the fact that the tack coat was not applied prior to placing of asphalt."

We have not received anything else from the Developer's Engineer in regards to the pavement other than verbal confirmation that he did forward the City of Regina Specifications to be used for the pavement at McKenzie Pointe.

Budget Implications

None

Conclusion

The Developer is asking Council to reconsider the motion that was passed on November 28, 2011 which requires the Developer to have the asphalt removed and replaced to meet the specifications as per the Development Agreement.

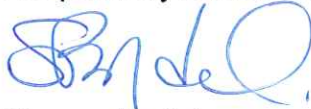
The Developer is offering two alternatives, however the second alternative considers a penalty to the pavement contractor. Since City Wide Paving is the Developer's contractor and not the Town's contractor, the amount of the contract is not known and, therefore the amount of penalty cannot be determined by the Town.

The engineering consultant on behalf of the Town, agrees that adding 1 inch of pavement to the existing pavement should remedy the insufficient thickness of the pavement, and extending the warranty period to 3 years should "offer a substantial trade for lack of tack coat".

Recommendation

If Council is inclined to reconsider motion 292/11, then Administration would recommend option #1 which would require an additional 1 inch of pavement to be placed uniformly on the existing pavement and that the warranty be extended to 3 years.

Respectfully submitted,



Shauna Bzdel,
Town Manager

CITY WIDE PAVING LTD

REGINA OFFICE (306) 535-7283 FAX(306) 781-4590

To Mauri Gwyn Developments

I spoke with Ken Tam at Clifton about the cores and densities as well as the prime coat. His suggestion was the same as Jeffs to offer an extra years warranty. He said the deficiencies don't meet the requirements to remove the road.

The average of the core densities which the City of Regina says governs over nuclear densities is 96.975 which we will argue is close enough to be 97 with one marginal test at 95.5

Nowhere in the material we requested from you for specs or in the Regina code book does it say a min variance of 5 mm on cores for depth.

Nowhere in the standard construction specs for Regina does it mention any penalties for not providing the prime coat. Which the engineer I spoke with said is primarily used to seal the gravel base prior to paving. Not to make the asphalt bond to the gravel.

I have sent penalty documents from the City of Regina Standard Construction Specifications showing where are deficiencies fall in accordance with their codes. The one for thickness the penalty only applies to that area not the entire road. So there the penalty would be 10 lineal meters by road width equalling approx 656 sf. On the density results going by what I read there it would be a pay reduction to 96 % on entire road with an addition 100sm penalty at 90% for the 95.5 test.

Now we have paved the road in Garden of Eden without a prime coat and there was one low depth core and it was passed by the town without any penalties or warranty.

Other than the town accepting our warranty offer or the penalty phase our next option will be going to court to get this sorted out.

Hopefully something can be worked out that suits everyone.

We stand behind our work whether its engineered work or not. We have several roads we've done in the past along with a lot of parking lots that we did with no tack coat and no engineers and none of our customers have complained about the product they received. The Ice House in White City is just one example.

Thank you
David Kitchen
City Wide Paving

CITY WIDE PAVING LTD

Regina Office

PH: 306 535-7283

FAX:306 781-4590

Mailing address

58 Carrington Drive

Moose Jaw, SK S6K 1C2

Town of White City

We have been advised of your concerns in regard to the McKenzie lane problems. The most notable we're told is the lack of a prime coat. We are prepared to offer an additional 1 year warranty.

As for the removal of the existing road we've talked with engineers and it does not meet the fail criteria set out in the City of Regina standard construction specifications. Placement of asphaltic concrete surface page 5 item 3.1.25 and item 3.1.27.

There are no penalties provided or specified for failing to place a tack coat.

City Wide Paving stands behind all it's work .

We have over 30 years experience in this industry and we're confident our product is a good one.

We paved a road in Garden of Eden Estates the same way and it was accepted by the Town of White City

Hopefully we can resolve this matter as soon as possible

Kelly Ramm

Owner

City Wide Paving Ltd.

City of Regina
Standard Construction Specification

SECTION 2350
PLACEMENT OF ASPHALTIC CONCRETE SURFACE

3.1.25 The average asphalt concrete thickness must meet or exceed the required thickness and if any individual core thickness is less than the required thickness the following pay reductions shall apply:

*This Applies
to the low
CORE - 43 mm*



THICKNESS DEFICIENCY (mm)	PAY FACTOR (%) NEW CONSTRUCTION	PAY FACTOR (%) REHABILITATION CONSTRUCTION
Up to 3	100	100
3 to 5	98	100
6	95	95
7	90	90
8	80	80
9	70	70
10	50	50
Over 10	Remove and replace	Remove and replace

* The minimum area for pay reductions, including removal and replacement, shall be the full width of the paved lane and a minimum length of 10 lineal meters.

3.1.26 When deviations in excess of the above tolerances are found the pavement surface shall be corrected by methods satisfactory to the Engineer.

3.1.27 The completed pavement shall have an average density of ninety-eight percent (98%) and in no case shall any individual density test be less than ninety-six percent (96%) of the laboratory compacted density as determined by ASTM Designation D1559 or AASHTO T245, Resistance to Plastic Flow of Bituminous Mixtures Using Marshall Apparatus, using a compaction of fifty blows for each face. The intent is that a long term durable product be provided. The following table represents payment reduction based on average density of cores not meeting minimum values.

*This Applies
to AVE DENSITIES
96-97.5*



COMPACTED DENSITY % OF MARSHALL	PAY FACTOR (%)
98 to 100	100
97.6 to 97.9	98
97.0 to 97.5	96
96.6 to 96.9	93
96.0 to 96.5	90
94.0 to 95.9	75
92.0 to 93.9	50
Less than 92%	Remove and replace

*This Applies
to the 95.5 Density*



If a core density on any individual test is less than 96%, a pay reduction of 90% will be applied to a minimum area of 100 m².