



# Madison Parks Division

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**MADISON  
PARKS**

Date: August 29, 2025

TO: Board of Public Works

FROM: Lisa Laschinger, Interim Parks Superintendent *LLZ*

SUBJECT: Parks Sun Shelter Installation – (Contract #9529) Contract Extension

Following standard competitive bidding process, on March 31, 2025, the City of Madison entered into a Public Works Contract #9529-Parks Sun Shelter Installation with Greener Valley Landscaping for North Star, Sycamore and Kestrel Parks. Per Contract 9529, the shelter installation at North Star Park had an interim completion date of June 27, 2025 and final completion date was August 1, 2025. Greener Valley was informed via email on July 1, 2025 that the interim deadline of June 27 had passed and advised that contract section 109.9-Liquidated Damages would be applied. As of August 1, North Star shelter was not complete, no significant work had started at Sycamore Park and no work had started at Kestrel Park. The Parks Division issued a Notice of Liquidated Damages to Greener Valley on August 1. At 8AM on August 1, 2025, the Parks Division received an email from Greener Valley indicating the project was not complete due to several issues and requesting an extension of the interim deadline to August 5, 2025 and contract completion to September 10, 2025. The shelter at North Star Park was completed on August 13 and the project at Sycamore Park has progressed. Greener Valley is currently requesting the Board of Public Works approve a contract extension through October 17, 2025.

## **Issues Pertaining to the Delay in Project:**

Greener Valley has not completed shelter installation projects for the Madison Parks Division in the past. The Parks Division observed several challenges with this project that have led to the project not being completed.

- **Delay in Start to Work:** Contract was executed on March 31, 2025, with anticipated start of work on April 29, 2025. After Parks Division staff arranged permits and reached out to contractor multiple times to confirm start date, a Start Work Letter was finally issued on May 29, 2025. Allowing just less than a month to complete the first shelter by the interim completion date of June 27, 2027.
- **Confusion over plan sets:** The Parks Division agrees that there was confusion in the original plan specifications that led to misinterpretation of the design and required clarification as follows:
  - Illustrations C1.2, C2.2 and C3.2 indicated a “proposed 2’ dia. per engineered drawings,” which was an error.
  - Engineered drawing 2.1 provided dimensions from a 2-D perspective of the correct dimensions. Greener Valley contacted the Parks Division on May 22, 2025 seeking clarification on the required dimensions. Staff provided guidance on which drawing to reference, indicating that the footings are 2’x2’ square, not round, and 4’ deep, including the spread footing at the bottom. Staff directed Greener Valley to page 2.1 and detail 1/1, for further instruction on the footings and how to pour the concrete patio. Staff did not receive any further request for clarification until incorrect work was discovered during a site inspection on June 9, 2025.
- **Incorrect Construction:** Greener Valley constructed a rebar cage that did not meet inspection due to improper construction and incorrect dimensions, measuring 2’X4’ at the bottom spread footing. Parks Division staff immediately alerted Greener Valley and provided an additional perspective of the drawing from Polygon on June 9. The additional drawing did not change the plans or dimensions, rather provided clarification from a different drawing perspective.
- **Failure to provide shop drawings:** Parks Division staff requested shop drawings for rebar cages from Greener Valley on June 17, 23 and 24. Drawings were provided to Parks Division staff on June 26. Staff

forwarded the drawings to Poligon for review on June 26. The shop drawing failed review and Poligon provided edits on June 30, 2025. The cages and forms passed inspection on July 8, 2025. It is evident that Greener Valley did not understand how the footings were to be constructed, this misunderstanding and delay in securing a third party that could construct these led to considerable delays.

- Lack of project schedule: Despite multiple requests for revised project schedules to understand completion timelines, the Parks Division was not provided with a defined project schedule. Staff has had to repeatedly request project updates to understand when projects will be completed.
- Failure to formally request timeline extension: Staff notified Greener Valley on July 1 that the interim deadline passed and liquidated damages would be assessed. At the same time, staff provided Greener Valley with guidance to request a formal extension if necessary. Greener Valley emailed Parks Division Staff on August 1 to request an extension until September 10.

While there was confusion in the bid documents, staff attempted to immediately clarify conflicting information. The delays with this contract were a result of poor planning, quality of work and preparation by the contractor resulting in multiple failed inspections. Throughout the contract it has become apparent that Greener Valley has not regularly adhered to the terms of the contract, sufficiently reviewed the plans, or adequately prepared for construction logistics.

#### **Liquidated Damages Assessed:**

Under Section 109.7 of the Special Provisions applicable to this Project, the work at North Star Park had a date of completion of June 27, and the time of completion for the Project was August 1. Under Section 109.2 of the Standard Specifications applicable to the Contract, "Construction work shall be carried at a rate so as to secure full completion within the contract times outlines in Section 109.7, the rate of progress and the time of completion being essential conditions of this Agreement." Neither of those dates of completion were met, North Star shelter was completed on August 13, 2025, Sycamore shelter construction is underway, and materials have been delivered to Kestrel Park as of August 28. Current estimated Liquidated Damages for the entire project based off of the August 1 completion date currently total more than \$34,650. However, the Parks Division is agreeable to assessing Liquidated Damages only on the Interim Completion date of June 27, which equates to \$25,850. While the work could have commenced as early as April 28, 2025 a staffing transition led to delays in securing permits and the permits were not available until May 5, 2025. The staffing transition also caused a delay in reaching out to Greener Valley sooner when they failed to reach out following contract execution. Though this delay was not the reason for the project being significantly behind schedule, the Parks Division is reducing the liquidated damages by three weeks (21 days). Adjusted Liquidated Damages that will be assessed at \$14,300.00.

#### **Liquidated Damages for Interim Completion Date North Star Shelter:**

Contract Completion date- 6-27-25  
Substantially complete- 8/13/25  
Days past due= 47  
Charge per day= \$550.00  
Damages for North Star Site= \$25,850.00  
Adjust due to permit delay/staff transition=21 days  
Adjusted amount: \$11,500.00  
Adjusted Liquidated Damages Due= \$14,300.00

#### **Parks Division Recommendation to Extend Completion date to October 17, 2025:**

Despite significant preventable delays in the project and lack of sufficient communication to date, the Parks Division is amenable to extending completion date for BPW Contract #9529 until October 17, 2025. Due to staffing issues within the Parks Division that led to delays in bidding the Parks Sun Shelter Installation Project, the project is at least a year behind the original desired schedule. The Parks Division recognizes that Greener Valley faced a significant learning curve in installing the first shelter, but were ultimately able to complete the work. Greener Valley successfully installed the shelter at North Star Park and the shelter passed inspection by Building Inspection and Parks Division Staff. Work at Sycamore Park started and may be nearing completion by the time the Board of Public Works deliberates on this matter. Failing to extend the contract with Greener Valley

would result in longer delay for overall completion and leave multiple project sites open over the winter, as it would require the project to be rebid. To be clear, based on comparable projects that were previously completed for sun shelter installation, the Parks Division is confident that the original timeline was attainable had the contractor been prepared to complete the work and started the work as soon as possible after the contract was executed. The proposed contract extension allows for 10 additional weeks to complete the work, with the expectation that the work will be satisfactorily completed by October 17 or additional Liquidated Damages will be assessed.

In order to meet this revised completion timeline, the Parks Division has discussed the following schedule to which Greener Valley Landscaping will be held accountable:

<b>Sycamore Project</b>	
<b>Due Date</b>	<b>Task</b>
8/26/2025	Footings were complete and ready for patio preparation
8/27/2025	Pour patio
8/29/2025	Flatwork: sidewalk
9/2/2025	Begin Structure Work
	Complete structure, restore site, order inspection
9/12/2025	Sycamore project to be complete
<b>Kestrel Project</b>	
<b>Due Date</b>	<b>Task</b>
8/29/2025	Install erosion control and strip topsoil, excavate for footings
9/5/2025	Footings poured
9/8/2025	Preparation and completion of flatwork (patio & sidewalk)
9/15/2025	Begin Structure Work
	Complete structure, restore site, order inspection
10/3/2025	Kestrel project to be complete