



Sedgwick County...  
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# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Text

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**File #:** 14-1239, **Version:** 1

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### **Settlement and Mutual Release Agreement for Public Safety Building Glass.**

Recommended Action: Approve the agreement and authorize the Chairman to sign.

The Public Safety Building construction started in 2005; construction was substantially complete in 2007. The glass subcontractor was Wickham Industries, Inc. and the glass manufacturer was GE Plastics (later sold, the successor in interest is SABIC Innovative Plastics US LLC).

The window glass was solid construction of individual sheets of glass laminated together designed to withstand ballistic/tornadic events. The glass was a new product not used in previous construction. The County had a one year warranty by the general contractor for all work performed, beginning at substantial completion. No problems were noted within one year of substantial completion.

At the point of substantial completion, the general contractor assigned to the County the one year glass manufacturer warranty. In 2009 staff noticed some suspected delamination that evidenced itself as visual distortion effects in certain windows on the west side of the building. Since the problem was first noticed it is clear that the problem is progressively becoming more visually evident in an increasing percentage of each pane of glass.

This problem appears to solely be an issue of the glass product used in construction and is most likely a result of thermal effects from direct sunlight and surface temperature changes. The defect appears to solely be an aesthetic issue, although there is no way to be sure that the suspected delamination would not present any deficiency in ballistic/tornadic event performance. However, the parties have not been able to resolve the issues of responsibility for the delamination issue.

The defect is primarily on the west side but has begun to appear in a limited manner on the east side. All of the windows on the west side are showing varying degrees of visual distortion, ranging from approximately 10% to only a beginning of the problem. The problem is also appearing in six windows on the east side, but this has only started within the last year and is only affecting a very small area of the window panes involved.

Alternatives: Not approve the settlement.

Financial Considerations: The settlement agreement requires Sabic to pay \$54,000 to Sedgwick County.

Legal Considerations: The authority for this action is K.S.A. 19-101 *fourth*, which authorizes the County to make all contracts and do all other acts in relation to the exercise of its corporate powers. A simple majority vote is required.

Policy Considerations: