

**WHEREAS**, on October 11, 2000, by Resolution No. 00-3055, the City Council awarded Contract No. 00-269E, in the amount of \$3,577,321.00, to Carter and Burgess, Inc., for the design and construction administration of the Lake Fork Pump Station ("the Contract"); and,

**WHEREAS**, on June 25, 2003, by Resolution No. 03-1826, the City Council awarded Supplemental Agreement No. 1, in the amount of \$1,754,543.47, to Carter & Burgess, Inc., for additional services, including hydraulic modeling to maximize operation of the Lake Fork system, the design of additional facilities resulting from the modeling, the recovery and analysis of Native American artifacts, and additional inspection services for the Phase Two pipeline construction; and,

**WHEREAS**, on August 24, 2005, by Resolution No. 05-2425, the City Council awarded Supplemental Agreement No. 2, in the amount of \$2,847,217.00, to Carter & Burgess, Inc., to provide design modifications and construction inspection for the Lake Fork Pump Station and 108-inch raw water transmission main; and,

**WHEREAS**, on August 9, 2006, by Resolution No. 06-1991, the City Council awarded Supplemental Agreement No. 3, in the amount of \$1,337,193.00, to Carter & Burgess, Inc., for construction inspection of the 108-inch Lake Fork raw water transmission line; and,

**WHEREAS**, Jacobs Engineering Group Inc. purchased certain assets of Carter & Burgess, Inc. in November 2007; and,

**WHEREAS**, Carter & Burgess, Inc. assigned all rights, duties and obligations in the Contract to Jacobs Engineering Group Inc on July 1, 2012 and,

**WHEREAS**, the City has alleged that certain claims and issues have arisen with the design and construction of the Lake Fork Pump Station facilities; and,

**WHEREAS**, Jacobs Engineering Group Inc. and Carter & Burgess, Inc. dispute such allegations regarding the services provided under the Contract for the Lake Fork Pump Station facilities; and,

**WHEREAS**, Jacobs Engineering Group Inc., as assignee under the Contract, has been working with the City to resolve such alleged errors and omissions and has maintained the facilities throughout the pendency of the negotiations; and,

**WHEREAS**, Jacobs Engineering Group Inc. and City have agreed on a modified design of a component of the Lake Fork Pump Station as proposed by Jacobs Engineering Group Inc. and,

**WHEREAS**, as a result of the modified design work and construction, it is necessary to closely supervise, coordinate, and manage the day-to-day activities of design changes to be implemented pursuant to this change order at the Lake Fork Pump Station; and,

**WHEREAS**, professional services in the form of construction and inspection management services are also necessary to satisfy the requirements stated above; and,

**WHEREAS**, inspection services were provided by Jacobs Engineering Group Inc. on the original construction of the Lake Fork Pump Station without prior compensation; and,

**WHEREAS**, Jacobs Engineering Group Inc. has submitted an acceptable proposal for all of the above-mentioned services; and,

**WHEREAS**, the Water Utilities Department recommends that Contract No. 00-269E be increased by \$1,270,107.84, from \$9,516,274.47 to \$10,786,382.31; and,

**WHEREAS**, Jacobs Engineering Group Inc. will, in turn, pay the City the sum of \$2,102,960.28 within 30 business days after Council's adoption of this resolution, as settlement for the claims and issues related to the original design of the Lake Fork Pump Station, without any admission of fault; **Now, Therefore**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the proposed Supplemental Agreement No. 4 be accepted and that Contract No. 00-269E with Jacobs Engineering Group Inc., be revised accordingly.

**Section 2.** That the City Manager be and is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

**Section 3.** That the City Controller be and is hereby authorized to pay the amount of \$1,270,107.84 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2115	DWU	PW20	RWPT	4111	700269	W2ZX	CTDWU700269CP	VS0000023961

Jacobs Engineering Group Inc. - (Contract No. 00-269E) - \$1,270,107.84

**Section 4.** That the City Manager be and is hereby authorized to accept funds in the amount of \$2,102,960.28 from Jacobs Engineering Group Inc. as settlement for the claims and issues related to the original design of the Lake Fork Pump Station, without any admission of fault.

**Section 5.** That the City Controller be and is hereby authorized to deposit funds from Jacobs Engineering Group Inc. in the amount of \$2,102,960.28 in Fund 0102, Department DWU, Unit CW20, Revenue Source 9928.

**Section 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

