



Legislation Details (With Text)

File #: 150220. **Version:** 1 **Name:**

Type: Staff Recommendation **Status:** Passed

File created: 8/5/2015 **In control:** City Attorney

On agenda: 8/20/2015 **Final action:** 8/20/2015

Title: Tolling Agreement for City's claims against Jones Edmunds regarding the design and engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

Sponsors: City Attorney

Indexes:

Code sections:

Attachments: 1. 150220_draft tolling agreement_20150820.pdf

Date	Ver.	Action By	Action	Result
8/20/2015	1	City Commission	Approved as Recommended	

Tolling Agreement for City's claims against Jones Edmunds regarding the design and engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

On September 24, 2013, the City discovered for the first time that the sediment basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. On June 17, 2014, the City placed Jones, Edmunds & Associates, Inc. on notice of the City's claims regarding design and engineering of the sediment basin. Jones Edmunds prepared Sediment Basin Design Modifications that were incorporated into Change Order Request 15 for the Project on or about March 31, 2015. Since June 2014, City staff (from GRU, Public Works, and Legal) have been working with Jones Edmunds to negotiate a settlement of the claims without resort to litigation, as it is anticipated that such litigation will be lengthy and time and cost-intensive for both parties. City staff continues to negotiate in good faith with Jones Edmunds, however a Statute of Limitations (a statutory timeframe within which legal action must be filed) for one the City's claims will possibly expire on September 24, 2015. As such, City staff recommends the City enter into a tolling agreement with Jones Edmunds that will, by agreement of the parties, extend the applicable Statute of Limitations date, allowing staff to continue its efforts to negotiate and finalize a settlement. In the event staff is unable to finalize a proposed written settlement agreement prior to the end of the tolling period, City staff will request the City Commission to authorize the initiation of litigation to pursue the City's claims.

Authorize the City Manager to execute a tolling agreement, subject to approval by the City Attorney as to form and legality.