



Legislation Text

File #: 170557., **Version:** 2

Settlement of 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)

****This item was presented to the UAB on November 9, 2017.****

The Sweetwater Wetlands Park has been an overwhelming success. However, there were some issues with the sedimentation basin and trash removal system which resulted in additional expense in order to correct. On September 24, 2013, the City discovered for the first time that the sedimentation basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (now known as Sweetwater Wetlands Park), 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) worked with Jones Edmunds to negotiate a settlement of the claims without resort to litigation. Mediation was conducted on April 12 and October 13, 2017, resulting in a draft settlement between the parties, subject to review and recommendation by the Utilities Advisory Board and approval by the City Commission.

The draft settlement agreement has been approved and executed by the authorized official of Jones, Edmunds & Associates, Inc. The City Attorney's Office, GRU staff, and Public Works Department recommend that the Utilities Advisory Board recommend approval of the settlement, and that the City Commission approve the settlement and authorize the Mayor to sign the settlement agreement. The settlement agreement is included in the back-up for this agenda item, and the key terms of the settlement are as follows:

- 1) Jones Edmunds pays the City \$340,000 within 30 days after Commission approval of the settlement agreement;
- 2) The parties release each other from all claims and disputes regarding the services provided by Jones Edmunds on the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project; and
- 3) The City issues a press release (Exhibit A to Agreement) describing the benefits and success of the project, and the resolution of the dispute through mediation.

The City Commission authorize the General Manager or his designee and the City Manager or his designee to execute the Settlement Agreement, subject to approval by the City Attorney as to form and legality.

The UAB voted 5-0, with Members Campbell and Selvester absent, to recommend approval of the staff

recommendation.