

Council Agenda Summary

February 2, 2021

Key Staff Contact: Doug Marek, City Attorney, 970-350-9755

Stacey Aurzada, Deputy City Attorney, 970-35-9757

Title:

Consideration of a resolution authorizing the City Attorney to institute legal action seeking damages against Jacobs Engineering Group, Inc.

Summary:

As part of the 2004 10th Street Access Control Plan, the City planned to make improvements to the 10th Street corridor. The City has secured several grants for the purpose of this project to improve access to businesses and improve safety by eliminating/combining access points along this corridor and to improve the walkability and safety for pedestrians. The 10th Street improvement project was broken down into three phases. The first phase included improvements on 10th Street from 26th Avenue to 30th Avenue Court, The second phase included improvements on 10th Street from 23rd Avenue to 27th Avenue. The third phase included improvements on 10th Street from 30th Avenue Court to 35th Avenue and now all three phases are fully constructed.

Following a competitive process, the City entered into a Professional Services contract with Jacobs Engineering Group, Inc. (hereinafter referred to as "Jacobs") for Phase 2 and 3 of the 10th Street Access Control project. This included pre-engineering, surveying and engineering services. A different consultant performed services for Phase 1 of the project, but those services are not relevant to the situation at hand.

Public Works staff members learned of irregularities with the survey prepared by Jacobs in May, 2019 when the City's contractor, Duran Excavating, Inc. ("Duran") attempted to begin construction of the Phase 2 improvements. Duran notified the City of the problems with the survey and Jacobs attempted to make corrections to the survey.

As the project continued, more errors were identified with the work performed by Jacobs. These errors included additional survey issues, continuing drainage issues requiring field corrections, missing underground utility information, an undiscovered vault requiring complete removal and construction of a new stormwater inlet and pipe.

The City was forced to expend additional sums due to the delays, errors and deficiencies in the work performed by Jacobs. This includes increased costs for work performed by Duran, increased expenses for the City's construction inspection and project record management firm (Yeh & Associates), costs for survey services done by another contractor (King Surveyors), and increased costs for traffic control.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes. Litigation will be handled by CAO with costs to be borne by the Public Works Department.
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If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Greeley Municipal Charter Section 6-3 authorizes the City Attorney to institute any suit, action, or proceeding on behalf of the municipal government when directed to do so by the City Council.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

None.

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution