

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2021

**RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO INSTITUTE LEGAL ACTION SEEKING DAMAGES AGAINST
JACOBS ENGINEERING GROUP, INC.**

WHEREAS, the City of Greeley determined that it was in the best interests of the citizens to make improvements to 10th Street to improve access to businesses along this corridor and to improve the walkability and safety for pedestrians; and

WHEREAS, the 10th Street improvement project was broken down into three phases with the first phase including 10th Street from 26th Avenue to 30th Avenue Court, the second phase including 10th Street from 23rd Avenue to 27th Avenue and the third phase including 30th Avenue Court to 35th Avenue; and

WHEREAS, after a competitive process the City retained Jacobs Engineering Group, Inc. (“Jacobs Engineering Group”) in April, 2016 to perform preliminary engineering, surveying and design services on the second phase of the 10th Street Access Control project (“the Project”); and

WHEREAS, Jacobs Engineering Group was subsequently retained to perform final engineering, surveying and design services on the second phase of the Project; and

WHEREAS, after a competitive process the City retained Duran Excavating to perform construction services on the Project in March, 2019; and

WHEREAS, construction began on the Project in May, 2019; and

WHEREAS, flaws in the surveying, engineering and design work performed by Jacobs Engineering Group, Inc. were discovered after construction began on the project; and

WHEREAS, the project reached final completion on August 31, 2020; and

WHEREAS, City staff have attempted to resolve the dispute amicably with Jacobs Engineering but has not been successful; and

WHEREAS, the City has been forced to incur costs over the contracted amounts as a direct result of the surveying, engineering and design work performed by Jacobs Engineering Group, Inc.; and

WHEREAS, the work performed by Jacobs Engineering Group, Inc. fell well below the standard of care required; and

WHEREAS, the City believes that Jacobs Engineering Group, Inc. should reimburse the City for these costs and for all other damages related to their failure to properly design the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. The City Attorney is hereby authorized to initiate appropriate legal action, and to retain outside counsel if necessary, to institute legal action against Jacobs Engineering Group, Inc. related to the design of improvements for the 10th Street Access Control project.

Section 2. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ day of _____, 2021.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor