

RESOLUTION 2018-064

RESOLUTION OF THE CITY COUNCIL OF THE CITY SAN PABLO APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR WAIVER AND RELEASE OF CLAIMS BETWEEN THE CITY OF SAN PABLO AND STRAWN CONSTRUCTION FOR THE NEW SAN PABLO LIBRARY IN AN AMOUNT NOT TO EXCEED \$80,528.50

WHEREAS, In September of 2016, the City adopted Resolution 2016-269 awarding the construction contract (the "Contract") for the New San Pablo Library (the "Project") to Strawn Construction (the "Contractor");

WHEREAS, on December of 2017, the City adopted Resolution 2017-229 authorizing the issuance and recordation of a Notice of Completion subject to two exceptions (the "Exceptions") for the Project;

WHEREAS, on December 6, 2017, the City received an email from the President of the Contractor described as a "claim for disputed change orders for San Pablo Library" (the "Claim");

WHEREAS, the Claim contends that the Contractor is owed more monies for the change orders performed on the Project than what the City has determined it is entitled to;

WHEREAS, after months of discussion, the City and the Contractor have agreed to settle the dispute and work towards an amount acceptable to both the City and the Contractor;

WHEREAS, the proposed resolution authorizes the City Manager to execute an Agreement for Waiver and Release of Claims (the "Agreement") attached in substantially final form up to an amount of \$80,528.50; and

WHEREAS, the Agreement resolves the dispute and settles all current and potential claims pertaining to the Contract.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein.

Section 2. Approval of Agreement. The City Council hereby approves the Agreement substantially in the form attached to the resolution, including payment of claims to the Contractor in an amount not to exceed \$80,528.50. The City Manager is hereby authorized and directed to execute the Agreement on behalf of the City, and to make such changes or additions thereto with the concurrence of the City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder. The City Manager is further authorized to execute

such other documents and take such other actions as are necessary to carry out and implement the obligations of the City under the Agreement.

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PASSED AND ADOPTED this 7th day of May, 2018, by the following vote:

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| AYES: | COUNCILMEMBERS: | Valdez, Cruz, Kinney, Morris and Calloway |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

ATTEST:

APPROVED:

/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Genoveva Garcia Calloway
Genoveva Garcia Calloway, Mayor