

A RESOLUTION OF THE TRUSTEES OF THE NORMAN MUNICIPAL  
AUTHORITY ASSIGNING CONTRACT K-1617-105 WITH  
CABBINESS ENGINEERING, L.L.C., TO GARVER, L.L.C., AND  
TRANSFERRING ASSIGNMENT OF ALL RIGHTS AND DUTIES AS  
“CONSULTANT” UNDER CONTRACT K-1617-105 TO GARVER,  
L.L.C.

- § 1. WHEREAS, Contract K-1617-105 concerns the retention of Cabbiness Engineering, L.L.C., (hereafter “Cabbiness”) by the Norman Municipal Authority, a Public Trust having as its sole beneficiary the City of Norman (“NMA”), to provide professional survey, design and analysis and engineering services for the City’s construction of a new roadway and bridge improvement project along the identified James Garner Avenue Corridor; and
- § 2. WHEREAS, the NMA approved Contract K-1617-105 on March 14, 2017; and
- § 3. WHEREAS, Amendment No. One to Contract K-1617-105 was approved by the NMA on August 27, 2019, pursuant to which the scope of Cabbiness’s services was expanded to include additional surveying services relating to modifications to the Acres Street and James Garner intersection as well as redesign of the south end of the project to meet and match new intersection improvements (“Amendment No. One”); and
- § 4. WHEREAS, Amendment No. Two to Contract K-1617-105 has come before the NMA at the same time as this Resolution for consideration for the purpose of expanding the scope of services to include right of way acquisition services for required parcels associated with the James Garner Phase 2, Acres Street to Flood Avenue project (“Amendment No. Two”); and
- § 5. WHEREAS, on December 18, 2020, Garver, LLC (“Garver”) purchased certain assets of Cabbiness, including but not limited to Contract K-1617-105 (including Amendment Nos. One and Two, if approved); and
- § 6. WHEREAS, Cabbiness must obtain the NMA’s permission for an assignment of Contract K-1617-105 to Garver; and
- § 7. WHEREAS, neither Cabbiness or Garver seek any amendments to the terms of this contract by reason of this assignment; and
- § 8. WHEREAS, Amendment No. Two is brought as a separate item for the NMA’s approval for reasons unrelated to the requested assignment.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE NORMAN MUNICIPAL AUTHORITY, AS FOLLOWS:

- § 9. A substitution of Garver for Cabbiness in Contract No. K-1617-105 (including Amendment No. One and including Amendment No. Two, if approved) under these circumstances is consistent with the underlying purposes of this contract, and for the provision of the services that were retained upon evaluation of submissions pursuant to a Request for Proposal, and ensures the timely and competent completion of necessary City projects.
- § 10. WHEREAS, Amendment No. Two has been executed by Garver and, if approved, will become effective upon approval of this Resolution. If Amendment No. Two is not approved by the NMA, this Resolution will not have the effect of further amending Contract K-1617-105, and only Contract K-1617-105 and Amendment No. One thereto will be assigned hereunder to Garver.
- §11. Written approval is hereby given for the substitution of Garver for Cabbiness as “CONSULTANT” in Contract K-1617-105 (including Amendment No. One and including Amendment No. Two, if approved separately).

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chair, Norman Municipal Authority

ATTEST:

\_\_\_\_\_  
Secretary, Norman Municipal Authority