

A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY TRANSFERRING \$80,934.21 FROM THE RWL AND 2B PROJECTS ACCOUNT TO BE USED FOR THE FINAL PAYMENT TO GARVER ENGINEERS FOR CONSULTING SERVICES ASSOCIATED WITH ADMINISTERING THE RWL CONTRACT UNDER CONTRACT K-0607-96 AND TO FELLERS SNIDER FOR LEGAL SERVICES ASSOCIATED WITH ADMINISTERING THE RWL AND 2B PROJECTS.

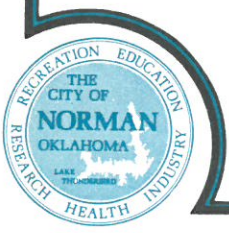
- § 1. WHEREAS, in 2010, the NUA awarded a bid to and signed a contract with Red Cliff, Inc. of El Paso, Texas to lay a new parallel 48-inch raw water line along the last 2.5 miles of an existing 30-inch water line (RWL project); and
- § 2. WHEREAS, Garver Engineering was hired by the NUA through Contract K-0607-96 with an amendment on April 27, 2009 to oversee the RWL project; and
- § 3. WHEREAS, in 2011, the NUA awarded a bid to and signed a contract with Red Cliff, Inc. of El Paso, Texas to install raw water supply lines to deliver ground water from new wells to the City's distribution system (2B project); and
- § 4. WHEREAS, Red Cliff, Inc. filed litigation asserting damage claims against the NUA on both the RWL project and the 2B project; and
- § 5. WHEREAS, Fellers Snider Law Firm was hired to defend the NUA during the litigation and settlement of the claims; and
- § 6. WHEREAS, Garver Engineering incurred expenses during their work on the project leaving outstanding invoices in the amount of \$95,386.56; and
- § 7. WHEREAS, Fellers Snider incurred expenses during their defense of the litigation leaving outstanding invoices in the amount of \$49,173.51; and
- § 8. WHEREAS, both Garver Engineering and Fellers Snider have agreed to settle their outstanding invoices for the amount remaining in the contract budgets of \$80,934.21 in the amounts of \$40,467.10 and \$40,467.11, respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN UTILITIES AUTHORITY:

- § 9. That the outstanding invoices of Garver Engineering related to the RWL project be paid from the RWL and 2B Projects Account No. 031-9356-462.31-01 in the amount of \$40,467.10 in full settlement of those outstanding invoices and the following transfer be made for payment of the outstanding invoices of the Fellers Snider Law Firm for services associated with the defense of the RWL and 2B projects litigation:

<u>Losing Account</u>	<u>Gaining Account</u>	<u>Amount</u>
RWL and 2B Projects Account 031-9356-462.31-01	Outside Legal Account 010-2220-412.40-11	\$ 40,467.11

PASSED AND ADOPTED this 13th day of December, 2016.



ATTEST:

Chairman

Secretary