



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-2021-109**

**File ID:** R-2021-109

**Type:** Resolution

**Status:** Consent Item

**Version:** 1

**Reference:** Item 28

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 03/16/2021

**File Name:** Resolution by NMA Approving Assignment of Contract  
from Cabbusiness to Garver

**Final Action:**

**Title:** RESOLUTION NO. R-2021-109: 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, LLC.

**Notes:** ACTION NEEDED: Acting as the Norman Municipal Authority, motion to adopt or reject Resolution R-2021-109.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 03/23/2021

**Agenda Number:** 28

**Attachments:** Resolution R-2021-109, Cabbusiness Notice of  
Assignment - City of Norman, Garver, LLC  
Acceptance Letter - City of Norman

**Project Manager:** Beth Muckala, Assistant City Attorney

**Entered by:** beth.muckala@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-2021-109

Body

**BACKGROUND:** On March 14, 2017, the Norman City Council approved the design contract (K-1617-105) with Cabbusiness Engineering, for the James Garner Avenue project from Acres Street to Flood Avenue, and Cabbusiness began preliminary design for the project.

On August 27, 2019, the Norman City Council approved Contract Amendment No. One for contract K-1617-105 in the amount of \$2,275 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

**DISCUSSION:** Since beginning design on this project, the Norman Municipal Authority has been informed that Cabiness Engineering has merged with Garver, LLC, and therefore that Cabiness seeks to transfer its rights and duties under this contract as “Consultant” to Garver, LLC for completion of the project. Garver, LLC has in-house right-of-way acquisition services. By amending the design contract to include right-of-way acquisition services, the City gains the advantage of having a single contractor handling both the design and acquisition of the remaining required parcel.

By separate contract amendment, Amd. No. 2 to K-1617-105, the NMA and Garver seek to amend the scope of Contract K-1617-105, and its Amd. No. 1, to increase the contract amount to accommodate changes in scope of the engineering design from the original contract, including:

- Right of Way Acquisition Services for required parcels associated with the James Garner Phase 2 - Acres Street to Flood Avenue Project.

Garver, LLC has proposed a design fee of \$5,675 (see Contract Amendment #2) to provide right-of-way acquisition services for the James Garner Extension project (NFB004). The previous contract and amendments with Cabiness Engineering for the design totaled \$429,275. Funds for the contract amendment are currently available within the Norman Forward Sales Tax Fund, James Garner Avenue Extension, Land (Account 51594405-46001; Project NFB004)

The requested amendments brought separately in Amd. No. 2 to K-1617-105 are unrelated, and arise separately from, Cabiness's request to assign this contract and its amendments to Garver. Neither Garver nor Cabiness seek any amendments to Contract K-1617-105 by reason of this requested assignment. Further, Amd. No. 2 to Contract K-1617-105 is executed by Garver, and thus shall be effective upon, and assigned by, the NMA's approval of this requested approval for assignment.

If Amd. No. 2 to K-1617-105 is not approved separately by the NMA, this resolution shall not have the effect of further amending Contract No. K-1617-105, and only Contract K-1617-105 and Amd. No. 1 to K-1617-105 will be assigned hereunder to Garver.

It is City Staff's opinion that substitution of Garver for Cabiness in Contract K-1617-105 (including Amendment No. 1 and including Amendment No. 2, if separately 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.

**RECOMMENDATION:** Staff recommends approval of Resolution R-2021-109 which grants written approval for the assignment of Contract K-1617-105, its Amd. No. 1 and its Amd. No. 2 (if separately approved) from Cabiness Engineering, LLC to Garver, LLC.