

AGENDA



Thursday, November 29, 2007

Law
RECOMMENDATION FOR COUNCIL ACTION**Item No. 9**

Subject: Authorize negotiation and execution of an amendment to legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution, litigation, and litigation support services, including expert witnesses, related to the Ullrich Water Treatment Plant Expansion Project and Archer Western Contractors, Ltd. v. City of Austin, Cause No. D-1-GN-07-001790, 201st District, in an amount of \$1,170,000 for a total contract amount of \$1,738,500.

Amount and Source of Funding: Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility.

Fiscal Note: A fiscal note is attached.

For More Information: Gordon Bowman, Assistant City Attorney, 974-2346

Boards and Commission Action: To be reviewed by the Water and Wastewater Commission on November 28, 2007.

Prior Council Action: March 9, 2006, Council approved \$568,500.

Scott, Douglass & McConnico, L.L.P., will represent the City in litigation with Archer Western Contractors, Ltd., arising out of the Ullrich Water Treatment Plant Expansion Project. The City is currently completing the Project with a separate contractor. Litigation is proceeding with Archer Western Contractors, Ltd., the City's original general contractor for this Project. The anticipated scope of legal services through calendar year 2008 consists of (i) litigation and litigation support services, including expert witnesses, (ii) legal research, (iii) drafting of pleadings and written discovery, (iv) depositions, (v) motions, (vi) informal discovery, and (vii) litigation management.