



**Outside Counsel  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 12  
AGENDA DATE: Thu 03/09/2006  
PAGE: 1 of 1**

**SUBJECT:** Authorize negotiation and execution of a legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution and potential litigation related to the Ullrich Water Treatment Plant Expansion Project in the not to be exceeded amount of \$568,500.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$568,500 is available in the 2005-2006 Operating Budget of the Austin Water Utility.

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION: Marty Terry**

**FOR MORE INFORMATION CONTACT:** Gordon Bowman, Assistant City Attorney, 974-2346

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

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Scott, Douglass & McConnico, L.L.P., will represent the City in potential litigation arising out of the Ullrich Water Treatment Plant Expansion Project. A significant claims process, if not litigation, between Archer Western Contractors, Ltd., the City's general contractor for this Project, and the City appears inevitable, given the Project history. The anticipated scope of legal services through calendar year 2006 consists of: (i) investigation, evaluation, and negotiation prior to litigation, (ii) legal research, (iii) drafting of pleadings and written discovery, (iv) depositions, (v) motions, (vi) informal discovery, and (vii) litigation management. The estimated not to be exceeded amount for these services in calendar year 2006 is \$568,500.