



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2024-309

Type: Bill (Ordinance) **Status:** Passed

File created: 3/21/2024 **In control:** Metropolitan Council

On agenda: 5/7/2024 **Final action:** 5/7/2024

Title: An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to authorize the director of Metro Water Services, or his designee, to execute a settlement agreement and release of liability.

Sponsors: Delishia Porterfield, Sean Parker, Kyonzte Toombs

Indexes:

Code sections:

Attachments: 1. Settlement Agreement and Release Exhibit

Date	Ver.	Action By	Action	Result
5/13/2024	1	Mayor	approved	
5/7/2024	1	Metropolitan Council	passed on third reading	
4/16/2024	1	Metropolitan Council	passed on second reading	
4/15/2024	1	Transportation and Infrastructure Committee	approved	
4/15/2024	1	Budget and Finance Committee	approved	
4/2/2024	1	Metropolitan Council	passed on first reading	
3/26/2024	1	Metropolitan Council	filed	

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to authorize the director of Metro Water Services, or his designee, to execute a settlement agreement and release of liability.

WHEREAS, CH2M Hill Engineers, Inc. ("CH2M") was retained by the Department of Water and Sewerage Services, ("METRO") to perform certain engineering services for the Dry Creek WWTP Ultraviolet Disinfection Project, "Project", Contract #38599; and,

WHEREAS, METRO has alleged that errors were made in the course of performing the services on the Project regarding the design height of the UV Channel Influent Gates, "Errors"; and,

WHEREAS, the parties desire to enter into an Agreement, attached hereto as Exhibit 1, to resolve any issues with respect to the Errors in the spirit of compromise and goodwill and to avoid any potential litigation costs without admission of fault or wrongdoing.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Director of Water and Sewerage Services, or his designee, is authorized to execute the settlement agreement and release of liability, attached hereto as Exhibit 1.

Section 2. Amendments to this legislation shall be approved by resolution.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan

Government of Nashville and Davidson County requiring it.

Analysis

This ordinance authorizes the director of the Department of Water and Sewerage Services to execute a settlement agreement and release of liability with CH2M Hill Engineers, Inc. ("CH2M"). Metro retained CH2M to perform engineering work for the Dry Creek WWTP Ultraviolet Disinfection Project.

According to the settlement agreement and release, Metro alleges that errors were made regarding the design height of the UV Channel Influent Gates in this project. Both Metro and CH2M seek to enter into an agreement to resolve these issues. Pursuant to the agreement, Metro would receive a credit of \$53,355 on its final invoice for the project, and Metro would release CH2M from any legal claims that could be made as a result of these errors. No liability was admitted by either party in the agreement.