



MEMORANDUM

Council Agenda
Item No. IX. AJ
4/26/2022

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Approve a Letter of Engagement with the Oklahoma City Water Utilities Trust and Phillips Murrah P.C. for legal services related to the processing of claims by Vadnais Trenchless Services, Inc. and conducting a pending investigation in the public interest.

Background:

On July 30, 2019, the Oklahoma City Water Utilities Trust (OCWUT) awarded a public construction contract, Project WC-0875, Atoka Pipeline Raw Water Transmission Line, Canadian River Crossing, Atoka, Oklahoma to Vadnais Trenchless Services, Inc. (Vadnais) in the amount of \$29,482,384 to which The City of Oklahoma City (City) concurred on August 13, 2019. Project WC-0875 is well past the contractual completion date and has neither been completed by Vadnais nor accepted by OCWUT.

On December 14, 2021, Vadnais filed a claim in the amount of \$4,390,061.43 against OCWUT on the project, for alleged differing site conditions, additional costs, and expenses incurred by Vadnais. OCWUT has previously engaged Eric S. Eissenstat of the Phillips Murrah P.C. to represent the Trust on similar construction claims. The Letter of Engagement retains Eric S. Eissenstat and the Phillips Murrah P.C. firm to provide legal services to OCWUT and the City and to investigate other claims and counterclaims for costs, damages, and expenses incurred and to be incurred by OCWUT and/or the City because of the acts, omissions, and failures of Vadnais.

Review:

Utilities Department

Recommendation: Letter of Engagement be approved.