



FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT WITH MEYERS NAVE, P.C. FOR LEGAL REPRESENTATION

City Council Meeting
June 29, 2021

Sue Gallagher, City Attorney

BACKGROUND

- On January 13, 2020, the City entered into a Legal Services Agreement (LSA) with Meyers, Nave, Riback, Silver & Wilson (Meyers Nave) in the amount of \$100,000 for legal services related to a complex public works construction contract dispute involving Bay Cities Paving & Grading and GHD in connection the Stony Point Road Widening Project, also known as Bay Cities Paving & Grading, Inc. v. City of Santa Rosa Sonoma County Superior Court Case No. SCV-265333 (Lawsuit).

BACKGROUND (cont'd)

- The Lawsuit concerns a complex public works construction contract dispute arising out of Phase 2 of the Stony Point Road Widening Project. The City awarded the bid to Bay Cities Paving and Grading as low bidder in May of 2015 and work began that August. Disputes arose almost immediately and continued throughout the project. In October 2019 Bay Cities filed suit alleging breach of contract.

ANALYSIS

- Legal proceedings are continuing in the matter, with extensive and voluminous discovery underway. The issues are complex and document intensive. Meyers Nave has strong expertise in construction law and construction litigation.
- The City has reevaluated the LSA and determined that it is in the best interest of the City to amend the LSA to add additional compensation for continued legal services.

RECOMMENDATION

It is recommended by the City Attorney and Transportation & Public Works Department that the Council, by resolution, approve the First Amendment to Legal Services Agreement with Meyers Nave, P.C. in the amount of \$200,000 for a total amount not to exceed \$300,000 for continued legal representation in the matter of *Bay Cities Paving & Grading, Inc. v. City of Santa Rosa*, Sonoma County Superior Court Case No. SCV-265333.