



**A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE**

**03-R-0593**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF CLAIMS FILED BY VARIOUS SUBCONTRACTORS HIRED BY R&D TESTING AND DRILLING, INC. AND R& D ENVIRONMENTAL, FOR WORK PERFORMED ON THE D.L. STANTON PARK PROJECT, INCLUDING C&S ENVIRONMENTAL, BFI AND IN THE TOTAL AMOUNT OF \$ 1,161,687; TO AUTHORIZE THE CITY ATTORNEY TO SEEK RESTITUTION; AND FOR OTHER PURPOSES.**

**WHEREAS**, in June 1999, pursuant to a request from the Bureau of Parks & Recreation, the Bureau of Purchasing and Real Estate granted emergency authorization for the clean-up of the D.L. Stanton Park facility ("the Project"); and

**WHEREAS**, R&D Testing & Drilling, Inc. was selected to complete the Project authorized by the emergency authorization and subsequent legislation passed by City Council; and

**WHEREAS**, R&D Testing & Drilling, Inc. hired several subcontractors to perform work on the Project; and

**WHEREAS**, R&D Testing & Drilling, Inc. has failed to fully compensate its subcontractors for work allegedly performed in connection with the clean up Project; and

**WHEREAS**, the City desires to resolve the payment issues with the subcontractors without the necessity of protracted litigation; and

**WHEREAS**, the City disputes the claims asserted by the subcontractors and denies that any amounts are due and owed to the subcontractors by the City; however, the City believes settlement of these issues is in the best interest of the City; and

**WHEREAS**, the City's settlement of the claims asserted by the subcontractors shall in no way be construed to mean that the City has any liability for payment to any subcontractor or the prime contractor, R&D Testing and Drilling, Inc. or any of its successor entities for work performed on this project and the City expressly denies liability for payment; and

**WHEREAS**, the City is obligated to seek restitution from any and all parties who otherwise would be responsible for payment of these amounts.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA GEORGIA, AS FOLLOWS:**

Section 1. That the City Attorney be and is hereby authorized to conclude complete settlement of all claims which have been asserted or could have been asserted and from which negotiations have been completed with the following subcontractors, for the following amounts in connection with the D.L. Stanton Park clean- up Project in connection with the claims asserted



by BFI, C&S Environmental and Omegasys. Settlements for these claims shall be distributed and the claims settled in the following amounts:

BFI: \$626,684

C&S Environmental: \$373,529

Omegasys: \$161,474

The total sum of all settlements for these subcontractor claims inclusively shall not exceed the sum of \$1,161,687.

Section 2. That the Chief Financial Officer is authorized and directed to pay the aforementioned subcontractors the respective sums and amounts as negotiated between the parties. Such amounts are to be paid from Fund, Account and Center numbers; 1B01773001N12D1652A20A; 1C36774001N12D11529999; 1C40774001N12D11529999 and 1C22774001N12D09529999.

Section 3. That the City Attorney is hereby directed to prepare the appropriate releases and other settlement documents as are necessary to protect the City's interest.

Section 4. That nothing in this resolution shall operate, nor shall be construed, to estop or prejudice the City from contesting the validity of or disputing liability for any subcontractor or general contractor claims asserted or which could have been asserted in connection with this Project, including R& D Testing and Drilling, Inc. or any of its successors firms or claims asserted by any other subcontractor or general contractor on any other City project, whether such claims are mature or are hereafter accruing.

Section 5. That the City Attorney is authorized to pursue all necessary legal action to recovery restitution from those parties otherwise responsible for payment of these amounts.

A true copy,

*Flonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

APR 21, 2003  
APR 28, 2003

RCS# 4616  
4/21/03  
2:23 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

---

**4/21/03 FULL COUNCIL MEETING**

---

**Items Adopted on the Consent Agenda**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 03-O-0186  | 36. 03-R-0451 | 72. 03-R-0498 |
| 2. 03-O-0350  | 37. 03-R-0571 | 73. 03-R-0499 |
| 3. 03-O-0401  | 38. 03-R-0549 | 74. 03-R-0500 |
| 4. 03-O-0442  | 39. 03-R-0555 | 75. 03-R-0501 |
| 5. 03-O-0438  | 40. 03-R-0556 | 76. 03-R-0502 |
| 6. 03-O-0445  | 41. 03-R-0558 | 77. 03-R-0503 |
| 7. 03-O-0446  | 42. 03-R-0559 | 78. 03-R-0504 |
| 8. 03-O-0443  | 43. 03-R-0560 | 79. 03-R-0505 |
| 9. 03-O-0450  | 44. 03-R-0561 | 80. 03-R-0506 |
| 10. 03-O-0485 | 45. 03-R-0562 |               |
| 11. 03-O-0399 | 46. 03-R-0563 |               |
| 12. 03-O-0369 | 47. 03-R-0564 |               |
| 13. 03-O-0416 | 48. 03-R-0572 |               |
| 14. 03-O-0193 | 49. 03-R-0588 |               |
| 15. 03-O-0355 | 50. 03-R-0589 |               |
| 16. 03-O-0359 | 51. 03-R-0590 |               |
| 17. 03-O-0360 | 52. 03-R-0448 |               |
| 18. 03-O-0436 | 53. 03-R-0454 |               |
| 19. 02-O-1543 | 54. 03-R-0528 |               |
| 20. 03-O-0432 | 55. 03-R-0529 |               |
| 21. 03-O-0433 | 56. 03-R-0569 |               |
| 22. 03-O-0434 | 57. 03-R-0570 |               |
| 23. 03-R-0444 | 58. 03-R-0591 |               |
| 24. 03-R-0530 | 59. 03-R-0592 |               |
| 25. 03-R-0531 | 60. 03-R-0217 |               |
| 26. 03-R-0532 | 61. 03-R-0539 |               |
| 27. 03-R-0533 | 62. 03-R-0541 |               |
| 28. 03-R-0534 | 63. 03-R-0542 |               |
| 29. 03-R-0535 | 64. 03-R-0566 |               |
| 30. 03-R-0536 | 65. 03-R-0593 |               |
| 31. 03-R-0537 | 66. 03-R-0544 |               |
| 32. 03-R-0538 | 67. 03-R-0545 |               |
| 33. 03-R-0546 | 68. 03-R-0565 |               |
| 34. 03-R-0577 | 69. 03-R-0496 |               |
| 35. 03-R-0390 | 70. 03-R-0497 |               |

**Items Adversed on  
the Consent Agenda**

- 81. 03-R-0507
- 82. 03-R-0508
- 83. 03-R-0509
- 84. 03-R-0510
- 85. 03-R-0511
- 86. 03-R-0512
- 87. 03-R-0513
- 88. 03-R-0514
- 89. 03-R-0515
- 90. 03-R-0516
- 91. 03-R-0517
- 92. 03-R-0518
- 93. 03-R-0519
- 94. 03-R-0520
- 95. 03-R-0521
- 96. 03-R-0522
- 97. 03-R-0523
- 98. 03-R-0524
- 99. 03-R-0525
- 100. 03-R-0526
- 101. 03-R-0527

---

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

(Do Not Write Over) **0593**

A RESOLUTION  
BY FINANCE/EXECUTIVE  
COMMITTEE

A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF CLAIMS FILED BY  
VARIOUS SUBCONTRACTORS HIRED  
BY R&D TESTING AND DRILLING,  
INC. AND R&D ENVIRONMENTAL,  
FOR WORK PERFORMED ON THE D.L.  
STANTON PARK PROJECT,  
INCLUDING C&S ENVIRONMENTAL,  
BFI AND OMEGASYS IN THE TOTAL  
AMOUNT OF \$ ~~4,164,879.~~ AND FOR  
OTHER PURPOSES. \$1,164,687.

LINDA K. DISANTIS, CITY ATTORNEY  
**ADOPTED BY**

APR 21 2003

**COUNCIL**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

FINANCE

4/21/03

*[Signature]*  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*[Signature]*  
Refer To \_\_\_\_\_  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Committee \_\_\_\_\_

Date \_\_\_\_\_

*[Signature]*  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*[Signature]*  
Refer To \_\_\_\_\_  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

- FINAL COUNCIL ACTION
- 2nd
  - 1st & 2nd
  - 3rd
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

**CERTIFIED**  
APR 21 2003

*[Signature]*  
COUNCIL PRESIDENT PROTTEM

**CERTIFIED**  
APR 21 2003

*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION

*[Signature]*  
APR 28 2003