



Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Gray  
Mayor

Cheryl Taylor  
Commissioner

## MEMORANDUM

**TO:** Mayor Jim Gray and Urban County Council

**FROM :** \_\_\_\_\_  
Richard Moloney, Acting Commissioner  
Department of Environmental Quality

**DATE:** May 7, 2012

**RE:** Final Closeout of Two Projects With Gershman, Brickner & Bratton, Inc. (GBB) Resolution 589-2009 and Resolution 683-2008

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Council approved a contract with Gershman, Brickner & Bratton, Inc. (GBB) in the amount of \$1,655,596 per Resolution 589-2009 for routing improvements. A change order request #1 was approved to increase this contract by \$66,000 which resulted in a final contract price of \$1,721,596. Previously, GBB was hired to conduct a waste stream study for the MRF per Resolution 683-2008 and Resolution 158-2009 at a total cost of \$271,566. All work under both contracts has been successfully completed. However, after completion, issues arose between LFUCG and GBB regarding appropriate payments for the contract work.

The parties have reached agreement and approval is requested of the attached Mutual Release Agreement. The agreement provides for an equitable resolution of all issues under both contracts by payment to GBB of the compromised amount of \$45,000. Execution of the Agreement will resolve any and all potential claims by GBB in connection with both contracts and confirms that all subcontractors have been paid under both contracts. In return for the payment, GBB will completely release and forever discharge LFUCG, its successors and assigns, from any and all claims.

Your favorable consideration is appreciated.