



SANDY SPRINGS

CITY CLERK'S OFFICE

PUBLIC FACILITIES AUTHORITY

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Tuesday, July 20, 2021

Special Called Meeting

6:00 PM

The July 20, 2021 Public Facilities Authority Special Called Meeting will be held in person in the Studio Theatre at Sandy Springs City Hall (1 Galambos Way, Sandy Springs, GA 30328).

Live-stream: **Public Meeting Portal (CivicClerk):** <https://sandyspringsga.civicclerk.com>
Zoom Webinar: <http://spr.gs/2021mcc3>

Teleconference: **Phone:** (646) 558-8656 **Webinar ID:** 818 0837 1065

1. PFA2021-014 **CALL TO ORDER** - Chair
2. PFA2021-015 **ROLL CALL** - Secretary
3. PFA2021-016 **APPROVAL OF MEETING AGENDA**

NEW BUSINESS

4. PFA2021-017 Request for Public Facilities Authority Members Consideration of Holder Settlement
(Presented by Dan Lee, City Attorney)
5. PFA2021-018 **ADJOURNMENT**

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance. The City will make reasonable accommodations for those persons.

1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov

TO: Members of the City of Sandy Springs Public Facilities Authority

FROM: Andrea Surratt, General Manager of the Authority

DATE: July 19, 2021 for submission on the July 20, 2021 Public Facilities Authority Meeting agenda

ITEM: Resolution of the City of Sandy Springs Public Facilities Authority to Approve Settlement with Holder Construction Group, LLC, to Resolve Outstanding Issues under the Contract for Construction of the Public Component of City Springs; to Authorize the General Manager and the Attorney for the Public Facilities Authority to Negotiate an Agreement to Memorialize such Settlement; and to Authorize the General Manager to Execute the Settlement Agreement

Recommendation:

The General Manager recommends that the City of Sandy Springs Public Facilities Authority (“PFA”) approve the attached resolution authorizing the negotiation and execution of a settlement agreement with Holder Construction Group, LLC (“Holder”). The settlement agreement will resolve outstanding issues under the Contract for Construction (“Contract”) between Holder and the PFA for construction of the public component of the City Springs project (“Project”).

Background and Discussion:

On June 30, 2015, the City of Sandy Springs (“City”) and Holder entered into the Contract for construction of the Project. The Contract detailed the scope of services and compensation to be paid for the services. The Contract was subsequently assigned to the PFA.

At the close of construction of the Project, a dispute arose between Holder and the PFA regarding payments due under the Contract and the dispute resulted in litigation. The parties have now resolved such dispute and determined resolution of all related construction issues. They desire to memorialize such resolution and solution in the form of a settlement agreement.

Significantly, the settlement agreement will provide that all claims between the parties will be dismissed, the PFA will pay \$1,800,000 to Holder, and the Contract will be concluded.

Attachments:

Resolution

RESOLUTION NO. 2021-____-____

**STATE OF GEORGIA
COUNTY OF FULTON**

**RESOLUTION OF THE CITY OF SANDY SPRINGS PUBLIC FACILITIES
AUTHORITY TO APPROVE SETTLEMENT WITH HOLDER CONSTRUCTION
GROUP, LLC, TO RESOLVE OUTSTANDING ISSUES UNDER THE CONTRACT
FOR CONSTRUCTION OF THE PUBLIC COMPONENT OF CITY SPRINGS; TO
AUTHORIZE THE GENERAL MANAGER AND THE ATTORNEY FOR THE PUBLIC
FACILITIES AUTHORITY TO NEGOTIATE AN AGREEMENT TO MEMORIALIZE
SUCH SETTLEMENT; AND TO AUTHORIZE THE GENERAL MANAGER TO
EXECUTE THE SETTLEMENT AGREEMENT**

WHEREAS, on June 30, 2015, the City of Sandy Springs (“City”) and Holder Construction Group, LLC (“Holder”) entered into a certain Contract for Construction (“Contract”) for constructing the public component of the City Springs project (“Project”), detailing the scope of services and compensation therefor; and

WHEREAS, the Contract was subsequently assigned to the City of Sandy Springs Public Facilities Authority (“PFA”); and

WHEREAS, at the close of construction of the Project, a dispute arose between Holder and the PFA regarding payments due under the Contract, which dispute resulted in litigation; and

WHEREAS, the dispute and all related construction issues have now been resolved or a solution determined and the parties desire to memorialize such resolution and solution in the form of settlement agreement; and

WHEREAS, generally, the parties have agreed that the settlement agreement will provide that: all outstanding claims between the parties will be dismissed; the PFA will pay \$1,800,000 to Holder under the Contract; and the Contract will be concluded; and

WHEREAS, the PFA desires that the Attorney for the PFA and the General Manager of the PFA negotiate and enter into such a settlement agreement with Holder upon such terms and conditions as may be in the best interest of the PFA, including those described above;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF SANDY SPRINGS PUBLIC FACILITIES AUTHORITY, AS FOLLOWS:

1. That the Attorney and the General Manager of the PFA are hereby authorized to negotiate a settlement agreement with Holder upon such terms and conditions as may be in the best interest of the PFA; and
2. That the settlement agreement shall provide for the payment to Holder of \$1,800,000 in full satisfaction of the Contract; and
3. That the settlement agreement shall provide that all outstanding claims between the parties are dismissed; and

4. That the settlement agreement shall provide that the Contract is concluded; and
5. That the General Manager is authorized to execute the negotiated settlement agreement.

RESOLVED, this _____ day of _____, 2021.

Approved:

Russell K. Paul, Chairman
City of Sandy Springs Public Facilities Authority

Attest:

Raquel D. González, Secretary

(Seal)