

CONTRACT
between
GRAHAM CONSTRUCTION, INC.
and
CITY OF COLUMBIA, MISSOURI

THIS AGREEMENT (hereinafter "Agreement") is by and between the **City of Columbia, Missouri** (hereinafter "City"), a municipal corporation whose address is 701 E. Broadway, Columbia, MO 65201 and **Graham Construction, Inc.** (hereinafter "Graham"), a Nebraska corporation, and is entered into on the date of the last signatory below (hereinafter "Effective Date"). City and Graham are each individually referred to herein as a "Party" and collectively as the "Parties."

WHEREAS the Parties entered into the 5th and Walnut Street Parking Structure Contract on July 21, 2009 (the "Contract") to construct the 5th and Walnut Street Parking Structure;

AND WHEREAS issues have arisen with the construction Pre-Cast Spandrel Panels on the East and West faces (the "Construction Issues");

NOW THEREFORE the Parties wish to resolve the Construction Issues on the terms noted in this Agreement as follows:

1. The City has agreed to resolve the Construction Issues by accepting a payment from Graham in the amount of \$300,000 (the "Funds") with Funds to be delivered by Graham ten (10) days following Effective Date by cheque. Should Graham fail to pay the Funds by the delivery date, the City may recover its costs for collection including reasonable attorney fees and all court costs.
2. Having hired the contractor of its choice (the "Repair Contractor") to effect the repair of the Construction Issues, the City will use the Funds to compensate the Repair Contractor. Walker Consultants will provide a design solution at no charge to the Repair Contractor.

3. In consideration of Graham's payment of the Funds, the City releases Graham from any liability related to the Construction Issues ("Released Matters"), and that if any further problems arise related to the Construction Issues after the Release Date, the City will address these problems with the Repair Contractor.

4. This Agreement is a negotiated settlement of the Construction Issues, and is not an admission of any liability or fault on the part of Graham.

[SIGNATURES ON FOLLOWING PAGE]

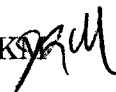
City of Columbia, Missouri

By: _____
John Glascock, Interim City Manager Date

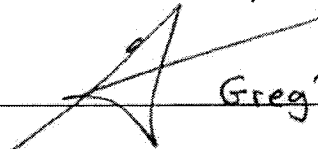
ATTEST:

By: _____
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By: _____
Nancy Thompson, City Counselor/JK 

Graham Construction, Inc.

By:  _____
Greg Ritke

Date: May 6, 2019

ATTEST:

By: Michelle Rose

Name: Michelle Rose