

**PUBLIC WORKS DEPARTMENT
MEMORANDUM #4 – 2019**

DATE: January 14, 2019
TO: Honorable Mayor Carol Dodge and City Council Members
THROUGH: Heather Geyer, City Manager *HG*
FROM: Kent Kisselman, PE – Director of Public Works *LAL*
SUBJECT: CR-8 – Assignment of Contract from FEI Engineers to Alan Plummer Associates

PURPOSE

City Council will be considering a resolution to assign the Bunker Hill Lift Station design contract to Alan Plummer Associates.

BACKGROUND

FEI Engineers is an engineering firm located in Greenwood Village, Colorado. The firm currently is under contract with the City for the design of the new Bunker Hill Lift Station.

On January 3, 2019, FEI Engineers informed the City that they joined Alan Plummer Associates as of January 1, 2019, and will do business as Alan Plummer Associates. Due to the merger and change in name of the company, it is necessary for City Council to assign the existing contract to the new company.

BUDGET/TIME IMPLICATIONS

There are no impacts to time or budget.

RECOMMENDATION

Attached to this memorandum is a resolution that, if approved, would assign the City's contract with FEI Engineers to Alan Plummer Associates.

Staff recommends approval of Resolution CR-8.

STAFF REFERENCE

If Council members have any comments or questions they may contact Kent Kisselman, 303.450.4005, or kkisselman@northglenn.org.

ATTACHMENTS

1. Merger Announcement

CR-8 – Assignment of Contract from FEI Engineers to Alan Plummer Associates
Assignment Letter



To Our Clients and Valued Business Partners,

We are delighted to announce that as of January 1, 2019, FEI Engineers has joined Alan Plummer Associates. Alan Plummer Associates is a 41-year-old, privately held, employee owned firm, headquartered in Fort Worth, Texas. It is a water focused engineering firm with nearly 150 staff and offices located throughout Texas and Oklahoma.

Why have we chosen to do this?

FEI and Alan Plummer Associates have partnered on projects for over two years. The first thing that struck us was our similar corporate cultures and values - we both value honesty and integrity, strive to serve others, and desire to create a caring culture for our employees, clients and external business partners. As we explored the possibility of joining the two companies, the future of FEI and Alan Plummer Associates aligned remarkably well. We have chosen to remain deeply focused on the water/wastewater sectors of our market and grow the services we can offer our clients within this sector. By joining Alan Plummer Associates, this provides FEI with more resources, capacity, and senior level technical expertise to serve clients in our existing geography across Colorado, New Mexico and beyond. Our current staff will have expanded future growth opportunities and can learn from, and be mentored by, a wider group of senior technical staff, working on a wider array of project types. It is important to note that FEI was not in a position where it "had" to sell, and remaining as a privately-held, employee-owned firm was very important. FEI will retain this status in joining Alan Plummer Associates.

What will change?

Our name will eventually be changing. Initially, it will be subtle, and we will be known as "FEI, part of Alan Plummer Associates". By the end of 2019, we plan to complete the transition of the brand and logo. We will increase technical depth and expertise in water and wastewater systems and add several areas including reuse treatment, stormwater, water quality permitting, natural systems (e.g. wetlands), and water supply planning.

What will remain the same?

Our focus on technically excellent and cost-effective solutions for our clients will remain unchanged and at the top of our strategic focus. The existence of our offices in Denver and Durango will remain unchanged. We will remain Principals with the firm, as well as major shareholders. Our managers and staff on your current projects will remain unchanged. We will introduce additional technical expertise when it benefits you as the client/owner and the project outcome, but the current FEI staff will not change from the project.

What other facts do you need to know?

From a legal standpoint, what has occurred is Alan Plummer Associates, Inc. has acquired the assets of FEI Engineers, Inc. The legal entity of FEI Engineers, Inc. will remain in existence as long as needed. After January 1, 2019, we will contract under our new legal name of Alan Plummer Associates, Inc. (even during this initial period when we use the interim logo/brand of "FEI, part of Alan Plummer Associates"). Contractually, we need to assign all existing contracts to Alan Plummer Associates, Inc., therefore, we have attached a written request for consent to assign our contract with you to Alan Plummer Associates, Inc.

We are grateful for our working relationship with you and look forward to continuing to serve you in the future. Thank you for entrusting us to serve you; this change will benefit our relationship. Please call with any questions.

Sincerely,

Patrick O'Brien and Nick Toussaint

ABOUT ALAN PLUMMER ASSOCIATES

If it involves water, we can help.

Alan Plummer Associates has conducted business with quality and integrity for over 40 years. A regional firm founded with a vision to uphold environmental stewardship and technical excellence, Alan Plummer Associates is committed to serving our clients with distinction and integrity. Alan Plummer Associates has nearly 150 employees and offices in Fort Worth, Austin, Dallas, Corpus Christi, San Antonio and Oklahoma City, as well as a staff location in College Station and Lubbock, Texas. The technical capabilities of the firm's personnel are based on educational backgrounds, professional training, and practical experience in the fields of engineering, hydraulics, computer applications, biology, and chemistry, as well as field sampling and laboratory analyses of water quality samples.

When it comes to water and wastewater infrastructure, we study it, plan it, model it, design it, permit it, and manage it during construction. Dedicated to water resources, environmental science, and engineering, our firm balances sound scientific and engineering principles with innovative technology tailored to our clients' needs. We have assisted our clients in planning and designing water, wastewater, and infrastructure; constructed wetlands; and permitting. Our award-winning projects include innovative water resource solutions for municipal and industrial applications.



MISSION | Improving our environment, advancing communities, and serving others

VISION | We will be a great place to work that is solving the world's greatest water and telecommunication challenges

VALUES | Unyielding integrity | Passion for service | Caring culture | Technical and quality excellence | Rewarding and balanced work atmosphere

At Alan Plummer Associates, we strive to give back to the community. Employees are encouraged to be involved in philanthropic activities, whether through donations or by volunteering. Our employees have participated in trips to Nicaragua and Guatemala, collected and donated shoes and backpacks, and volunteered time to educate children in school about the engineering and science field.



SPONSORED BY: MAYOR DODGE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-8
Series of 2019

Series of 2019

A RESOLUTION CONSENTING TO THE ASSIGNMENT OF THE CONTRACT BETWEEN THE CITY OF NORTHGLENN AND FEI ENGINEERS, INC. TO ALAN PLUMMER ASSOCIATES, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City Council hereby consents to the assignment of the Professional Services Agreement dated December 17, 2018, from FEI Engineers, Inc. to Alan Plummer Associates, Inc. and approves the Consent to Assignment, attached hereto, and the Mayor is authorized to execute same on behalf of the City of Northglenn.

DATED at Northglenn, Colorado, this ____ day of _____, 2019.

CAROL A. DODGE
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

CONSENT TO ASSIGNMENT

This Consent to Assignment is entered into this 1st day of January 2019.

WITNESSETH THAT:

WHEREAS, the undersigned is a party to an Agreement dated December 17, 2018 (the "Agreement") between the undersigned and FEI Engineers, Inc. (the "Assignor");

WHEREAS, pursuant to an Asset Purchase Agreement to which Alan Plummer Associates, Inc. (the "Assignee") and Assignor are parties, and pursuant to a certain Bill of Sale and Assignment and Assumption Agreement thereunder (the "Assignment Agreement"), all rights, liabilities and obligations of the Assignor to and under the Agreement are proposed to be assigned to Assignee; and

WHEREAS, the Assignor, the Assignee, and the undersigned desire to acknowledge the undersigned's consent to the assignment of the Agreement.

NOW, THEREFORE, the undersigned makes the following covenants and representations upon which the Assignor and the Assignee may rely.

Section 1. The undersigned hereby consents to the execution of the Assignment Agreement.

Section 2. Upon the execution of the Assignment Agreement the undersigned shall look solely to the Assignee for the performance of all obligations under the Agreement, and the Assignor and all affiliates thereof shall be discharged and released from all rights, obligations and liabilities thereunder, it being acknowledged by the undersigned that the execution of the Assignment Agreement shall constitute a complete novation.

Section 3. To the best knowledge of the undersigned, there exists no event of default by the Assignor under the Agreement or event which, with the passing of time or the giving of notice, would constitute an event of default.

IN WITNESS WHEREOF, the undersigned executes this Consent to Assignment as of the first date above written.

By: Carol A. Dodge

Title: Mayor