

April 28, 2021

WHEREAS, City purchased a new 2017 International model 7400 SFA 6X4 (VIN# 3HAWHSTT6HL688763) from Southwest International Trucks, Inc., in 2016; and

WHEREAS, Navistar, Inc. manufactured the vehicle chassis and provided the warranty, and Southwest International Trucks, Inc., provided the “Bucket” body for the vehicle; and

WHEREAS, City was subsequently dissatisfied with certain aspects of the vehicle’s performance and desired to be relieved of its obligations regarding the vehicle; and

WHEREAS, bona fide disputes and controversies existed between City, Southwest International Trucks, Inc., and Navistar, both as to any potential liability and the amount thereof; and

WHEREAS, Southwest International Trucks, Inc. and Navistar have agreed to a settlement whereby the City provides a release of potential claims and causes of action arising out of the performance of the vehicle and exchanges the inoperable 2017 vehicle for a new 2022 Model; and

WHEREAS, the proposed settlement of the City’s claims is in the best interest of the City.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute **(1)** a settlement and release agreement with Navistar, Inc. and Southwest International Trucks, Inc., to resolve all potential claims and causes of action by and between them arising out of the performance of a 2017 International Model “Bucket Truck”; **(2)** a vehicle exchange agreement with Southwest International Trucks, Inc., to allow for the return of the 2017 International Model “Bucket Truck” in exchange for a 2022 International Model “Bucket Truck;” and **(3)** both the vehicle exchange and settlement and release agreement and all terms, conditions, and documents required by the agreements, approved as to form by the City Attorney.

SECTION 2. That this contract is designated as Contract No. EFM-2021-00016019.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.