CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Street Department

AGENDA DATE: 7/29/08

CONTACT PERSON/PHONE: Terrence Freiburg, Purchasing Manager, 541-4313

DISTRICT (S) AFFECTED: All

SUBJECT:

Termination for default of 2008-117 Grounds Maintenance- City Medians

BACKGROUND / DISCUSSION:

On June 19, 2008 Green Scene, Inc. notified the Street Department verbally that they had moved on to other work and would not be able to accept the award of the contract. A written confirmation from Green Scene, Inc. reiterating this was received by the Purchasing Department on June 25, 2008. A final cure letter was subsequently sent on July 8, 2008 notifying Green Scene, Inc. that they would be terminated for default of the contract unless they agreed in writing to honor the contract. The deadline for response was July 18, 2008 and no response was received.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. DeptID/account/fund/project.

No change to funding

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD: _____

Cc: Jane Shang, Deputy City Manager Mobility Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

PROJECT FORM

FINANCIAL SERVICES DEPARTMENT, PURCHASING DIVISION

DATE: July 17, 2008

TO: Municipal Clerk

FROM: Terrence Freiburg
Purchasing Manager, ext. 4313

Edward Hyatt
Administrative Analyst, ext. 4315

Please place the following item on the **CONSENT** Agenda for the Council Meeting of Tuesday, **July 29, 2008.**

Item should read as follows:

The Purchasing Manager, Financial Services- Purchasing Division, requests that Mayor and Council terminate Contract No. 2008-117 pursuant to the provisions and requirements of Section C, Clause 8B of the Contract Clauses due to default and that the termination shall be effective as of July 29, 2008.

The vendor will be notified.

Department: Street

SPECIAL INSTRUCTIONS:

Municipal Clerk's Use

ITEM NO. _____

cc: BID FILE

RESOLUTION

WHEREAS, the City awarded Contract No. 2008-117 to Green Scene Inc. on June 10, 2008, for Grounds Maintenance- City Medians; and

WHEREAS, the City Council terminates said Contract for default pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C, Clause 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for convenience; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Purchasing Manager is authorized to notify Green Scene Inc. that the City is terminating Contract No. 2008-117 pursuant to the provisions and requirements of Section C, Clause 8B of the Contract Clauses due to default and that the termination shall be effective as of July 29, 2008.

PASSED AND APPROVED this _____ day of _____, 2008.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:

_____
Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Terrence Freiburg
Purchasing Manager, Financial Services

#40683 v2 - PURCHASING/1/RESO TERMINATION GREEN SCENE, INC
Document Author: BONT