

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

CITY CLERK DEPT.
08 AUG 25 PM 2:20

DEPARTMENT: Engineering Department

AGENDA DATE: September 2, 2008

CONTACT PERSON/PHONE: R. Alan Shubert, City Engineer Ext. No. 4423

DISTRICT(S) AFFECTED: 4

PROJECT NAME/SOLICITATION NO. Termination of Contract- Bid 2008-036:Northgate Diversion Channel

SUBJECT:

That the City terminate the contract between the City and Bain Construction for a project known as Storm 2006 Northgate Diversion Channel, Solicitation No. 2008-036 under the provisions of Section 6.9, Right of Owner to Terminate Contract.

BACKGROUND / DISCUSSION:

Northgate Diversion Channel is a project that was identified and listed in the Storm 2006 projects. The project's objective was to restore the diversion that eroded during the storms of 2006. During the design phase, it was identified that a subdivision has been platted for the area. The project moved forward under that assumption. After the contract was awarded and the permits were being coordinated, it was determined that the subdivision had never been filed and that the plat had expired. The City of El Paso does not have any ownership and/or easement rights over the proposed improvements. The recommendation is to terminate the contract pursuant to Section 6.9 of the General Conditions. The contractor was not given the notice to proceed so the City did not incur any costs from Bain Construction. The construction award was \$877,695. These funds will be reallocated to the master Storm 2006 account to be used for the pending Storm 2006 projects.

PRIOR COUNCIL ACTION:

City Council previously awarded Solicitation No. 2008-036, Storm 2006 Northgate Diversion Channel to Bain Construction for a total estimate amount of \$877,695.

AMOUNT AND SOURCE OF FUNDING:

The project is funded by: Storm 2006

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Financial Services, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.

RESOLUTION

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City terminate the contract between the City and Bain Construction for a project known as Storm 2006 Northgate Diversion Channel, Solicitation No. 2008-036 under the provisions of Section 6.9, Right of Owner to Terminate Contract.

ADOPTED THIS _____ DAY OF _____, 2008.

THE CITY OF EL PASO

John F. Cook, Mayor

CITY CLERK DEPT.
08 AUG 11 PM 2:53

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Rene D. Ray

R. Alan Shubert, P.E., C.B.O.
City Engineer