

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: **Engineering and Construction Management**

AGENDA DATE: **December 14, 2010**

CONTACT PERSON NAME AND PHONE NUMBER: **R. Alan Shubert, P.E., City Engineer**

DISTRICT(S) AFFECTED: **2, 3, 6, 7, 8**

SUBJECT:

That the City Engineer is authorized to enter into a mutual termination agreement with the Contractor, Caspian Construction Company, for Facility Rehabilitation-Roofs Solicitation No. 2010-128 in the amount of \$96,890.40 terminating the Contract at no cost to the City and releasing the performance and payment bonds provided by the Contractor under the requirements of the Contract, subject to the approval of the City Attorney's Office.

BACKGROUND / DISCUSSION:

City Council approved the construction award July 6, 2010. Notice to proceed was not issued and the contractor, Caspian Construction Company, has requested the City terminate the contract with no claims for costs or damages against the City and releasing the payment and performance bonds provided by the Contractor under the requirements of the contract. The termination of this contract complies with the contract conditions.

PRIOR COUNCIL ACTION:

City Council approved the construction award July 6, 2010.

AMOUNT AND SOURCE OF FUNDING:

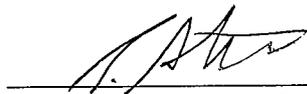
N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, the City awarded contract number "2010-128" to Caspian Construction Company of El Paso, Texas (the "Contractor"), on July 6, 2010 for Facility Rehabilitation-Roofs in the amount of \$96,890.40 (the "Contract"); and

WHEREAS, at the request of the Contractor, the City did not issue a notice to proceed to the Contractor and the Contractor has performed no work under the Contract; and

WHEREAS, the Contractor has requested that the City agree to terminate the contract with no claims for costs or damages against the City; and

WHEREAS, the Engineering and Construction Management Department recommends termination of the Contract; and

WHEREAS, pursuant to Section 6.9.2 of the General Conditions of the Contract, the City is authorized to terminate the Contract for failure of the Contractor to commence performance of its contractual obligations.

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

That the City Engineer is authorized to enter into a mutual termination agreement with the Contractor, terminating the Contract at no cost to the City and releasing the performance and payment bonds provided by the Contractor under the requirements of the Contract, subject to the approval of the City Attorney's Office.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:



Mark Shoosmith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer