

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

DEPARTMENT: Engineering and Construction Management

AGENDA DATE: March 24, 2015

CONTACT PERSON NAME AND PHONE NUMBER: Irene D. Ramirez, P.E., City Engineer, 212-1831

DISTRICT(S) AFFECTED: 4

SUBJECT:

That the City Engineer is authorized to notify Contractor, that the City is terminating Contract No. 2014-007 for default pursuant to the provisions and requirements of Section 6.9 of the Contract's General Terms and Conditions due to contractor's failure to cure performance and that the termination shall be as of March 26, 2015.

BACKGROUND / DISCUSSION:

The completion of the construction of this project is late. Currently, the project is 113 days behind schedule. The Contractor has failed to provide the City with a timeline to cure all the deficiencies identified by the City or to provide an accurate project schedule. The arrangement of providing sufficient manpower to complete the project by increasing the number of people working on the project by an average of one person is not satisfactory to the City. The contractor has failed to comply with contract requirements regarding minimum wage payments or EEO requirements by not submitting weekly payroll records. Several of his subcontractors have also failed to be in compliance with the submittal of payrolls.

PRIOR COUNCIL ACTION:

Award of original contract December 10, 2013.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Cecilia Bertolli for Irene Ramirez

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, on December 10, 2013, the City of El Paso awarded Contract No. 2014-007 Barron Park (“Contract”) to Spartan Construction of New Mexico, LLC. (“Contractor”); and

WHEREAS, on Feb. 4, 2015, the City Engineer notified the Contractor in writing to cease identified contract deficiencies and performance violations and requested a satisfactory arrangement of corrections;

WHEREAS, the Engineering staff reviewed the Contractor’s response and is recommending that the Contract be terminated for default because the Contractor failed to cease the identified violations and delays and failed to provide a satisfactory arrangement of correction; and

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

That the City Engineer is authorized to notify Spartan Construction of New Mexico, LLC., that the City is terminating Contract No. 2014-007 Barron Park for default because the Contractor has failed to cease identified violations and delays and failed to provide a satisfactory arrangement of correction and that the contract is terminated as of March 24, 2015. In addition, the City Engineer shall notify the Contractor’s surety of the termination.

PASSED AND APPROVED this _____ day of _____, 2015.

THE CITY OF EL PASO

Oscar Leaser,
Mayor

ATTEST:

Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Sol M. Cortez
Assistant City Attorney

Irene D. Ramirez, P.E, City Engineer
Engineering and Construction Management

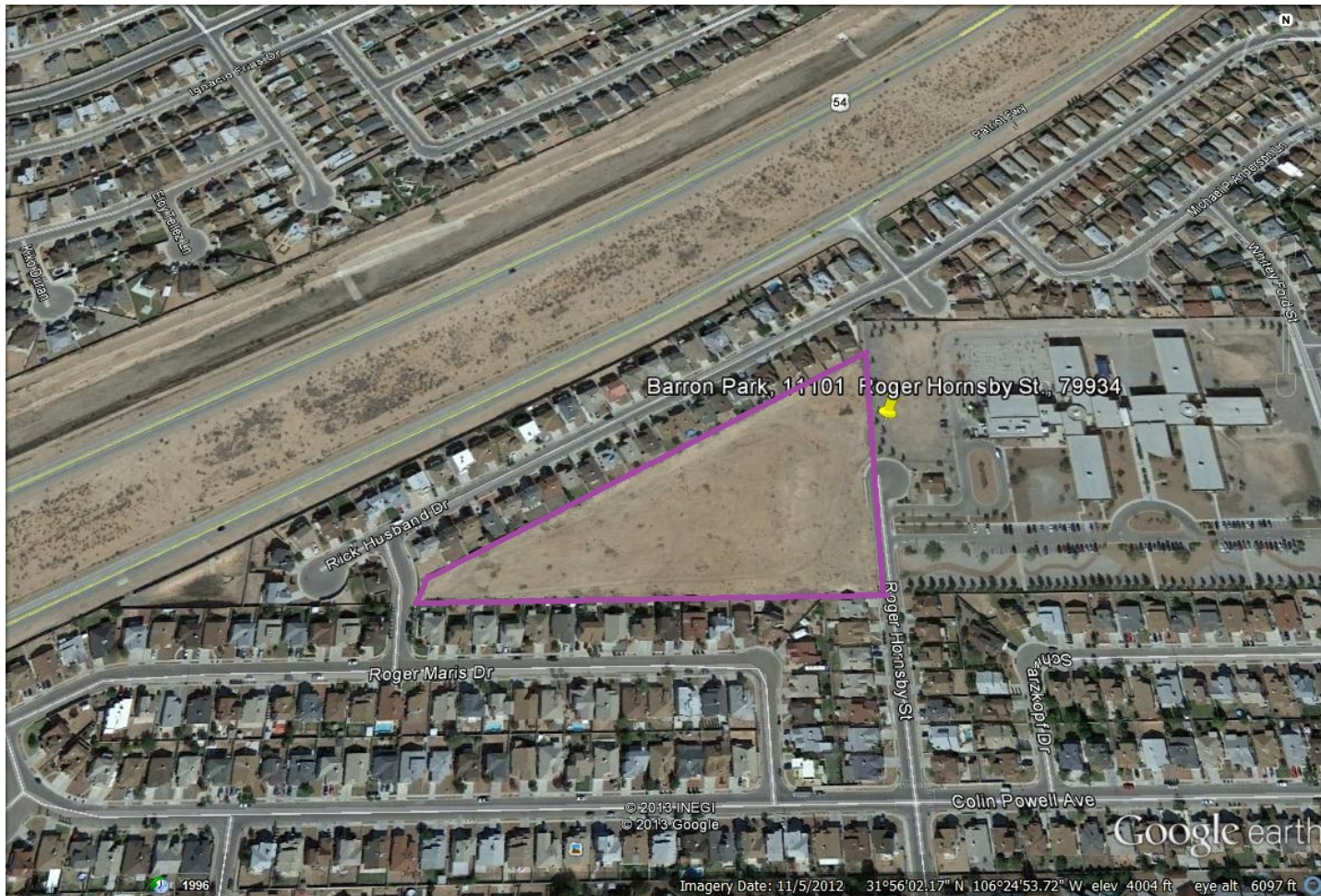


Barron Park

Solicitation No. 2014-007



11101 Rogers Hornsby St. District 4





Background

- Awarded to Spartan Construction of New Mexico, LLC on December 10, 2013
- Notice to Proceed (NTP) issued February 3, 2014
- Current Completion date of December 1, 2014
- Project Update to City Council on January 27, 2015
- *Notice of Intent to Terminate the Contract* sent February 4, 2015
- *Recommendation to Terminate the Contract* sent March 18, 2015



7 Areas of Deficiencies

- Insufficient Workmen and Equipment
- Rejected Irrigation System
- Gazebo Footings Installed Incorrectly
- Cracked Concrete on Basketball and Futsal Courts
- Removal of Caliche
- Certified Payrolls
- Revised Project Schedule for Completion



Insufficient Workmen and Equipment





Irrigation System





Gazebo Footings Installed Incorrectly





Cracked Concrete on Basketball and Futsal Courts





Caliche Removal

Jobsite on March 12, 2015 at 8:07 a.m.





Certified Payrolls

- Certified payrolls should be updated weekly
 - Latest update from contractor is January 31, 2015
 - Several subcontractors are not up to date on payrolls
 - Two (2) subcontractors have not uploaded payrolls



Project Schedule

- Latest revised schedule provided on December 30, 2014
- Indicated completion date of February 15, 2015
- Project is 113 days behind schedule



Recommendation

- City Council terminates this Contract for default
- Effective March 24, 2015