

CITY OF CORAL GABLES, FLORIDA

DRAFT RESOLUTION _____

RESOLUTION RESCINDING THE AWARD OF THE SEGOVIA STREETScape IMPROVEMENTS PROJECT TO MCBAYNE'S CONSTRUCTION AND RENOVATION, INC. PURSUANT TO SECTION 2- 829 OF THE PROCUREMENT CODE ENTITLED "APPROVAL OF CHANGE ORDERS AND CONTRACT MODIFICATIONS."

WHEREAS, on December 14, 2010, the Segovia Streetscape Improvements project was awarded to McBayne's Construction and Renovation, Inc.; and

WHEREAS, on December 15, 2010 a Notice of Award was issued to the contractor requesting performance and payment bonds as required under Section 2-1005 of the Procurement Code entitled "Performance and Payment Bonds; and

WHEREAS, a requirement of the Segovia Streetscape Improvements Invitation For Bid (IFB) 2010.09.27 were performance and payment bonds in the amount of one hundred percent (100%) of total project total, which in the case of this project would be \$696,262.50; and

WHEREAS, the contractor has failed to submit the require performance and payment bonds to the City; and

WHEREAS, under Section 2-829 of the Procurement Code entitled "Approval of Change Orders and Contract Modifications," the City Commission, upon recommendation of the City Manager, has sole authority to rescind an award or terminate a contract in excess of \$100,000.00 for failure to submit required performance and payment bonds; and

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. That the City Commission accepts the recommendation of the City Manager to rescind the award of the Segovia Streetscape Improvements Project to McBayne's Construction and Renovation, Inc. pursuant to Section 2-829 of the Procurement Code entitled "Approval of Change Orders and Contract Modifications."

Section 3. That all Resolutions or parts of Resolutions inconsistent with, or in conflict herewith, shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 4. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF MARCH, 2011.

(Moved by _____, Seconded by _____)
(Passed 0/0 vote)

DONALD D. SLESNICK, II
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

LOURDES ALFONSIN RUIZ
CITY ATTORNEY