

RESOLUTION NO. 219489

OCT 12 1977

WHEREAS, the City Council, by Resolution No. 219118, adopted August 24, 1977, accepted the bid of HEFFLER LANDSCAPE COMPANY to provide complete landscape maintenance of 68 City sites for a period of twelve months beginning August 9, 1977; and

WHEREAS, HEFFLER LANDSCAPE COMPANY, by refusing to sign a written contract, failed to provide a satisfactory bond, failed to provide satisfactory evidence of public liability insurance, failed to supply satisfactory and adequate work performance schedules, all of which are required by the terms of the specifications and contract, has manifested its intent to breach the contract requirements; and

WHEREAS, the specifications provide that in the event of a failure of the contractor to perform, the City may let the contract to the next lowest bidder; and

WHEREAS, due to existing weather conditions, the 68 City sites require necessary watering, fertilizing, and general maintenance to avoid the loss of substantial plant materials; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. Without giving up any legal or equitable rights accruing to The City of San Diego, and in recognition of the breach of the contract by HEFFLER LANDSCAPE COMPANY, this

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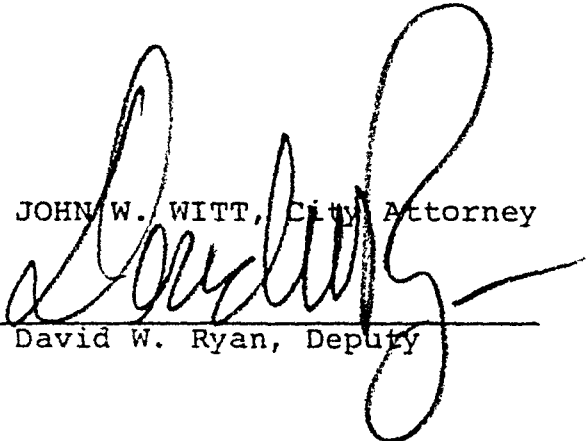
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Council does hereby find that HEFFLER LANDSCAPE COMPANY is in default of the contract adopted by Resolution No. 219118 on August 24, 1977.

2. That the City Attorney is directed to take all remedies both equitable and legal that may be available to the City as a consequence of the breach of said contract by HEFFLER LANDSCAPE COMPANY.

3. That a contract is hereby authorized with MAINTENANCE ENGINEERS to provide complete landscape maintenance of 68 sites as may be required for a period of twelve months beginning October 1, 1977 and ending September 30, 1978 pursuant to the prices on file in the Purchasing Department; with an option to renew the contract for two additional twelve-month periods, subject to an escalation not to exceed ten percent (10%) for each additional year.

APPROVED: JOHN W. WITT, City Attorney

By 
David W. Ryan, Deputy

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Geo Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maurice F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon F. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jose D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
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CC-1276 (REV. 8-77)

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