

RESOLUTION NUMBER R- 283249

ADOPTED ON JAN 10 1994

WHEREAS, the Council awarded a contract to Roca Construction Inc. for the restoration of the Point Loma Treatment Plant Ocean Outfall Intake Structure by Resolution No. R-278939; and

WHEREAS, the contractor has become insolvent before completing this project and the City Manager recommends that default and debarment action now be taken; and

WHEREAS, before becoming insolvent, the contractor performed certain extra work on the project due to a changed site condition, for which compensation is due; and

WHEREAS, following the contractor's insolvency and due to intervening events, it has been determined that cost savings may be realized in meeting the objective of this project through significant modifications to the project design and approach to construction; and

WHEREAS, the modifications to design are so substantial that the project will constitute an alternative and different scope of work, and the City's best interests will be served by exonerating the contractor's surety from its duty to perform the remainder of the contracted work and by instead pursuing the alternative project; NOW, THEREFORE

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

1. Roca Construction, Inc. is declared to be in default of the contract with the City for the Point Loma Treatment Plant Ocean Outfall Intake Restoration.

2. The City Manager and City Attorney are authorized to initiate default proceedings against Roca Construction Inc. and to exonerate the surety of only its performance bond on this project.

3. Roca Construction, Inc. and its officers and principals are declared to be non-responsible bidders and ineligible to bid on City projects for a period of three (3) years, pursuant to San Diego Municipal Code section 22.0514 and upon the advice of the City Manager and City Attorney.

BE IT FURTHER RESOLVED, that the City Auditor is authorized to transfer an amount not to exceed \$50,500 within Sewer Revenue Fund 41508, from CIP No. 46-119.0, Annual Allocation - Point Loma Treatment Plant, to CIP No. 46-131.0, Point Loma - Ocean Outfall Intake Structure Restoration.

BE IT FURTHER RESOLVED, that Change Order No. 2, dated June 18, 1993, on file in the office of the City Clerk as Document No. RR-283249, issued in connection with the contract between The City of San Diego and Roca Construction, Inc., said contract having been filed in the office of the City Clerk as Document No. RR-278939, is hereby approved, together with the changes therein set forth, amounting to a net increase in the contract price of \$50,500.00

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$50,500 from Sewer Revenue Fund 41508, CIP No. 46-131.0, Point Loma Ocean Outfall Intake Structure Restoration, is hereby authorized, solely and exclusively to fund Change Order No. 2 and to supplement the financing previously authorized by Resolution No. R-278939 adopted on November 4, 1991, Resolution No. R-276751 adopted on October 29, 1990 and City Manager Action No. C-02821 approved on August 4, 1989.

APPROVED: JOHN W. WITT, City Attorney

BY *Frederick M. Ortlieb*
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
12/14/93
12/20/93 Corr.
Or.Dept:W.Util.
Aud.Cert:9400230
R-94-945
Form=r-t

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 9400230

ORIGINATING DEPT. NO.: 700

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Date _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 50,500.00

Vendor Roca Construction

Purpose Authorizing expenditure of funds for change order #2 for the construction of the ocean outfall intake structure.

Date August 27, 1993 By: *Cecilia San Pedro*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1	0	40012	700	336	4905	170994		41508		\$50,500.00
TOTAL AMOUNT										\$50,500.00

FUND OVERRIDE

AC 9400230

R-283249

JAN 10 1994