

RESOLUTION NUMBER R- 283445

ADOPTED ON FEB 22 1994

WHEREAS, the City Manager awarded contracts for construction of Kensington Park Play Area and Taylor Branch Library Park to DWM Construction Company; and

WHEREAS, DWM Construction Company has abandoned work on one of these projects, and has not been available to respond to City communications regarding commencement of work on the other; and

WHEREAS, the Purchasing Agent has received an anonymous message from a person allegedly speaking for DWM indicating that the contractor has become insolvent, that it intends to commence bankruptcy proceedings, and that it does not intend further performance on the City projects; and

WHEREAS, a subcontractor received a letter from DWM stating facts identical to those stated in the message left for the Purchasing Agent; and

WHEREAS, letters sent to the contractor's listed address have been returned unclaimed, the telephone has been disconnected, and the premises are reportedly vacant; and

WHEREAS, pursuant to Standard Specifications for Public Works Construction section 6-4 and the contracts for these projects, the City Council may find the contractor in default when it has become insolvent or when it fails to perform; and

WHEREAS, the City Manager recommends that default and debarment action now be taken against the contractor; NOW, THEREFORE,

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

1. DWM Construction is declared to be in default of its contracts for the construction of (a) Kensington Park Play Area, CIP No. 29-778.0; and (b) Taylor Branch Library Park, CIP No. 35-073.0; and these projects are terminated.

2. The City Manager is authorized to direct the surety for DWM Construction to complete these projects.

3. DWM Construction and its sole officer and principal, Woody Woodward, are declared to be nonresponsible bidders and ineligible to submit bids to the City for a period of three years pursuant to San Diego Municipal Code section 22.0514 and upon the advice of the City Manager and the City Attorney.

APPROVED: JOHN W. WITT, City Attorney

BY *Frederick M. Ortlieb*  
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Deputy City Attorney

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