

RESOLUTION NUMBER R- 283623

ADOPTED ON MAR 28 1994

WHEREAS, the City Manager awarded contracts to Mur-Vic Construction Company, Inc. for construction of the following projects: Water Group 477, Water and Sewer Group 481, Sewer Group 61A, and Sewer Pump Station 20 Force Main; and

WHEREAS, Mur-Vic has abandoned or failed to commence work on the projects and has indicated it is out of business; and

WHEREAS, Mur-Vic's surety has obtained a preliminary injunction in connection with these projects (Insurance Company of the West v. City of San Diego et al, Superior Court Case No. 674231), enjoining the City from making any further contract payments to Mur-Vic on the grounds of contractor insolvency; and

WHEREAS, pursuant to Standard Specifications for Public Works Construction section 6-4 and the contracts for these projects, the City Council may find a 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 be taken against Mur-Vic; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that Mur-Vic Construction Company, Inc. is declared to be in default of its contracts for construction of the following City projects:

- (a) Water Group 477 - CIP 73-835.5
- (b) Water and Sewer Group 481 - CIP 44-001 and CIP 73-081
- (c) Sewer Group 61A - CIP 44-303.7 and CIP 73-844.7
- (d) Sewer Pump Station 20 Force Main - CIP 46-106.0

BE IT FURTHER RESOLVED, that the City Manager is authorized to direct the surety for Mur-Vic Construction Company, Inc., to complete these projects, and the City Attorney is authorized to pursue recovery of all costs to the City due to this action.

BE IT FURTHER RESOLVED, that Mur-Vic Construction Company, Inc. and its officers and principals, Raymond Murphy and Floyd Victor, are declared to be non-responsible 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 City Attorney.

APPROVED: JOHN W. WITT, City Attorney

By Frederick M. Ortlieb  
Frederick M. Ortlieb  
Deputy City Attorney

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