

RESOLUTION NUMBER R-289704

ADOPTED ON FEBRUARY 2, 1998

WHEREAS, San Diego Municipal Code section 22.0803(b) provides for the permanent debarment of construction companies from the City's public works contracts for corrupt practices involving City projects; and

WHEREAS, Mingus Constructors, Inc. of Cottonwood, Arizona, is the prime contractor on the Pump Station 65 Relocation Project and on the Influent Pump Station Contract for the North City Water Reclamation Plant; and

WHEREAS, Mingus Constructors, Inc. received notice dated December 29, 1997, that the City Manager recommends Mingus Constructors, Inc. be debarred from City public works contracts and that a hearing was to be held before the City Council; and

WHEREAS, the Council of the City of San Diego has received and considered City Manager Report No. CMR 98-01 in support of debarment of Mingus Constructors, Inc., on file in the office of the City Clerk; and

WHEREAS, the Council of the City of San Diego has received and considered the exhibits, declaration(s), and written argument in opposition to debarment dated January 19, 1998, provided by Mingus Constructors, Inc., on file in the office of the City Clerk; and

WHEREAS, the Council of the City of San Diego has received and considered the Reply to Position Statements of Mingus Constructors, Inc., provided by the City Attorney's Office, on file in the office of the City Clerk; and

WHEREAS, the Council of the City of San Diego has heard and considered the oral testimony and argument of both City staff and Mingus Constructors, Inc.; and

WHEREAS, the Council of the City of San Diego concludes Mingus Constructors, Inc. has engaged in corrupt practices within the meaning of San Diego Municipal Code section 22.0803(b); NOW, THEREFORE,

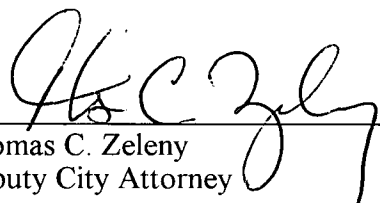
BE IT RESOLVED, by the Council of the City of San Diego, that the findings of fact set forth in City Manager Report No. CMR 98-01 relative to the corrupt practices of Mingus Constructors, Inc. in the performance of City contracts are hereby adopted in full.

BE IT FURTHER RESOLVED, that as a consequence of said facts, Mingus Constructors, Inc. is permanently debarred from performing contract work for the City of San Diego.

BE IT FURTHER RESOLVED, that Mingus Constructors, Inc. is assessed a penalty of \$79,594.77, representing 10% of the reinforcing steel subcontract value for the Pump Station 65 Relocation Project, said penalty to be deposited in Sewer Revenue Fund No. 41506.

BE IT FURTHER RESOLVED, that the City Manager is directed to report these matters involving Mingus Constructors, Inc. to the California Contractors Licensing Board.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

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