

RESOLUTION NUMBER R- 295216

ADOPTED ON JUL 24 2001

WHEREAS, San Diego Municipal Code sections 22.0801, et seq., provides that the City Council may permanently debar any bidder or contractor for any corrupt practices involving the administration or award of a City contract; and

WHEREAS, for purposes of debarment, a contractor can be an individual or a legal entity who directly or indirectly bids City contracts, or who may reasonably be expected to conduct business with the City as representative, or agent of another contractor; and

WHEREAS, debarment prohibits City officers and employees of all City departments from executing contracts with a debarred contractor; and

WHEREAS, debarment constitutes debarment of all divisions or other organizational elements of the contractor; and

WHEREAS, for purposes of debarment, the fraudulent, criminal, or other seriously improper conduct [Conduct] of any officer, director, shareholder, partner, employee, or other individuals associated with a contractor [Representative] may be imputed to the contractor when the Conduct occurred in connection with the individual's performance of duties for, or on behalf of the contractor, or with the contractor's knowledge, approval or acquiescence; the Conduct of a contractor may be imputed to any Representative who participated in, knew of, or had reason to know of the contractor's Conduct; and the Conduct of one contractor participating in a joint

venture or similar arrangement, may be imputed to other participating contractors if the Conduct occurred for, on approval of or acquiescence of the participating contractors; and

WHEREAS, debarment of a contractor also constitutes debarment of "Affiliates" which means individuals, business concerns or entities, or organizations who either directly or indirectly: 1) control one another or have the power to control one another, or 2) are controlled by a third party or are subject to control by a third party. Indicia of control includes identity of interests among family members, shared facilities and equipment, common use of employees, interlocking management or ownership, a business entity organized following the debarment which has the same or similar management, ownership or principal employees as the debarred contractor.

WHEREAS, acceptance of benefits shall be evidence of knowledge, approval or acquiescence; and

WHEREAS, J.G. Pipeline, Inc., its divisions and organizational elements, its Affiliates, Richard Andrade, Jaime Parraga, Judy Ng Go, James Jackson and George Rogers Frost [J.G.], engaged in corrupt practices, as is more particularly set forth in City Manager's Revised Report Nos. 01-113, 01-068, and any and all documents referenced therein; and the Supplemental City Manager's Report to 01-113, and any and all documents referenced therein; the Administrative Record; all testimony, and evidence submitted prior to or during the debarment hearing on file in the office of the City Clerk, all of which are incorporated herein; and

WHEREAS, the Council of the City of San Diego has received and considered the exhibits, evidence and argument in opposition to debarment on file in the office of the City Clerk; and

WHEREAS, the matter was set for a noticed public hearing on June 19, 2001, and subsequently continued until July 24, 2001 with a document filing deadline of July 17, 2001. J.G. was personally served notice of the hearing and the opportunity to present evidence, testimony having been heard, evidence from all interested parties having been submitted, and the City Council having fully considered the same; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the findings of fact set forth in City Manager's Revised Report Nos. 01-113, 01-068, and any and all documents referenced therein; and the Supplemental City Manager's Report to 01-113, and any and all documents referenced therein; the Administrative Record; all testimony, and evidence submitted prior to or during the debarment hearing on file in the office of the City Clerk, all of which are incorporated herein, along with any and all documents referenced therein, relative to the corrupt practices of J.G. are hereby adopted in full.

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

BE IT FURTHER RESOLVED, that the Council for the City of San Diego finds, that permanent debarment of J.G. will prevent its continued corrupt practices on City contracts. As such, it is in the public interest, and it will protect the City by ensuring full and open competition by allowing the City to grant awards only to responsible contractors. This debarment is not for purposes of punishment.

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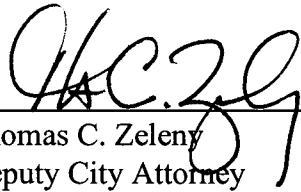
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BE IT FURTHER RESOLVED, that the Council for the City of San Diego directs the Office of the City Attorney to file a complaint with the Contractors' State Licensing Board in regards to J.G. Pipeline, Inc.

APPROVED: CASEY GWINN, City Attorney

By



Thomas C. Zeleny
Deputy City Attorney

TCZ:ccm
JL:pev:db
08/30/01 REV.
07/06/01
Aud.Cert: N/A
Or.Dept: Eng&CP
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