



Legislation Text

File #: AUT 18-027, **Version:** 2

Consideration of and possible action to terminate to the contract with South Pools, Inc. for the Dow Park Pavilion and Improvements project (DPCDC project).

The Dow Park Pavilion and Improvements project is a Deer Park Community Development Corporation (DPCDC) project funded by the dedicated one-half of one percent Type B economic development sales tax. The project was awarded to South Pools, Inc. on February 21, 2017 in the amount of \$617,737.50. Council later approved Change Order #1 on June 26, 2017, in the amount of \$80,484.60. On February 1, 2018, the City and South Pools, Inc. agreed to Change Order #2 in the amount of \$51,775.66, conditioned upon the contractor completing all work within an additional 100 calendar days from the date of the change order. This additional 100-day period ends on May 12, 2018.

Over the past several months, the contractor has failed to complete this work in timely fashion. On April 12, 2018, the City's construction attorney sent the contractor's attorney notice that if South Pools does not perform and complete all of its work by the agreed completion date, the City will terminate South Pools right to continue its performance on the Project. The notice also stated that should termination be required, it will be voted on by Council at the May 15, 2018 Council Meeting.

The contractor has continued to work on the project and for the past two (2) months, City staff has conducted weekly construction progress meetings with the contractor. Although progress has been made, it does not appear at this writing that the project will be 100% complete by May 12, 2018. This item on the agenda will allow City Council to consider and take appropriate action regarding the contract with South Pools, Inc. Should the contract be terminated, the City would have to contract with another vendor and/or complete the balance of the work with in-house force account labor. Alternatively, if the project is very close to completion but not 100% complete, Council may wish to consider a short extension.

To Be Determined

Consider terminating the contract with South Pools, Inc. for the Dow Park Pavilion and Improvements project.