



Legislation Details (With Text)

File #:	17-861	Version:	1	Name:	
Type:	Contract	Status:		Agenda Ready	
File created:	10/23/2017	In control:		City Commission	
On agenda:	11/20/2017	Final action:			
Title:	TERMINATION AGREEMENT AND MUTUAL RELEASE FOR 124 SW 8th AVENUE BETWEEN THE CITY OF DELRAY BEACH AND ROI CONSTRUCTION, LLC AND MATTIE OWENS				
Sponsors:	Community Improvement				
Indexes:					
Code sections:					
Attachments:	1. Legal Review Checklist form v. 3 ROI Construction Termination Owens, 2. Termination and Release between the City and ROI Owens, 3. Contract Docs - Owens				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO: Mayor and Commissioners
FROM: Michael Coleman, Director, Community Improvement
THROUGH: Mark R. Lauzier, City Manager
DATE: November 20, 2017

TERMINATION AGREEMENT AND MUTUAL RELEASE FOR 124 SW 8th AVENUE BETWEEN THE CITY OF DELRAY BEACH AND ROI CONSTRUCTION, LLC AND MATTIE OWENS

Recommended Action:

Motion to terminate a Housing Rehabilitation Grant Agreement with ROI Construction, LLC and Mattie Owens in the amount of \$40,090.45 for a housing rehabilitation for the property located at 124 SW 8TH Avenue, Delray Beach, FL.

Background:

An Invitation to Bid No. 2017-132 was issued on September 1, 2016 for Housing Rehabilitation work to be conducted at 124 SW 8th Avenue. ROI Construction, LLC. was the lowest responsive, responsible bidder. Grant awards are based on the actual cost of the rehabilitation, as determined by the low responsive bidder (s), plus a 5% contingency. Total rehab cost was to include lead inspection, lead abatement, lead clearance, termite inspection, termite treatment and recording fees. Additional costs may be incurred for lead clearance test(s). Although the general contractor awarded the job submitted the permit application, it has not remitted/paid to commence work ninety days after the permits had been made available. Staff finds this to be unacceptable and against all agreement terms.

Article 7 of the Agreement with ROI Construction, LLC. allows the City Commission to terminate the Agreement for convenience by providing no less than thirty days written notice. Attached is a copy of the proposed termination letter. Under the terms of the Agreement, no services were performed under the Agreement through the termination date. All funds will remain with the Housing Rehabilitation Program.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

Finance recommends approval.

Funding Source:

No funding is needed for this cancellation.

Timing of Request:

Cancellation will stop billing as of the date of cancellation.