

RESOLUTION NO 2021-08

RESOLUTION TO RATIFY NOTICE AND TERMINATE CONTRACT

WHEREAS, the City and Donelson Construction Company, LLC entered a Resurfacing Project Contract dated July 21, 2021; and

WHEREAS, Article XIII of this contract authorizes the city to suspend the work of this contract, with or without cause, for a period not to exceed 90 days and to terminate the contract, with or without cause; and

WHEREAS, on or around August 26, 2021, public works notified Donelson Construction Company, LLC that it found the work to be unsatisfactory and further notified Donaldson that all future work was suspended; and

WHEREAS, this notice also advised that the city would terminate the contract as of a certain date; and

WHEREAS, no work has been done on the project since this notice was sent; and

WHEREAS, the city wishes to formally ratify the portion of the notice suspending the work previously sent by city staff; and

WHEREAS, the city wishes to formally terminate the contract as provided by Article XIII of said contract; and

WHEREAS, the city wishes to reserve all rights and remedies afforded to it under the contract.

NOW, THEREFORE, BE IT RESOLVED, that Smyrna Ratifies the notice suspending work previously sent by the community development department to Donelson Construction Company, LLC on or around August 26, 2021.

IT IS FURTHER RESOLVED that the Resurfacing Project Contract between the City and Donelson Construction Company, LLC dated July 21, 2021, is terminated as provided in Article XIII of said contract.

IT IS FURTHER RESOLVED that all rights and remedies afforded to the city under the contract are reserved.

IT IS FURTHER RESOLVED that the mayor or city administrator are both authorized to sign all additional notices to Donelson Construction Company, Inc as well as other documents related to this action.

RESOLVED by the Mayor and Council of the City of Smyrna this 4th day of October 2021.

CITY SEAL:

Derek Norton, Mayor

ATTEST:



Heather K. Peacon-Corn, City Clerk

Approved as to Form:

Scott Cochran, City Attorney