

## **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 peiod 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 furthur 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.

RES2021-08

Resolution to Ratify Notice and Terminate Contract - Donelson Construction Company, LLC.

October 4, 2021 Mayor and Council Meeting

Page 2

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

CITY SEAL:

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Derek Norton, Mayor

**ATTEST:**



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Heather K. Peacon-Corn, City Clerk

Approved as to Form:

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Scott Cochran, City Attorney