

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Les Lee Shell, Deputy County Manager
Denis Cederburg, Director of Public Works

Recommendation:

Authorize the termination of the Contract with James F. Thompson, Jr. dba American Southwest Electric, for Bid No. 605799-21, for Annual Requirements Contract for Street and Beltway Lighting Modification; or take other action as appropriate. (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	None		

BACKGROUND:

On June 01, 2021, the Board of County Commissioners (Board) approved the award of Bid 605799-21; for Annual Requirements Contract for Street and Beltway Lighting Modification to James F. Thompson, Jr. dba American Southwest Electric (Southwest).

This Contract is for the modification, installation, and maintenance of street and beltway lighting.

The following are the pertinent provisions of the Contract:

- The term of the Contract was from date of award through December 31, 2021 and included the option to renew for 4, one-year periods.
- Included the option to increase the award amount up to 20% based on possible increased user requirements for the renewal terms and approved budget appropriations.
- Included the option to increase the award amount up to 3% for possible price increases for renewal terms.
- Included the County's option to terminate for cause, convenience or default and suspend the Contract with advanced written notice.

On June 2, 2022, Southwest requested a significant price increase. Purchasing made numerous requests for documentation to substantiate this request. Documentation was not provided and the request was denied. Southwest unilaterally suspended their services. Public Works and Purchasing continued to communicate with Southwest, but services were never restored.

On July 13, 2022 Public Works reached out to Southwest for failure to provide services.

On September 15, 2022, a Cause and Corrective Action Notice was issued for failure to deliver services. Southwest did not respond to this request.

On October 6, 2022, the Purchasing and Contracts Division issued a Notice of Intent to Terminate Contract for

Cleared for Agenda

11/15/2022

File ID#

22-1628

Cause and Notice of Meeting to Consider Administrative Action, by certified letter giving the minimum 21 working days' notice. This letter stipulated that the Contract would be terminated effective November 15, 2022, subject to the Board's approval. Staff recommends that the Board terminate the Contract with Southwest.

This action is in accordance with Page No. II-5., Item No. 34, Termination for Cause.