

**RESOLUTION TO
TERMINATE CONTRACT #8-24, RIVERSIDE PARK RESTROOM –
STRUCTURE**

**SPONSOR: ALDERPERSON STEVEN BOARD
FROM: PUBLIC WORKS COMMISSION**

WHEREAS, on or about March 21, 2024 the City of Watertown entered into an agreement with Ray Stadler Construction Co, Inc. for the construction of a restroom structure at Riverside Park in Watertown, which included Performance Bond No. GRWI33005B issued by Granite Re, Inc.; and,

WHEREAS, the project was scheduled to be completed by August 9, 2024; and,

WHEREAS, upon inspection of the property for creation of a punch list a number of defects and unauthorized variations from the contract were identified and the City requested Ray Stadler Construction, Inc. address those concerns; and,

WHEREAS, on October 24, 2024 a demand letter was sent requiring identified defects to be cured and a schedule to be provided for curing the defects; and,

WHEREAS, on November 22, 2024 the City requested Ray Stadler Construction, Inc. to stop work on the structure due to the creation of new defects during its attempt to address existing defects; and,

WHEREAS, on December 5, 2024 the City submitted a notice to Granite, Re, Inc., as bond agent, and Ray Stadler Construction Inc., that it is considering finding Ray Stadler Construction, Inc. in default and requested a meeting to discuss the defects of the building; and,

WHEREAS, City representatives met with Granite Re, Inc. and Ray Stadler Construction, Inc. representatives to complete a meeting under Section 3 of the Performance Bond on January 10, 2025 at which Ray Stadler Construction, Inc. was provided until January 16, 2025 to respond to the City's concerns; and,

WHEREAS, the City has reviewed the response provided by Ray Stadler Construction, Inc. and finds it to be incomplete and without assurance that the project will be timely completed; and,

WHEREAS, the City finds that Ray Stadler Construction Inc. is in default for the following reasons:

1. Ray Stadler Construction, Inc. has persistently failed to perform the work in accordance with the contract documents and to timely progress with completion of the project.
2. Ray Stadler Construction, Inc. has failed to perform or otherwise to comply with material terms of the contract documents including completing the project on or before August 9, 2024.
3. Ray Stadler Construction, Inc. has repeatedly disregarded the authority of Owner and Engineer by making modifications to the plans without obtaining proper approval for the modifications.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WATERTOWN, WISCONSIN:

The City Attorney is to send notice to Ray Stadler Construction Inc. and Granite Re, Inc. notifying both that the City will be exercising its rights under Performance Bond No. GRWI33005B and that the City will terminate the agreement with Ray Stadler Construction Inc. pursuant to Section 16.02(B)(1) of the Standard General Conditions of the Construction Contract.

The City Attorney is further directed to note that the City will agree to pay the remaining balance due on the contract to Granite Re, Inc. upon successful completion of the contract provided the construction is completed on or before April 1, 2025 and reserving the City's claim to liquidated damages due to delay in completing the project.

That this Resolution shall be in full force and effect upon its passage and adoption.

	YES	NO
DAVIS		
LAMPE		
BOARD		
BARTZ		
BLANKE		
SMITH		
SCHMID		
WETZEL		
MOLDENHAUER		
MAYOR MCFARLAND		
TOTAL		

ADOPTED February 4, 2025

CITY CLERK

APPROVED February 4, 2025

MAYOR