



Peter C. Daniels, P.E.
City Engineer
Engineering Department
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June 11, 2018

Robert Muchka
The Expeditors, Inc.
400 N. Summit Moors Dr.
Oconomowoc, WI 53066

RE: City of West Allis 2018 Project No. 5: Closed Circuit TV Inspection of Sanitary and Storm Sewers

Dear Mr. Muchka,

On May 1, 2018, the Common Council of the City of West Allis approved the bid of The Expeditors, Inc. for the closed circuit TV inspection of sanitary and storm sewer. But subsequently we have discovered that The Expeditors, Inc. uses different software that is not compatible with the City's past protocol. The Expeditors, Inc. has therefore asked to withdraw their bid for the work and to be released from their contract with the City. The City has exercised our discretion and agreed to release The Expeditors, Inc. and to return their Bid Guaranty, Performance Bond and Payment Bond since The Expeditors, Inc. does not have the necessary software to conduct the work to the City's satisfaction. The City of West Allis and The Expeditors, Inc. are in mutual agreement to rescind the original contract thereby returning both parties to their respective positions before the original contract's effective date.

The City intends to award this contract instead to Green Bay Pipe & TV, LLC since the City also received a reasonable bid from them and deems it to be in the best interests of the City of West Allis that the bid of Green Bay Pipe & TV, LLC for 2018 Project No. 5 be accepted instead.

I am pleased we were able to come to an amicable agreement regarding the release of the contract and the bonding this morning. The City is herewith attaching a copy of the payment and performance bonds for use by Shorewest Surety Services, Inc.

If you have any questions, feel free to call me at 414-302-8374.

Sincerely,

Peter C. Daniels, P.E.
City Engineer

Mutual Rescission and Release Agreement

This Mutual Rescission and Release Agreement ("Rescission") is made and entered into this June 11, 2018 by and between the City of West Allis and The Expeditors, Inc. of Oconomowoc, Wisconsin.

WHEREAS the parties entered into a Contract for City of West Allis 2018 Project No. 5: Closed Circuit TV Inspection of Sanitary and Storm Sewers on May 21, 2018.

WHEREAS the Parties acknowledge that neither party has fully performed their duties or obligations pursuant to the terms and conditions set forth in the original contract;

WHEREAS the parties to the original contract and to the rescission hereby mutually agree to rescind the original contract thereby returning the parties to their respective positions before the original contract's effective date;

NOW THEREFORE, for the reasons set forth above, and in consideration of the mutual covenants of the parties hereto, the parties agree as follows:

1. The original contract is hereby terminated and deemed null and void as of the effective date and neither party shall have any further rights or legal obligations thereunder.
2. The parties release and forever discharge any and all liabilities that have arisen or may arise from the original contract, and the parties waive any and all claims or right to assert any claim which has arisen or may arise from the original contract prior to the effective date of this agreement.
3. The City will to return to The Expeditors, Inc. their Bid Guaranty, Performance Bond and Payment Bond.

IN WITNESS WHEREOF, The City of West Allis and The Expeditors, Inc. has caused this Rescission Agreement to be signed as of the effective date.

Peter C Daniels

Peter C. Daniels, City Engineer

6/11/18

Date

Robert Muchka

Robert Muchka

6/11/18

Date