

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: EL PASO INTERNATIONAL AIRPORT

AGENDA DATE: January 13, 2009

CONTACT PERSON/TELEPHONE: Terrence Freiburg, Purchasing Manager, Financial Services (X-4313)
R. Alan Shubert, P.E., City Engineer (X-4423)

DISTRICT(S) AFFECTED: 2

SUBJECT:

Competitive Sealed Proposal: The selection of **Matyear Construction Co., Inc.** as the offeror that offers the best value to the City for the construction of **EPIA – U.S. Customs and Border Protection Facility (Re-Bid), Proposal No. 2009-046**, as per recommendations from the Engineering Department; and that the City Engineer and staff be authorized to proceed with negotiations of a contract in accordance with Section 271.116, Texas Local Government Code.

BACKGROUND / DISCUSSION:

The EPIA – U.S. Customs and Border Protection Facility (Re-Bid) project consists of a tenant improvement within the existing U.S. Customs and Border Protection Facility located on El Paso International Airport property. The improvements consist of demolition to existing interior walls, as well as the construction of new walls, new wall and ceiling finishes, a new restroom layout, and a detention holding cell.

The project was bid using the Competitive Sealed Proposal process required by City Ordinance for all vertical construction. The Competitive Sealed Proposal process is a two step process that allows several factors to be considered in determining the offeror that provides the best value for the City. The first step in the process is a review and ranking of factors including offeror's price, performance on city projects, contractor building construction experience, the use of local project managers and local subcontractors, and the provision for employee health insurance. As part of the first step Engineering requests City Council approval to negotiate with the highest ranking offeror. The second step of the process Engineering presents the scope of work and negotiated price to City Council for approval.

The scope of work, the score sheet used for this evaluation and bid tabulation are attached, as well as the user department, consultant and Engineering's certification. **Matyear Construction Co., Inc.** received the highest best value score (94.42) for the project.

After Council approval of this item, staff will be reviewing and negotiating the scope and terms of the contract with the contractor and undergo a Value Engineering process. Value Engineering will allow the City to substitute/eliminate materials and processes to lower the cost of the project while still accomplishing the project objective. Staff will return with the negotiated project scope, price and terms of the contract for recommendation of award at a future City Council meeting in accordance with Section 271.116, Texas Local Government Code.

PRIOR MASS TRANSIT BOARD/COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

62620026 / 508027 / 41088 / PAP0048

FUNDING SOURCE: Airport Enterprise Fund

BOARD / COMMISSION ACTION:
N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: *Debbie Ray*
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

**CONSTRUCTION PROJECT FORM
COMPETITIVE SEALED PROPOSAL
Lump Sum**

DATE: December 22, 2008
PROJECT: EPIA – U.S. Customs and Border Protection Facility (Re-Bid)
PROPOSAL NO: 2009-046
ACCOUNT NO(S): 62620026 / 508027 / 41088 / PAP0048
FUNDING SOURCE: Airport Enterprise Fund
DEPARTMENT: El Paso International Airport
DISTRICT(S): 2

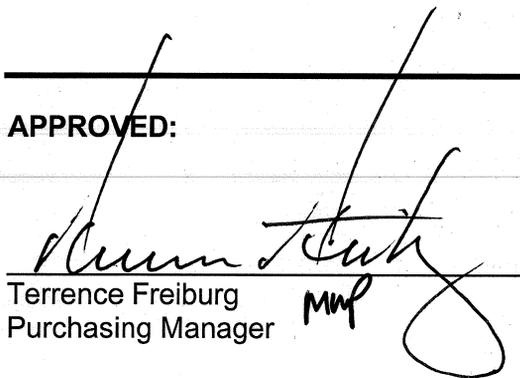
AGENDA DATE: January 13, 2009

CONTRACTOR: Matyear Construction Co., Inc.

RECOMMENDATION:

Discussion and action that the City be authorized to enter into negotiations with **Matyear Construction Co., Inc.** who submitted the highest ranked proposal for the **EPIA – U.S. Customs and Border Protection Facility (Re-Bid)**, as per recommendations from the Engineering Department and El Paso International Airport. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

APPROVED:


Terrence Freiburg
Purchasing Manager

**City of El Paso
Scope of Work**

**EPIA – U.S. Customs and Border Protection Facility (Re-Bid)
Proposal No. 2009-046**

Base Bid:

Work under Base Bid for the **EPIA - U.S. Customs and Border Protection Facility** Project

comprise:

The Work includes a 2,100 square foot tenant improvement within an existing 3,150 square foot building on El Paso International Airport property; includes demolition of existing interior walls, construction of new walls, new floor, base, wall and ceiling finishes, interior storefront system, millwork, new restroom layout, a detention holding cell and HVAC and Electrical Systems.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

CARMEN ARRIETA-CANDELARIA
CFO



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

FINANCIAL SERVICES DEPARTMENT
Purchasing Division

Memo to File
Nov 20, 2008

Subject: EPIA U.S. Customs and Border Protection Facility (Re-Bid), Solicitation No. 2009-046

The City opened bids for the subject project at 2:00 p.m. Wednesday, November 19, 2008 in City Council Chambers. Kekoka Construction, L.L.C., 2162 Highway 259 South, Diana TX 75640, did not submit an original bid bond with their proposal.

Section 9, Proposal Security, in the Information for Bidders section (p. I-B-5) of this proposal states, "Each proposal must be accompanied by a certified check or an original Bid Bond...."

Kekoka Construction, L.L.C., is non-responsive to the requirements of the subject proposal and will not be considered for award during this Competitive Sealed Proposal's Evaluation process.

^Information for Bidders, Section # 9 (p. I-B-5)

A handwritten signature in black ink that reads "Michael W. Plum".

Michael W. Plum, Administrative Analyst
Financial Services-Purchasing Division



FAX MEMORANDUM

DATE: Friday, November 28, 2008

NO. OF PAGES: Fax Memo Only

TO: Sandra Jimenez
City of El Paso Engineering Department
Two Civic Center Plaza
El Paso, TX 79901-1196

FROM: Rick Miller
F. T. James Construction, Inc.
700 W. Paisano
El Paso, TX 79901

PHONE NO.: 915-541-4521

PHONE NO.: 915-351-2400

FAX NO.: 915-541-4016

FAX NO.: 915-351-2404

SUBJECT: EPIA - U.S. Customs and Border Protection Facility

ACTION REQUIRED: For Your Information

This memo confirms that we have requested that our bid on the subject project be withdrawn.

Please feel free to contact us if you have any questions.

IF YOU DO NOT RECEIVE ALL OF THE INDICATED PAGES PLEASE CALL OUR OFFICE IMMEDIATELY.

SUPPLEMENTAL (Revised 12/30/08)
COMPETITIVE SEALED PROPOSAL OFFEROR CRITERIA EVALUATION
EPIA – U.S. CUSTOMS AND BORDER PROTECTION FACILITY (RE-BID), Proposal No. 2009-046

Part A: Price Maximum 65 Points Base Bid	Lowest Proposal Amt	Divided by Offeror's Amt	X 65		Armor Construction Co., Inc.	Blair-Hall Co., Inc.	CK Construction, Inc.	CPME, LLC	EPCON, Inc.	Henry Benning Const., Inc.	Matyear Construction, Inc.	Medlock Commercial Cont. LLC	SDVO Construction, LP	F.T. James Construction, Inc. Scored 12/30/08	
\$265,564.00	\$262,600.00	\$265,564.00	.99 x 65 =		64.35										
\$262,600.00	\$262,600.00	\$262,600.00	1 x 65 =			65									
\$307,300.00	\$262,600.00	\$307,300.00	86 x 65 =				55.9								
\$288,000.00	\$262,600.00	\$288,000.00	.92 x 65 =					59.28							
\$314,000.00	\$262,600.00	\$314,000.00	.84 x 65 =						54.6						
\$328,887.00	\$262,600.00	\$328,887.00	.80 x 65 =							52					
\$287,246.00	\$262,600.00	\$287,246.00	.914 x 65 =								59.42				
\$285,536.00	\$262,600.00	\$285,536.00	.92 x 65 =									59.8			
\$313,000.00	\$262,600.00	\$313,000.00	.84 x 65 =										54.6		
\$333,111.00	\$262,600.00	\$333,111.00	.79 x 65 =											51.35	
Part B: Offeror's Past Relationship With Owner (Maximum 10 Points)				Value of Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	
Contract performance in compliance with City Construction Documents				0 to 8	4.5	4	3	8	6	4.5	8	4.5	4.5	8	
Completion of City contract(s) accomplished by completion due date				0 to 2	1	0	1	2	2	1	2	1	1	2	
Negative performance on City contract(s)				0 to -10	0	-2	-3	0	0	0	0	0	0	0	
Part C: Offeror's Experience & Qualifications (Maximum 10 Points)				Value of Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	
Offeror has successfully completed projects similar in scope, size and value				0 to 8	8	8	8	8	8	8	8	8	8	8	
Offeror has been in business at least five years				0 to 2	2	2	0	2	2	2	2	0	0	2	
Negative performance on contract(s)				0 to -10	0	0	0	0	0	0	0	0	0	0	
Part D: Health Benefits (Maximum 5 Points)				Value of Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	
Offeror provides to its employees Health Insurance Benefits where 60% or more of the cost is paid by the Offeror/Employer.				0 or 5	0	5	5	5	0	0	5	5	0	0	
Part E: Local Project Manager (Maximum 5 Points)				Value of Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	
Prime Contractor has a local Project Manager.				0 or 5	5	5	5	5	5	5	5	5	0		
Part F: Local Subcontractor Work (Maximum 5 Points)				Value of Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	Total Points	
Local Subcontractors shall perform a total of 75% or more of the cumulative total of all subcontract work.				0 or 5	5	5	5	5	5	5	5	5	5		
GRAND TOTAL POINTS						89.85	92	79.9	94.28	82.6	77.5	94.42	88.3	78.1	76.35

CITY OF EL PASO BID TABULATION

BID TITLE: EL PASO INTERNATIONAL AIRPORT U.S. CUSTOMS AND BORDER PROTECTION FACILITY "REBID"
 BID DATE: NOVEMBER 19, 2008

BID NO: 2009-046
 DEPARTMENT: AIRPORT

	ARMOR CONSTRUCTION CO. EL PASO, TEXAS	BLAIR-HALL CO., INC. EL PASO, TEXAS	CK CONSTRUCTION, INC. EL PASO, TEXAS	CPME, L.L.C. EL PASO, TEXAS	EPCON, INC. EL PASO, TEXAS	F.T. JAMES CONSTRUCTION EL PASO, TEXAS
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	<i>Withdraw</i> TOTAL
BASE BID	\$265,564.00	\$262,600.00	\$307,300.00	\$288,000.00	\$314,300.00	\$333,111.00
BID BOND SUBMITTED	YES	YES	YES	YES	YES	YES
AMENDMENTS ACKNOWLEDGED	YES	YES	YES	YES	YES	YES

CITY OF EL PASO BID TABULATION

BID TITLE: EL PASO INTERNATIONAL AIRPORT U.S. CUSTOMS AND BORDER PROTECTION FACILITY "REBID"
 BID DATE: NOVEMBER 19, 2008

BID NO: 2009-046
 DEPARTMENT: AIRPORT

	HENRY BENNING CONSTRUCTION, INC. EL PASO, TEXAS	KEKOKA CONSTRUCTION DIANA, TEXAS **Non-Responsive**	MATYEAR CONSTRUCTION CO., INC. EL PASO, TEXAS	MEDLOCK COMMERCIAL CONTRACTORS, LLC EL PASO, TEXAS	SDVO CONSTRUCTORS, LP EL PASO, TEXAS	
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID	\$328,887.00	\$367,556.00	\$287,246.00	\$285,536.00	\$313,000.00	
BID BOND SUBMITTED	YES	NO **Non-Responsive**	YES	YES	YES	
AMENDMENTS ACKNOWLEDGED	YES	YES	YES	YES	YES	

APPROVED BY: *MWP*