

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

**DEPARTMENT:** Street Department

**AGENDA DATE:** April 28, 2009

**CONTACT PERSON/PHONE:** Daryl W. Cole, Streets Director (621-6750)  
Terrence Freiburg, Purchasing Manager, (541-4313)

**DISTRICT(S) AFFECTED:** Citywide

**PROJECT NAME/SOLICITATION NO.** Environmental Systems Research Institute, Inc. (ESRI)  
**Master Agreement 2006MPA316**

**SUBJECT:**

Extension of period of performance for Task Order No. 004.

**BACKGROUND / DISCUSSION:**

Resolution: That the City Manager be authorized to sign an Amendment No. 1 to Task Order No. 004 between City of El Paso and Environmental Systems Research Institute, Inc. to extend the period of performance to October 31, 2009.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_  


Cc: Patricia D. Adauto, Deputy City Manager Development and Infrastructure Services  
Cc: Jane Shang, Deputy City Manager Mobility Services

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Master Purchase Agreement No. 2006MPA316  
Task Order No. 004, Amendment No. 1

This Amendment No. 1 to Task Order No. 004 dated October 7, 2008 pursuant to the Master Purchase Agreement, Contract No. 2006MPA 316, dated July 5, 2006 is entered into this \_\_\_ day of \_\_\_\_\_, 2009 by and between Environmental Systems Research Institute, Inc. (ESRI), and the City of El Paso (Licensee).

RECITALS

WHEREAS, the City and ESRI agreed in the Master Purchase Agreement, including that certain document entitled Custom Software, Technical Data, and Assistance License Addendum ("Addendum") which provides that the parties would enter into Task Orders to specify the Deliverables (as such terms are defined therein) and project schedule for that task;

WHEREAS, Article 7 of the Addendum requires that the Agreement be modified in writing if any change causes an increase or decrease in the cost or time required to provide a Deliverable in an open Task Order; and

WHEREAS, the parties desire to extend the Delivery Schedule in Task Order No. 004 from an initial six month period from initiation to final acceptance to a performance period beginning October 14, 2008 and ending October 31, 2009.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

A. This Task Order is amended as follows:

Amendment Summary: This no-cost amendment is issued to extend the period of performance under Task Order No. 004, as more fully described below. All other task order terms and conditions remain unchanged.

1. Section 4, Delivery Schedule: Delete this Section 4 in its entirety and replace it with the following:

The period of performance begins October 14, 2008 and ends October 31, 2009 as detailed in Exhibit A, Updated Project Schedule, attached to this amendment.

2. Exhibit 1: Delete Section 3 of Exhibit 1 in its entirety and replace it with Exhibit A, Updated Project Schedule, which is attached hereto and incorporated herein.

B. Except as set forth herein, all of the terms and conditions of the Master Purchase Agreement and Task Order No. 004 shall remain in full force and effect.

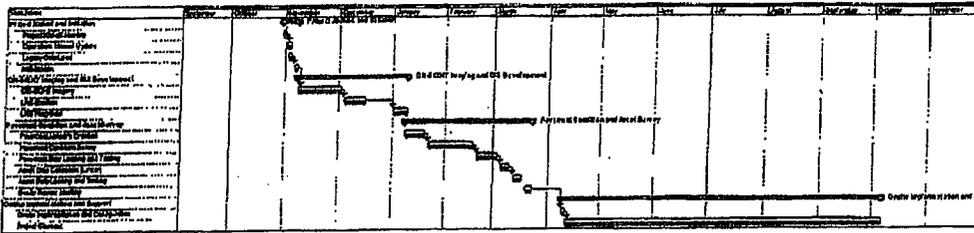
Exhibit A

Agreement No. 2006MPA316  
Task Order No. 004, Amendment No. 1

Updated Project Schedule

**Section 3.0 Schedule**

The following is the project schedule for this task order, unless otherwise mutually agreed to by the parties in writing.



STATE OF TEXAS )  
 )  
 )  
COUNTY OF EL PASO )

AGREEMENT No. 2006MPA316  
Task Order No. 004, Amendment No. 1

(Signature Page)

IN WITNESS WHEREOF, the parties have executed this Agreement in the City of El Paso, Texas on the date first above written.

CITY OF EL PASO

(Licensee)

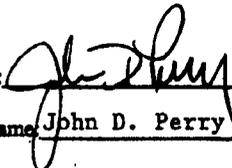
ENVIRONMENTAL SYSTEMS RESEARCH  
INSTITUTE INC.  
(ESRI)

Signature: \_\_\_\_\_

Printed Name: Joyce Wilson

Title: City Manager

Date: \_\_\_\_\_

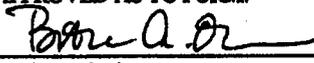
Signature:  \_\_\_\_\_

Printed Name: John D. Perry

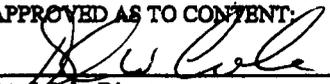
Title: Contracts Manager-Professional Services

Date: 20 April 2009

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bertha A. Ontiveros  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Dana Cole, Director  
Streets Department

**PROJECT FORM**

**FINANCIAL SERVICES DEPARTMENT, PURCHASING DIVISION**

DATE: April 15, 2009  
TO: Municipal Clerk  
FROM: Terrence Freiburg, ext. 4313  
Edward Hyatt  
Administrative Analyst, ext. 4315

Please place the following item on the CONSENT Agenda for the Council Meeting of Tuesday, **April 28, 2009**.

Item should read as follows:

Request that the City Manager be authorized to sign Amendment No. 1 to Task Order No. 004 between the City of El Paso and Environmental Systems Research Institute, Inc. to extend the period of performance to October 31, 2009.

Department: Street  
Estimated Amount: N/A  
Funds Available in: N/A  
Funds Source: N/A  
District (s): All

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Municipal Clerk's Use

ITEM NO. \_\_\_\_\_

cc: BID FILE

**MOTION  
OCTOBER 7, 2008**

Motion made, seconded, and carried to **APPROVE** the City Manager to sign Task Order No. 004 in the amount of \$322,032 for pavement condition survey, pavement image processing, and pavement distress recording per the Master Purchase Agreement between the City of El Paso, Texas, and Environmental Systems Research Institute, Inc., (ESRI) (agreement No. 2006MPA316 {Pavement Management Program}).

**AYES:** Representatives Lilly, Byrd, Ortega, and O'Rourke

**NAYS:** Representative Holguin

**ABSENT:** Representatives Acosta, Castro, and Quintana

Richarda Duffy Momsen, City Clerk