

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

**DEPARTMENT:** General Services, Building Maintenance Division

**AGENDA DATE:** May 25, 2010

**CONTACT PERSON/PHONE:** Carmen Arrieta-Candelaria, Chief Financial Officer, 541-4293  
Stuart Ed, Director, General Services, 621-6822

**DISTRICT (S) AFFECTED:** All

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

The Purchasing Manager, Financial Services, Purchasing Division, requests that Mayor and Council terminate Contract No. 2006-049 with Cummins Rocky Mountain, of El Paso, Texas for Auxiliary Generator Maintenance for convenience pursuant to Section C Clause No. 18A of the Contract, an item titled Termination for Convenience, whereby the City reserved the right to terminate the Contract for convenience.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The above referenced contract has exceeded the amount originally approved by City Council and subsequently must be re-bid.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Yes.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**LEGAL:** \_\_\_\_\_  
(If required)

**FINANCE:** \_\_\_\_\_  
(If required)

**DEPARTMENT HEAD:** \_\_\_\_\_  
Name Signature Date

(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:** \_\_\_\_\_

**RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2006-049 to Cummins Rocky Mountain of El Paso, Texas, on January 10, 2006, for Auxiliary Generator Maintenance for General Services Department, Building Maintenance Division; and

**WHEREAS**, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminate said Contract for convenience pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

**WHEREAS**, the City desires to terminate the Contract for convenience.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Purchasing Manager is authorized to notify Cummins Rocky Mountain, that the City is terminating Contract No. 2006-049 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of May 25, 2010.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

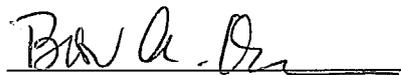
**THE CITY OF EL PASO**

\_\_\_\_\_  
John Cook  
Mayor

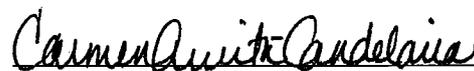
**ATTEST:**

\_\_\_\_\_  
Richarda D. Momsen  
Municipal Clerk

**APPROVED AS TO FORM:**

  
Bertha A. Ontiveros  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
Carmen Arrieta-Candelaria  
Chief Financial Officer  
Financial Services

**PROJECT FORM**

**FINANCIAL SERVICES DEPARTMENT, PURCHASING DIVISION**

DATE: April 28, 2010

TO: Municipal Clerk

FROM: Carmen Arrieta-Candelaria, Chief Financial Officer, 541-4293

EX

Please place the following item on the CONSENT Agenda for the Council Meeting of Tuesday, May 25, 2010.

Item should read as follow:

The Purchasing Manager, Financial Services, Purchasing Division, requests that Mayor and Council terminate Contract No. 2006-049 with Cummins Rocky Mountain, of El Paso, Texas for Auxiliary Generator Maintenance for convenience pursuant to Section C Clause No. 18A of the Contract, an item titled Termination for Convenience, whereby the City reserved the right to terminate the Contract for convenience. The above referenced contract has exceeded the amount originally approved by City Council and subsequently must be re-bid.

The vendor will be notified.

Department: General Services

SPECIAL INSTRUCTIONS:

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Municipal Clerk's Use

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

cc: BID FILE

**MOTION  
JANUARY 10, 2006**

Motion made, seconded and unanimously carried to award Bid Solicitation No. 2006-049  
Auxiliary Generator Maintenance

Award to:	Cummins Rocky Mountain El Paso, Texas
Item(s):	Group I #1 thru #15, Group II-All, and Group III-All
Amount:	\$50,000.00 (estimated annually)
Department:	General Services-Building Maintenance
Funds available:	31010326-502226
Funding source:	Building/Facilities Maintenance
Total award:	\$150,000.00 (estimated)
District (s):	All

General Services-Building Maintenance and Financial Services-Purchasing Division Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of award of the contract.

This is a requirements type contract with an initial term of thirty-six (36) months.

Richarda Duffy Momsen, City Clerk