

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Engineering & Construction Management

AGENDA DATE: May 31, 2011

CONTACT PERSON/PHONE: R. Alan Shubert, P.E., City Engineer, 541-4423

DISTRICT(S) AFFECTED: Citywide

SUBJECT:

Discussion and action on award of Solicitation No. 2011-211 for Clint Cell Lining Cells 7-10 Re-Bid to MLee Corp. for a total amount of \$3,693,865.18.

BACKGROUND / DISCUSSION:

The City of El Paso will be expanding the capacity of the Clint Landfill by lining an additional four cells (36 acres) within the area for municipal solid waste permit (MSW) 2284. The project will consist of approximately 345,000 CY of earthwork to make the site ready to receive the new liner system.

The total contract time is for a period of 210 consecutive calendar days, 180 consecutive calendar days for substantial completion and 30 consecutive calendar days for remaining work.

This is a low bid, unit-priced contract. The Engineering and Construction Management Department recommends the low bidder, Saab Site Contractors, L.P., be deemed non-responsible because the company has repeatedly violated provisions of the Cone of Silence as referenced in attached letters (March 16, 2009, February 23, 2011, April 25, 2011 and May 5, 2011). Additionally, on May 4, 2011, Saab Site Contractors, L.P. was notified that the company has been deemed in default of its contract on a separate construction project.

MLee Corp. is the lowest responsible, responsive bidder. It is requested that the City Manager be authorized to sign the reference contract.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: Environmental Services Fund

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

Contractor Experience Reference Form

Contractor

M Lee Corp.

Project 1

Washington Hanford ERDF Super Cells 9 & 10

Project 1 Scope

Environmental Specialties International, Inc. which is a Sub-contractor for M Lee Corp. completed project for the Department of Energy - Washington Hanford Site in the amount of \$4,299,000.00.

Project 1 Comments

The project was completed within time and cost restraints.

Project 2

Project 2 Scope

Project 2 Comments

Project 3

Project 3 Scope

Project 3 Comments

CONSTRUCTION PROJECT FORM
Unit Price

DATE: May 23, 2011
PROJECT: Clint Cell Lining Cells 7-10 Re-Bid
SOLICITATION NO: 2011-211
FUNDING SOURCE: Environmental Services Fund
DEPARTMENT: Environmental Services
DISTRICT(S): Citywide **LOCATION:** 2300 Darrington Rd., Clint, TX

AGENDA DATE: May 31, 2011 **Lowest responsible bidder**
CONTRACTOR: MLee Corp.
TOTAL ESTIMATED AMOUNT: \$3,693,865.18

Discussion and action on award of Solicitation No. 2011-211 for the Clint Cell Lining Cells 7-10 Re-Bid to MLee Corp., for a total estimated amount of \$3,693,865.18.

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-priced contract. The Engineering and Construction Management Department recommends the low bidder, Saab Site Contractors, L.P., be deemed non-responsible because the company has repeatedly violated provisions of the Cone of Silence as referenced in attached letters (March 16, 2009, February 23, 2011, April 25, 2011 and May 5, 2011). Additionally, on May 4, 2011, Saab Site Contractors, L.P. was notified that the company has been deemed in default of its contract on a separate construction project.

MLee Corp. is the lowest responsible, responsive bidder. It is requested that the City Manager be authorized to sign the reference contract.

DESCRIPTION OR EXPLANATION:

Base Bid \$3,693,865.18

TOTAL ESTIMATED AWARD: \$3,693,865.18
TIME FOR COMPLETION: 210 Consecutive Calendar Days
SUBSTANTIAL COMPLETION: 180 Consecutive Calendar Days
REMAINING WORK: 30 Consecutive Calendar Days
LIQUIDATED DAMAGES: \$875.00 / Consecutive Calendar Day
\$450.00 / Consecutive Calendar Day

APPROVED:



R. Alan Shubert, P.E.
City Engineer

RECOMMENDATION

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

To: Sandra Jimenez
Cc:
From: Miguel Parra
Date: 5/19/2011
Subject: Clint Cell Lining Cells 7-10 Re-Bid, Bid No. 2011-211

After contacting references and subcontractors, as provided by MLee Corporation and evaluating their responses, we have been informed that the company has been responsive and completed quality work for the projects they managed. Also, we checked on the proposed subcontractors that are to complete earth work and liner installation and again we received positive feedback from the owners.

Based on the preceding facts, Environmental Services recommends awarding the Clint cell construction project to MLee Corporation.

Thank you;


Miguel Parra, P.E.
Engineering Division Manager
Environmental Services
599-6235

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



2010

ENVIRONMENTAL SERVICES DEPARTMENT

7968 SAN PAULO, EL PASO, TEXAS 79907 • 915-621-6700 • FAX 915-621-6711 • WWW.ELPASOTEXAS.GOV

Clint Cell Lining Cells 7-10 Re-Bid

Solicitation No. 2011-211

The City of El Paso will be expanding the capacity of the Clint Landfill by lining an additional four cells (36 acres) within the area for municipal solid waste permit (MSW) 2284. The project will consist of approximately 345,000 CY of earthwork to make the site ready to receive the new liner system. The liner system will cover the roughly 36 acres and will be comprised of a reinforced geo-synthetic clay layer overlain with a 60-mil high density polyethylene (HDPE) liner and finally a dual geotextile/geo-composite drainage layer on top. A 2 foot protective soil layer will be placed over the liner system. A leachate collection system will be installed above the liner system to convey leachate to a sump structure. Leachate riser pipes, concrete sump access structures, pumps, discharge piping and electrical power and control work will be installed and tied into an existing force main system on site.

The project will also require construction of a perimeter storm drainage channel, gabion channel drop structure and access road.

Prior to commencing of work the Contractor shall submit to the City of El Paso Engineering Department, and obtain approval of, the Sequence of Construction, Schedule of Work, and Traffic Control Plan.

END SCOPE OF WORK

CITY OF EL PASO BID TABULATION

BID TITLE: CLINT CELL LINING CELLS 7 - 10 RE-BID

BID DATE: April 13, 2011

BID NO: 2011-211

DEPARTMENT: ESD

				SAAB SITE CONTRACTORS, L.P. EL PASO, TX		M LEE CORP EL PASO, TX		J.A.R. CONSTRUCTION, INC. EL PASO, TX	
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BASE BID - UNIT PRICE SCHEDULE:									
1	1	LS	MOBILIZATION COST (NOT TO EXCEED 3% OF BID PRICE) FOR THE SUM OF:	\$90,000.00	\$90,000.00	\$110,545.51	\$110,545.51	\$110,000.00	\$110,000.00
2	332,940	CY	EXCAVATION OF AREAS TO RECEIVE LINER SYSTEM AND DRAINAGE CHANNELS, COMPLETE IN PLACE, FOR THE SUM OF:	\$1.47	\$489,421.80	\$1.59	\$529,374.60	\$2.00	\$665,880.00
							CONTRACTOR'S TOTAL = \$528,287.55		
3	13,940	CY	EMBANKMENT FILL IN AREAS TO RECEIVE LINER SYSTEM AND DRAINAGE CHANNELS, COMPLETE IN PLACE, FOR THE SUM OF:	\$2.22	\$30,946.80	\$1.64	\$22,861.60	\$2.00	\$27,880.00
							CONTRACTOR'S TOTAL = \$22,881.81		
4	1,262,860	SF	SUBGRADE PREPARATION FOR AREAS TO RECEIVE LINER ON THE FLOOR OF THE CELLS, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.05	\$63,143.00	\$0.0547	\$69,078.44	\$0.05	\$63,143.00
							CONTRACTOR'S TOTAL = \$69,097.38		
5	325,780	SF	SUBGRADE PREPARATION FOR AREAS TO RECEIVE LINER ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.06	\$19,546.80	\$0.0657	\$21,403.75	\$0.05	\$16,289.00
							CONTRACTOR'S TOTAL = \$21,390.06		
6	311,580	SF	SOIL STABILIZATION OF CELLS SIDE SLOPES, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.32	\$99,705.60	\$0.38	\$118,400.40	\$0.30	\$93,474.00
							CONTRACTOR'S TOTAL = \$119,336.70		
7	1,239,840	SF	GEOSYNTHETIC CLAY LINER, REINFORCED, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.37	\$458,740.80	\$0.45	\$557,928.00	\$0.44	\$545,529.60
							CONTRACTOR'S TOTAL = \$556,270.33		
8	355,060	SF	GEOSYNTHETIC CLAY LINER, REINFORCED, ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.51	\$181,080.60	\$0.50	\$177,530.00	\$0.50	\$177,530.00
							CONTRACTOR'S TOTAL = \$176,514.70		
9	1,239,840	SF	GEOMEMBRANE LINER, SMOOTH, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.45	\$557,928.00	\$0.44	\$545,529.60	\$0.45	\$557,928.00
							CONTRACTOR'S TOTAL = \$542,702.76		
10	355,060	SF	GEOMEMBRANE LINER, TEXTURED, ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.68	\$241,440.80	\$0.50	\$177,530.00	\$0.51	\$181,080.60
							CONTRACTOR'S TOTAL = \$176,009.60		
11	1,594,900	SF	DUAL GEOTEXTILE GEOCOMPOSITE DRAINAGE LAYER, ON THE FLOOR AND SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.51	\$813,399.00	\$0.49	\$781,501.00	\$0.48	\$765,552.00
							CONTRACTOR'S TOTAL = \$778,926.97		
12	1,262,860	SF	PROTECTIVE SOIL COVER, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.04	\$50,514.40	\$0.11	\$138,914.60	\$0.15	\$189,429.00
							CONTRACTOR'S TOTAL = \$138,194.77		
13	347,223	SF	PROTECTIVE SOIL COVER, ON THE SLOPES OF THE CELLS UP TO BACK OF ANCHOR TRENCH, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.08	\$27,777.84	\$0.16	\$55,555.68	\$0.15	\$52,083.45
							CONTRACTOR'S TOTAL = \$56,994.92		

Approved By: *ML*

CITY OF EL PASO BID TABULATION

BID TITLE:		CLINT CELL LINING CELLS 7 - 10 RE-BID				BID NO: 2011-211			
BID DATE:		April 13, 2011				DEPARTMENT: ESD			
				SAAB SITE CONTRACTORS, L.P. EL PASO, TX		M LEE CORP EL PASO, TX		J.A.R. CONSTRUCTION, INC. EL PASO, TX	
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
14	41,340	SF	GEOTEXTILE FABRIC FOR THE LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.29	\$11,988.60	\$0.22	\$9,094.80	\$0.35	\$14,469.00
							CONTRACTOR'S TOTAL = \$9,047.67		
15	1,080	CY	GRAVEL DRAINAGE MATERIAL FOR LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$32.07	\$34,635.60	\$40.49	\$43,729.20	\$46.00	\$49,680.00
							CONTRACTOR'S TOTAL = \$43,728.23		
16	2,920	LF	POLYETHYLENE PIPE, 6-INCH, FOR THE LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$12.00	\$35,040.00	\$7.39	\$21,578.80	\$10.00	\$29,200.00
							CONTRACTOR'S TOTAL = \$21,568.65		
17	1,750	LF	POLYETHYLENE PIPE, 4-INCH, FOR THE LEACHATE FORCE MAIN, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$7.00	\$12,250.00	\$6.57	\$11,497.50	\$10.00	\$17,500.00
							CONTRACTOR'S TOTAL = \$11,490.15		
18	11,850	SY	ACCESS ROAD, COMPLETE IN PLACE, FOR THE SUM OF:	\$1.55	\$18,367.50	\$1.09	\$12,916.50	\$1.00	\$11,850.00
							CONTRACTOR'S TOTAL = \$12,967.46		
19	1	LS	SITE SIGNAGE, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$11,995.00	\$11,995.00	\$12,584.45	\$12,584.45	\$16,000.00	\$16,000.00
20	4	EA	SUMP, SUMP ACCESS STRUCTURE, PRESSURE TRANSDUCER, FLOW METER, PERMANENT PUMP AND ALL PIPING AND APPURTENANCES, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$45,000.00	\$180,000.00	\$43,772.00	\$175,088.00	\$38,000.00	\$152,000.00
21	1	LS	ELECTRICAL, SERVICE, POWER AND CONTROL DISTRIBUTION FOR SUMP PUMPS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$69,000.00	\$69,000.00	\$82,072.50	\$82,072.50	\$80,000.00	\$80,000.00
22	1	LS	EROSION CONTROL, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$9,310.00	\$9,310.00	\$5,471.50	\$5,471.50	\$13,000.00	\$13,000.00
23	1	LS	CHANNEL DROP STRUCTURE, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$12,000.00	\$12,000.00	\$13,678.75	\$13,678.75	\$20,000.00	\$20,000.00
SUM TOTAL BASE BID (ITEMS 1 -23)				\$3,518,232.14		\$3,693,865.18		\$3,849,497.65	
						CONTRACTOR'S TOTAL = \$3,684,850.44			
BID BOND				YES		YES		YES	

Approved By: *ML*

CITY OF EL PASO BID TABULATION

BID TITLE: CLINT CELL LINING CELLS 7 - 10 RE-BID
 BID DATE: April 13, 2011

BID NO: 2011-211
 DEPARTMENT: ESD

KIRKLAND CONSTRUCTION
 L.L.L.P.
 RYE, CO

L.D. KEMP
 EXCAVATING, INC.
 FT. WORTH, TX

R.E. MONKS
 CONSTRUCTION, CO., LLC
 FOUNTAIN HILLS, AZ

ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BASE BID - UNIT PRICE SCHEDULE:									
1	1	LS	MOBILIZATION COST (NOT TO EXCEED 3% OF BID PRICE) FOR THE SUM OF:	\$115,000.00	\$115,000.00	\$120,000.00	\$120,000.00	\$131,400.00	\$131,400.00
					CONTRACTOR'S TOTAL = \$115.0				
2	332,940	CY	EXCAVATION OF AREAS TO RECEIVE LINER SYSTEM AND DRAINAGE CHANNELS, COMPLETE IN PLACE, FOR THE SUM OF:	\$1.95	\$649,233.00	\$2.25	\$749,115.00	\$2.10	\$699,174.00
3	13,940	CY	EMBANKMENT FILL IN AREAS TO RECEIVE LINER SYSTEM AND DRAINAGE CHANNELS, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.50	\$6,970.00	\$1.30	\$18,122.00	\$0.75	\$10,455.00
4	1,262,860	SF	SUBGRADE PREPARATION FOR AREAS TO RECEIVE LINER ON THE FLOOR OF THE CELLS, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.10	\$126,286.00	\$0.10	\$126,286.00	\$0.10	\$126,286.00
5	325,780	SF	SUBGRADE PREPARATION FOR AREAS TO RECEIVE LINER ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.10	\$32,578.00	\$0.23	\$74,929.40	\$0.15	\$48,867.00
								CONTRACTOR'S TOTAL = \$48,880.50	
6	311,580	SF	SOIL STABILIZATION OF CELLS SIDE SLOPES, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.31	\$96,589.80	\$0.30	\$93,474.00	\$0.50	\$155,790.00
7	1,239,840	SF	GEOSYNTHETIC CLAY LINER, REINFORCED, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.44	\$545,529.60	\$0.40	\$495,936.00	\$0.46	\$570,326.40
8	355,060	SF	GEOSYNTHETIC CLAY LINER, REINFORCED, ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.49	\$173,979.40	\$0.51	\$181,080.60	\$0.50	\$177,530.00
9	1,239,840	SF	GEOMEMBRANE LINER, SMOOTH, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.44	\$545,529.60	\$0.47	\$582,724.80	\$0.46	\$570,326.40
10	355,060	SF	GEOMEMBRANE LINER, TEXTURED, ON THE SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.51	\$181,080.60	\$0.69	\$244,991.40	\$0.50	\$177,530.00
11	1,594,900	SF	DUAL GEOTEXTILE GEOCOMPOSITE DRAINAGE LAYER, ON THE FLOOR AND SLOPES AND ANCHOR TRENCH OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.48	\$765,552.00	\$0.52	\$829,348.00	\$0.50	\$797,450.00
12	1,262,860	SF	PROTECTIVE SOIL COVER, ON THE FLOOR OF THE CELLS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.16	\$202,057.60	\$0.17	\$214,686.20	\$0.25	\$315,715.00
13	347,223	SF	PROTECTIVE SOIL COVER, ON THE SLOPES OF THE CELLS UP TO BACK OF ANCHOR TRENCH, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.25	\$86,805.75	\$0.20	\$69,444.60	\$0.45	\$156,250.35

Approved By: *MX*

CITY OF EL PASO BID TABULATION

BID TITLE: CLINT CELL LINING CELLS 7 - 10 RE-BID
BID DATE: April 13, 2011
BID NO: 2011-211
DEPARTMENT: ESD

				KIRKLAND CONSTRUCTION L.L.P. RYE, CO		L.D. KEMP EXCAVATING, INC. FT. WORTH, TX		R.E. MONKS CONSTRUCTION, CO., LLC FOUNTAIN HILLS, AZ	
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
14	41,340	SF	GEOTEXTILE FABRIC FOR THE LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$0.15	\$6,201.00	\$0.25	\$10,335.00	\$0.35	\$14,469.00
15	1,080	CY	GRAVEL DRAINAGE MATERIAL FOR LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$40.00	\$43,200.00	\$44.00	\$47,520.00	\$53.00	\$57,240.00
16	2,920	LF	POLYETHYLENE PIPE, 6-INCH, FOR THE LEACHATE COLLECTION SYSTEM, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$10.00	\$29,200.00	\$6.75	\$19,710.00	\$11.00	\$32,120.00
17	1,750	LF	POLYETHYLENE PIPE, 4-INCH, FOR THE LEACHATE FORCE MAIN, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$11.00	\$19,250.00	\$6.00	\$10,500.00	\$20.00	\$35,000.00
18	11,850	SY	ACCESS ROAD, COMPLETE IN PLACE, FOR THE SUM OF:	\$0.75	\$8,887.50	\$1.00	\$11,850.00	\$1.00	\$11,850.00
19	1	LS	SITE SIGNAGE, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$13,000.00	\$13,000.00	\$11,000.00	\$11,000.00	\$5,500.00	\$5,500.00
20	4	EA	SUMP, SUMP ACCESS STRUCTURE, PRESSURE TRANSDUCER, FLOW METER, PERMANENT PUMP AND ALL PIPING AND APPURTENANCES, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$52,500.00	\$210,000.00	\$28,400.00	\$113,600.00	\$50,000.00	\$200,000.00
21	1	LS	ELECTRICAL, SERVICE, POWER AND CONTROL DISTRIBUTION FOR SUMP PUMPS, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$82,000.00	\$82,000.00	\$112,000.00	\$112,000.00	\$80,000.00	\$80,000.00
22	1	LS	EROSION CONTROL, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$5,000.00	\$5,000.00	\$9,500.00	\$9,500.00	\$2,000.00	\$2,000.00
23	1	LS	CHANNEL DROP STRUCTURE, FURNISHED AND INSTALLED, FOR THE SUM OF:	\$13,000.00	\$13,000.00	\$13,500.00	\$13,500.00	\$8,000.00	\$8,000.00
SUM TOTAL BASE BID (ITEMS 1 -23)				\$3,956,929.85		\$4,159,653.00		\$4,383,279.15	
								CONTRACTOR'S TOTAL = \$4,383,292.65	
BID BOND				YES		YES		YES	

Approved By: *mx*

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCEEDS



March 16, 2009

Saab Site Contractors L.P.
Attn: Edward Saab, President SWSC GP
8340 Gateway East, Suite 205
El Paso, Texas 79907

Dear Mr. Saab

This is in response to your meetings and inquiries of various City staff and City Officials
Re: Solicitation No. 2009-123 Upper Valley Drainage Improvements Phase IB.

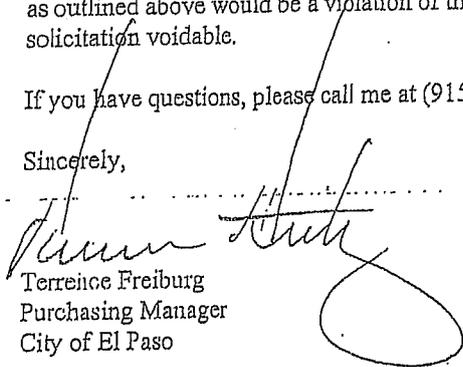
I would like to make you aware of the Cone of Silence policy that accompanies all solicitations issued by the City of El Paso. "Cone of Silence" begins after each solicitation is advertised and ends when a written recommendation is placed on the City Council Agenda. Any communications that occurs during this time must be limited to the Purchasing Department or the Contract Administrator identified in each solicitation. The contract administrator in Engineering for this solicitation is Michelle Lepage (Phone: 541-4854).

The policy prohibits any communications, in part, to potential vendors, bidders, consultants, the City's Professional staff (except as mentioned above), the Mayor, Council Representatives or their respective staff and members of the respective selection committee.

I understand that it was not your intent to violate this policy but you did inadvertently violate it. Any future communications referencing this bid should be limited to either the Engineering or Purchasing Departments as defined above or as stated in the solicitation. Any further communications as outlined above would be a violation of the policy and would render your participation in this solicitation voidable.

If you have questions, please call me at (915) 541-4313.

Sincerely,


Terrence Freiburg
Purchasing Manager
City of El Paso

Cc: Carmen Arrieta-Candelaria, CFO, Financial Services
R. Alan Shubert, City Engineer
Bertha Ontiveros, Legal

Attach: Copy of City's Cone of Silence Policy

Mayor

Johna Pool

City Council

District 1

Ann Morgan Lilly

District 2

Susannah M. Bynum

District 3

Emma Acosta

District 4

Delma Castro

District 5

Rachel Quintana

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Ben O'Rourke

City Manager

Joyce A. Wilson

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



February 23, 2011

Saab Site Contractors, L.P.
Attn: Edward Saab, President SWSC GP
8340 Gateway East, Suite 205
El Paso, Texas 79907

Dear Mr. Saab:

This is in response to your meetings and inquiries of various City staff and City Officials. Re: Solicitation No. 2011-128 Clint Cell Lining Cells 7-10

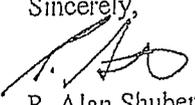
I would like to make you aware of the Cone of Silence policy that accompanies all solicitations issued by the City of El Paso. "Cone of Silence" begins after each solicitation is advertised and ends when a written recommendation is placed on the City Council Agenda. Any communications that occurs during this time must be limited to the Purchasing Department or the Contract Administrator identified in each solicitation. The contract administrator in Engineering and Construction Management for this solicitation is Michelle LePage (Phone: 541-4854).

The policy prohibits any communications, in part, to potential vendors, bidders, consultants, the City's Professional staff (except as mentioned above), the Mayor, Council Representatives or their respective staff and members of the respective selection committee.

I understand that it was not your intent to violate this policy but you did inadvertently violate it. Any future communications referencing this bid should be limited to the Engineering and Construction Management Department as defined above or as stated in the solicitation. Any further communications as outlined above would be a violation of the policy and would render your participation in this solicitation voidable.

If you have any questions, please call me at (915)541-4423.

Sincerely,


R. Alan Shubert, P.E.
City Engineer

Cc: Mark Shoesmith, Legal

Attach: Copy of City's Cone of Silence Policy

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

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**ENGINEERING AND CONSTRUCTION MANAGEMENT
DEPARTMENT**



April 25, 2011

91 7108 2133 3932 5929 8032

Mr. Edward Saab, President SWSC GP
Saab Site Contractors, L.P.
8340 Gateway East, Suite 205
El Paso, Texas 79907

Mr. Saab,

It has come to our attention that you have been communicating with the City's design consultant regarding the status of your bid for City solicitation 2011-211 Clint Cell lining, Cells 7-10. As this project has not yet been posted for award on the City Council agenda, such communications are a violation of the Cone of Silence and are strictly forbidden.

As indicated in our letter to you on February 23, 2011, the Cone of Silence accompanies all solicitations issued by the City of El Paso and any communications specific to solicitations must be addressed in writing and limited to the purchasing agent or the contract administrator. The policy also prohibits any communication to potential vendors, bidders, consultants, City staff, the Mayor, and Council Representatives or their respective staff and members of the respective selection committee.

Your continued violation of the Cone of Silence will result in the matter being turned over to the City Attorney's Office for potential legal action.

Respectfully,

R. Alan Shubert, P.E.
City Engineer

cc: Cynthia Osborn, Assistant City Attorney

Engineering and Construction Management Department
2 Civic Center Plaza, 4th floor - El Paso, Texas 79901 - (915) 541-4200



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**ENGINEERING AND CONSTRUCTION
MANAGEMENT DEPARTMENT**



May 5, 2011

Mr. Edward Saab, President SWSC GP
Saab Site Contractors, L.P.
8340 Gateway East, Suite 205
El Paso, Texas 79907

Mr. Saab,

The City has bid the project for Clint Landfill Cell Lining (Cells 7-10) twice in recent months (Solicitation No. 2011-128 and re-bid Solicitation No. 2011-211). During both of these solicitations you have received written notification from the City identifying Cone of Silence violations on your behalf in letters dated February 23, 2011 and April 25, 2011. In addition to these letters you also received notice from the City on March 12, 2009 of another Cone of Silence violation on the Solicitation No. 2009-123 for Upper Valley Street and Drainage Improvements Phase IB.

The City Cone of Silence policy is included in the "Information to Bidders" section of all City bid documents and it prohibits any communication regarding bids among potential bidders and consultants, City staff, and elected officials.

In respect to Solicitation No. 2011-211, the City is in possession of an email correspondence from you to the consultant for this project sent during the Cone of Silence period and this communication creates an uncompetitive bidding environment.

You have repeatedly been notified that communication between consultants, City staff, and elected officials must be conducted through the proper channels as identified in the bidding instructions and that failure to follow those instructions constitutes a bid violation and could result in your bid being rejected. Despite being repeatedly warned of the Cone of Silence you have continued to violate the bid instructions. For such reason the Engineering and Construction Management Department will be recommending to the City Council that you be deemed as a non-responsible bidder for City Solicitation No. 2011-211 Clint Cell Lining - Cells 7-10, and that the next lowest responsive/responsible bid be awarded.

Respectfully,

R. Alan Shubert, P.E.
City Engineer

Cc: Mayor and Council
Cynthia Osborn, Asst. City Attorney

Engineering and Construction Management Department
2 Civic Center Plaza, 4th floor - El Paso, Texas 79901 - (915) 541-4200



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S E R V I C E S O L U T I O N S S U C C E E D S

**ENGINEERING AND CONSTRUCTION MANAGEMENT
DEPARTMENT**



May 4, 2011

Via Facsimile and Certified Mail

SAAB Site Contractors, L.P.
8340 Gateway East, Ste. 205
El Paso, TX 79907
Fax: (915) 593-7011

Developers Surety & Indemnity, Co.
105 Deckers Court, Suite 670
Irving, TX
Fax: (915)-772-7991

RE: Upper Valley Drainage Improvements Ph. 1B (Re-Bid)
Contract No. 2009-206
Bond No: 767793P

Dear Sirs:

This letter shall serve as your official Notice that SAAB Site Contractors, L.P. is in default of the above referenced contract. More specifically, SAAB Site Contractors, L.P. is in default of, but not limited to, General Conditions 3.7.3.1, 3.7.4, 5.15.1, 5.15.2, 6.8.5, 6.10.1.4, 6.10.1.5, 6.10.1.6, and 6.10.1.11, in that Contractor has failed to provide revised close out documents as stipulated in the contract documents. Contractor has discontinued the prosecution to close out the project and has failed to resubmit the Operation and Maintenance Manuals, Warranties and Consent of Surety for final payment within a reasonable time after notice to do so.

The following are the pending items:

- Execute the final Quantity Adjustment
- Submit all corrected and revised Operation and Maintenance Manuals
- Material Warranties
- Submit Consent of Surety for Final Payment
- Submit Final Pay Application (reflecting final Quantity Adjustment)
- Follow through with any Warranty Items pursuant to General Conditions 5.17.2

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Default Letter: SAAB Site Contractors, L.P.

Contract No. 2009-206

May 4, 2011

Page 2 of 2

Pursuant to 6.9.1, General Conditions of the contract, Contractor has (10) consecutive calendar days from delivery of this notice to make satisfactory arrangements to correct the above listed pending items. If Contractor fails to make satisfactory arrangements, it is the intent of the City of El Paso to immediately terminate the contract for default and serve notice upon Developers Surety & Indemnity, Co. to take over and perform the contract pursuant to the performance bond issued for this project.

Please notify me immediately in writing, if you have any questions.

Sincerely,



R. Alan Shubert, P.E.
City Engineer

Cc: Sam Rodriguez, P.E., Engineering Division Manager
Julian Rodriguez, Project Manager



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