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

DEPARTMENT: STREETS

AGENDA DATE: June 20, 2006

CONTACT PERSON/PHONE: DARYL W. COLE

DISTRICT(S) AFFECTED: All

SUBJECT:
Solicitation 2006-066 Grounds Maintenance

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.

Item should read as follows: The Purchasing Manager for Financial Services, Purchasing Division, requests that the Mayor and Council terminate Contract No. 2006-066, Base Bid III, Street Trees-with New Age Grass, LLC, for ground maintenance – City Medians for convenience pursuant to Section C, 8a of the contract, where the City reserves the right to terminate the contract for convenience.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes-Awarded May 9, 2006.

AMOUNT AND SOURCE OF FUNDING:

Funding source – Street Dept. General Fund, 32010155-502221 Groundskeeping contracts

BOARD / COMMISSION ACTION:
Enter appropriate comments
N/A

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

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

DEPARTMENT HEAD: Daryl W. Cole, Street Director

Pat Adauto, Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

DATE: June 12, 2006

TO: Municipal Clerk

FROM: Terrence Freiburg
Purchasing Manager, ext.4308

THRU: Aurora Wells
Bid Clerk ext. 4038

Please place the following item on the **REGULAR** agenda for the Council Meeting of **JUNE 20, 2006**.

Item should read as follows:

That the Purchasing Manager is hereby authorized to notify New Age Grass, LLC, that the City is terminating Contract No. 2006-066 for convenience, pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract, which shall be effective on such date that the City Council approves this resolution.

Department: Streets

Contact person: Ray Heredia, Procurement Analyst at 541-4316.

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AGENDA FOR: **JUNE 20, 2006**

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PROJECT FORM

DATE: June 12, 2006

PROJECT: EL PASO AFFORDABLE and ATTAINABLE HOUSING ANALYSIS
BID 2006-121 BUDGET NO.: 99010273-01101-504405
FUNDING SOURCE:
DEPARTMENT: COMMUNITY AND HUMAN DEVELOPMENT
REPRESENTATIVE DISTRICT(S): ALL
****

RECOMMENDATION: VENDOR: ESI CORPORATION
PHOENIX , AZ
ITEMS: ALL
AMOUNT **$60,908.00** (estimated)

Four (4) proposals were received. A review committee consisting of representatives of the El Paso Housing Finance Corporation, Fannie Mae, the Housing Authority of the City of El Paso, the Purchasing Department and Community and Human Development of the city reviewed the proposals and conducted interviews.

This is a 90-day contract period from date of execution.

BID'S SOLICITED 5 BID'S LOCALS 1
BID'S RECEIVED 4
"NO BIDS" RECEIVED 00

CURRENT TAXES PAID _ _
OUT-OF-TOWN ___

TOTAL CONTRACT ESTIMATED AWARD: $60,908.00.
****

FUNDS: AVAILABLE____ NOT AVAILABLE_____ COMPTROLLER
****

COUNCIL: APPROVED_____ REJECTED_____ CITY CLERK ____
****

APPROVED: COUNCIL MEETING OF **June 20, 2006**

for _____
TERRENCE FREIBURG
Purchasing Manager

RESOLUTION

WHEREAS, the City of El Paso (the "***City***") awarded Contract No. 2006-066 (the "***Contract***") to New Age Grass, LLC (the "***Company***"), on May 9, 2006, for Ground Maintenance – City Medians, Base Bid III for Street Department;

WHEREAS, the City and the Company have failed to agree on the scope of services as set forth under the terms of the Contract; and

WHEREAS, pursuant to Section C, Paragraph 8A of the Contract, the City is authorized 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 hereby authorized to notify New Age Grass, LLC, that the City is terminating Contract No. 2006-066 for convenience, pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract, which shall be effective on such date that the City Council approves this resolution.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:

Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

Terrence Freiburg
Purchasing Manager

Doc No. 23039 v1
Doc. Name. Reso- New Age Grass

FINANCIAL SERVICES,
PURCHASING DIVISION

DATE: June 15, 2006

TO: MUNICIPAL CLERK

FROM: Terrence Freiburg
Purchasing Manager, Financial Services, Purchasing Division

Ray Heredia
Procurement Analyst

Please place the following item on the REGULAR COUNCIL AGENDA for the Council Meeting of Tuesday, June 20, 2006

Item should read as follows: That the Purchasing Manager is hereby authorized to notify New Age Grass, LLC, that the City is terminating Contract No. 2006-066 for convenience, pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract, which shall be effective on such date that the City Council approves this resolution.

New Age Grass, LLC was afforded the opportunity to correct the discrepancies that were outlined in the Cure Letter sent to them on June 5, 2006, in which, no response was received in the time required.

Department: Streets

SPECIAL INSTRUCTIONS: _____

Municipal Clerk Use ITEM No._____

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

TERRY FREIBURG
PURCHASING MANAGER

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

FINANCIAL SERVICES
PURCHASING

VIA FACSIMILE & CERTIFIED MAIL/RETURN RECEIPT REQUESTED

June 5, 2006

New Age Grass, LLC
Attn: Dennis Michael Rodriguez, Project Manager
Ana Cecilla Tejada, Managing Partner
6633 Isla Del Rey
El Paso, TX 79912

SUBJECT: Solicitation # 2006-066 – Grounds Maintenance – City Medians (the "Contract")

Dear Mr. Rodriguez:

This is in response to your letter dated May 29, 2006, in which, you disagree with the "scope of work" of the award of Base Bid III, Street Trees of the Contract. In your letter, you claim that the scope of work for maintaining the street trees does not include the irrigation and maintenance work for monitoring the Irrigation system.

Section B, General Conditions of the Contract states, in part, "The specifications listed are to be interpreted as meaning the minimum required by the City. Contractor commits to provide goods (or services) that are consistent with the City's specifications in every regard, unless an exception is clearly noted." Also included under Section B, General Conditions is Part A – Scope of Work for all Medians that lists the maintenance requirements of vendors for this solicitation. This section is intended to meet all requirements needed to maintain the Streets Median Division vegetation and irrigation systems with City property and within street and drainage right-of-ways to include grass, plants, shrubs, trees, etc.; including street trees. A number of critical requirements listed under this section are irrigation services and water backflow preventer testing and monitoring.

As stated in your letter, you bid Base Bid III, Street Trees without the Irrigation. As identified above, the City requires the Irrigation to ensure that the City's property and vegetation are maintained properly. You have offered to perform the Irrigation at an additional cost of $40.00 per hour or suggested that the City find another contractor to perform these services. Unfortunately, neither option can be accepted under this contract. If your position regarding your intended performance on the contract differs from what I have described above, please provide me with a letter to that affect **no later than five (5) calendar days from the date of this letter**. If such letter is not received within the five (5) calendar days which acknowledges your intent to include the Irrigation as part of the services you will provide to the City under the contract, we will recommend to Mayor and City Council that your contract be terminated.

Respectfully,

Terrence Freiburg
Purchasing Manager, City of El Paso, Texas

cc: Daryl Cole, Director, Street Department
Jorge Villegas, Assistant City Attorney
Ray Heredia, Procurement Analyst

Certified Mail / Return Receipt Requested # 7000 1530 0005 0827 4363