

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

DEPARTMENT: Environmental Services

AGENDA DATE: June 26, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Ellen A. Smyth, P.E., Director (915) 621-6719

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

Approval of a Local Air Program Contract Amendment #4 to Contract #582-10-90258 with the Texas Commission on Environmental Quality.

BACKGROUND / DISCUSSION:

The purpose of this contract is to conduct compliance investigations at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops and cabinet shops. These investigations are necessary to demonstrate to the EPA that the City of El Paso is complying with the conditions of the State Implementation Plan in the City's effort to maintain current National Ambient Air Quality Standards. TCEQ assumes the cost of \$317,863.00 (67%) and the City assumes the cost of \$156,559.00 (33%) as a City match for the period of September 1, 2012 through August 31, 2013.

PRIOR COUNCIL ACTION:

June 2009
July 2010
July 2011

AMOUNT AND SOURCE OF FUNDING:

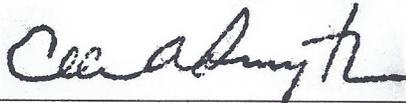
\$156,559.00 Matching Amount
Fund: 40429
Account: G341317
Dept-ID: 34010289
Account: 406003

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

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, for FY2010, the City received a Texas Commission on Environmental Quality ("TCEQ") Local Air Program grant under Contract Number 582-10-90258, and extended the term of and increased the funding for Contract No. 582-10-90258 through Amendments #1 to Amendment #3 during subsequent years, to conduct compliance investigations on behalf of TCEQ; and

WHEREAS, for FY2013, TCEQ seeks to extend the term of Contract No. 582-10-90258, through Amendment #4 to cover the period of September 1, 2012 through August 31, 2013 in an amount of \$317,863, with a new cash match from the City in the amount of \$156,559, which shall result in a total contract amount of \$1,277,874 for the entire term of the contract; and

WHEREAS, as Amendment #1 to Contract No. 582-10-90258 calls for matching funds, in accordance with Ordinance No. 16016, the document requires City Council approval.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign Local Air Program grant Amendment #4 to contract No. 582-10-90258 by and between the City of El Paso and the Texas Commission of Environmental Quality ("TCEQ"), in the amount of \$474,422 to extend the contract current period to include September 1, 2012 through August 31, 2013, to conduct compliance investigations on behalf of TCEQ at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops and cabinet shops. City matching funds for one third of the amount of the total FY2013 grant are required in the amount of \$156,559. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds.

PASSED AND APPROVED this _____ day of _____, 2012.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

for _____
Josette Flores
Assistant City Attorney

for _____
Ellen A. Smyth, P.E., Director
Department of Environmental Services

AMENDMENT NUMBER 4

The Texas Commission on Environmental Quality (TCEQ), and the City of El Paso, agree to amend Contract No. 582-10-90258 to extend the term of the contract and increase the total compensation possible under the contract to include funding for FY13. The City of El Paso will continue to conduct air pollution control services performed within the jurisdiction of the City of El Paso in accordance with the Texas Health and Safety Code §382.0622.

1. The total compensation possible under this contract is increased as follows:

The Original Contract Amount	\$321,074.00
Contract Amendment No. 1 (FY11)	\$321,074.00
Contract Amendment No. 2 (FY12)	\$321,074.00
Contract Amendment No. 3 (FY12)	(\$3,211.00)
<u>Contract Amendment No. 4 (FY13)</u>	<u>\$317,863.00</u>
The Total Contract Amount	\$1,277,874.00

2. The Maximum Amount of Contract is increased to \$1,277,874.00.
3. The Term of Contract is extended to August 31, 2013.
4. Paragraph 4.1 of the Supplementary Conditions is amended to read as follows:
 - 4.1. PERFORMING PARTY will submit requests for payment according to ARTICLE 7 of the General Conditions, except that the final request for payment, financial status report, release and related documentation must be submitted within 60 days of the expiration or termination of the grant.
5. PERFORMING PARTY shall provide a copy of the annual independent financial audit required by the Uniform Grant Management Standards (UGMS) to the TCEQ Contract Manager within 10 months after the end of the PERFORMING PARTY's fiscal year for each fiscal year of the contract period.
6. Paragraph 3.1 of the Scope of Work is deleted and replaced with the following:
 - 3.1 Ongoing program evaluations. TCEQ will make evaluations of PERFORMING PARTY's work in an ongoing manner throughout the Agreement term. Evaluations will be conducted of PERFORMING PARTY's work utilizing standardized procedures and will typically be conducted by one or more persons designated with that task by the TCEQ Regional Representative. Evaluations conducted will include file reviews, work product evaluations and joint oversight investigations. The TCEQ Regional Representative will perform a minimum of one file review and two joint oversight investigations per fiscal year this contract is in place. A joint investigation is defined as an investigation in which a TCEQ representative accompanies the PERFORMING PARTY during an investigation for the primary purpose of PERFORMING PARTY program oversight. In addition to conducting joint investigations, TCEQ may independently audit investigations at entities which the PERFORMING PARTY investigated. Additionally, the TCEQ Regional Representative will conduct work product evaluations of investigation reports

submitted by the PERFORMING PARTY as required in 4.2.8.5 Investigation Reports or activity results.

TCEQ provides written assessments of each work product evaluated, including file reviews, work product evaluations and joint oversight investigation results. Written work product evaluations will be provided to the PERFORMING PARTY's representative responsible for the day to day implementation of the program by the 7th working day of each month for work product evaluations conducted in the preceding month, or at another mutually agreed upon time during the month. The review and evaluation of work products by TCEQ is not a substitute for the PERFORMING PARTY's supervisory review. The PERFORMING PARTY's supervisory staff maintains full responsibility for assuring the quality of investigations and reports, as well as all related documentation, including data entry, in accordance with agency directives and the terms of this contract.

All other conditions and requirements of Contract Number 582-10-90258 remain unchanged.

RECEIVING AGENCY

PERFORMING PARTY

**Texas Commission on
Environmental Quality**

City of El Paso

By: _____
Authorized Signature

By: _____
Authorized Signature

Richard A. Hyde, P.E.
Printed Name

Joyce A. Wilson
Printed Name

Deputy Executive Director
Title

City Manager
Title

Date

Date