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

DEPARTMENT: Fire

AGENDA DATE: ~~June 12, 2006~~ 6/27/06

CONTACT PERSON/PHONE: Michael Calderazzo, 771-1071

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.

Terminate for default Respiratory Parts contract # 2005-128 with First In, Inc. (First In), 21432 N. Central Ave., Phoenix, AZ.

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 manufacturer of the Fire Department's air packs and air pack parts has terminated First In's distributorship for the El Paso area. Therefore, First In can no longer honor the terms of our respiratory parts contract. This contract will need to be re-bid as soon as possible so we can continue to acquire parts for servicing the department's 600+ air packs.

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

No.

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?

Parts purchased under this contract utilize the following funding source: Index 22010319, Account 503208 at approximately $40,000 per year.

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

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

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

DEPARTMENT HEAD: Roberto Rivera
(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:** _____

DATE: June 19, 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 27, 2006**.

Item should read as follows:

That the Purchasing Manager of Financial Services Department is hereby authorized to notify First In, Inc. that the City is terminating the Contract, pursuant to the provisions and requirements of Section C, Paragraph 18B of the Contract, due to default by the Company which shall be effective as of the date City Council approves this resolution.

The user Department was notified & a new solicitation will be issued.

Department: Fire Department

Contact person: Jesus M. Juarez, Procurement Analyst at 541-4317.

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AGENDA FOR: **JUNE 27, 2006**

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RESOLUTION

WHEREAS, the City of El Paso (the "***City***") awarded, in part, Contract No. 2005-128: Air Purification Respiratory Parts (the "***Contract***") to First In, Inc. (the "***Company***") on April 19, 2005;

WHEREAS, on a letter dated May 22, 2006, the Company informed the City that it would be unable to fulfill the requirements of the Contract due to the fact that its supplier had chosen not to renew its contract with the Company;

WHEREAS, the City Council finds that the Company is in default with respect to the terms of the Contract; and

WHEREAS, pursuant to Section C, Paragraph 18B of the Contract, the City is authorized to terminate the Contract in the event of default by the Company.

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

That the Purchasing Manager of Financial Services Department is hereby authorized to notify First In, Inc. that the City is terminating the Contract, pursuant to the provisions and requirements of Section C, Paragraph 18B of the Contract, due to default by the Company which shall be effective as of the date the City Council approves this resolution.

PASSED AND APPROVED this _____ day of _____, 2006.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Terrence Freiburg
Purchasing Manager, Financial Services

Document Name:PURCHASING/1/RESO TERMINATING 2005-128

FINANCIAL SERVICES-PURCHASING DIVISION

DATE: June 19, 2006

TO: MUNICIPAL CLERK

FROM: Terrence Freiburg
Purchasing Manager

Jesus M. Juarez
Procurement Analyst

Please place the following item on the REGULAR COUNCIL AGENDA for the Council Meeting of Tuesday, June 27, 2006.

Item should read as follows: That the Purchasing Manager of Financial Services Department is hereby authorized to notify First In, Inc. that the City is terminating the Contract, pursuant to the provisions and requirements of Section C, Paragraph 18B of the Contract, due to default by the Company which shall be effective as of the date City Council approves this resolution.

The user Department was notified & a new solicitation will be issued.

Department: Fire Department

SPECIAL INSTRUCTIONS:_____

City's Clerk Use ITEM No._____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

ROBERTO RIVERA
FIRE CHIEF

CITY COUNCIL
SUSAN AUSTIN, DISTRICT 1
ROBERT A. CUSHING, JR., DISTRICT 2
ALEXANDRO LOZANO, DISTRICT 3
JOHN F. COOK, DISTRICT 4
PRESI ORTEGA, DISTRICT 5
PAUL J. ESCOBAR, DISTRICT 6
VIVIAN ROJAS, DISTRICT 7
ANTHONY W. COBOS, DISTRICT 8

FIRE DEPARTMENT

MEMORANDUM

To: **Jesus Juarez, Procurement Analyst**

From: **Michael Calderazzo, Logistics Chief** MC

Subject: **Air Respiratory Parts Contract 2005-128**

Date: **May 25, 2006**

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It has been brought to my attention that Scott Aviation has cancelled its local distributorship with First In, Inc (First In). I have included for reference the cancellation letter from Scott Aviation (Scott).

First In has since recommended that we purchase all Scott respiratory parts from Fisher Safety in accordance with TXMAS. While I have no problem with doing so for some Scott air pack purchases I do have a problem with the lack of local representation and the higher prices. Therefore, I recommend we cancel the current contract with First In since they can no longer honor its terms and go out to bid for respiratory parts.

For the rebid, I recommend some modifications to the specifications as follows:

Insert a clause that allows us to purchase Scott products using federal or other grant money. We were forced last time to purchase off of TX-MAS at a higher price with grant money because our current contract did not have the legalese to allow us to use such funds.

In addition, include a requirement, either by utilizing Best Value Procurement or in the specification itself, stipulating the successful bidder shall have a local air pack service facility. This way we can use their facility in case our repair team is backed up and cannot perform warranty work in-house.

Please call me at 771-1071 or email me if you have any questions concerning this contract or the new specifications.

El Paso Fire Department
ISO Class 1

8600 MONTANA AVE. • EL PASO, TX 79925-1214 • 915.771.1000 • 915.771.1026 FAX • WWW.ELPASOTEXAS.GOV

tyco

SCOTT

HEALTH AND SAFETY

Scott Health & Safety
Monroe Corporate Center

Shipping Address:
4320 Goldmine Road
Monroe, NC 28110

Mailing Address:
P.O. Box 569
Monroe, NC 28111

Tel: 704.291.8300
Fax: 704.291.8340
www.scotthealthsafety.com

April 11, 2006

Mr. Jeffery Butler
First In Inc.
21432 N Central Avenue
Phoenix, AZ 85024

Dear Mr. Butler:

We are writing to advise you that Scott Health & Safety will not be renewing the distributor agreement between First In, Inc. and Scott Health & Safety. As you know, the current agreement will expire on March 31, 2006.

Within 30 days of this notice, Scott Health & Safety will accept, at our discretion, the return of all new and unsold products in your possession. If the products returned to Scott Health & Safety are in new and resalable condition, your account will be credited in the amount equal to your cost at the time of purchase.

We ask that you return to us, within 30 days from the date of this letter, all catalogs, brochures, pamphlets, displays, Scott's intellectual property materials and any other property or materials owned by Scott in your possession.

As provided in Section 9.5, expiration of the agreement will in no way affect or diminish Scott's rights to payments owed by First In, Inc. and we reserve all rights legally available to us to collect such payments.

We wish you every success in your future endeavors.

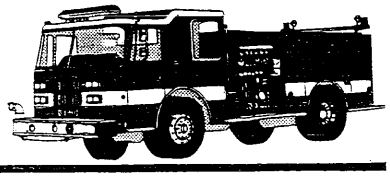
Cordially,

Jack Hankins
Vice President, Sales & Markeing
Scott Health & Safety

cc: Trent Smith, Regional Sales Director, Americas
Brad Watson, Western Zone Manager
Mary Martin, Inside Sales Manager
Lenny Parmelli, Controller

Rec'd Fedex 04/12/06

FIRST IN, INC.



Fire Trucks and Equipment Sales and Service

May 22, 2006

Mr. Jesus Juarez
City of El Paso Procurement Analyst
#2 Civic Center Plaza
El Paso, Texas 79901

Dear Mr. Juarez,
We regret to inform you that First In, Inc. is unable to fulfill the requirements of the City of El Paso Contract 2005-128. The manufacturer, Scott/Tyco has chosen not to renew our contract as a Scott Dealer. Therefore, we are unable to obtain the product to deliver.

First In, Inc. is recommending Fisher Safety as the company to fulfill your Scott breathing apparatus needs.

Fisher Safety holds the TXMAS Contract for Scott Breathing Apparatus and parts.

TXMAS CONTRACT: #TXMAS-5-84090,

Your contact at Fisher will be:
Paul Tarter
Phone: 210-389-4904
Fax: 210-568-2293
Nextel: 143*731333*15
Email: paul@paultarter.com

We apologize for any inconvenience that this may cause.

John Kovach Jr.
Sales Representative

CC:
Jeff Butler
Curt Clifford
Paul Tarter

Home Office • 21432 N. Central Avenue • Phoenix, Arizona • 85024

PHOENIX	Office (623) 780-8998	**ALBUQUERQUE**	Office (505) 344-5899	**EL PASO**	Office (915) 774-9999
	FAX (623) 780-9599		FAX (505) 344-6081		FAX (915) 774-9990
	1-800-352-4266		1-800-432-6767		1-800-308-9422

Jesus

MOTION
APRIL 19, 2005

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid Solicitation No.: 2005-128 Air Purification Respiratory Parts

Award to:	First In, Inc. El Paso, Texas
Item (s):	#1
Amount:	$150,000.00 (estimated annually)

Department:	Fire
Funds available:	22010319-503208
Funding source:	Fire Department SCBA/Logistics Budget
Total award:	$300,000.00 (estimated)
District (s):	**All**

The Fire and Purchasing 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 the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Richarda Duffy Momsen, City Clerk

17B