

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

DEPARTMENT: AIRPORT

AGENDA DATE: July 12, 2011

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña/780-4724

DISTRICT(S) AFFECTED: All

Bruce D. Collins, Purchasing Manager, 541-4313

SUBJECT:

Termination for convenience of Contract No. 2010-158, Paint, Traffic and Airfield Marking, Type II Waterborne (Ennis Paint, Inc.)

BACKGROUND / DISCUSSION:

This is a three (3) year firm price contract which expires April 21, 2013. However, the Contractor, upon experiencing an increase in cost of raw materials, requested an adjustment in the contract unit prices. The Contract does not allow for price escalation. Therefore, the Airport and Purchasing Department recommend terminating the Contract for convenience.

PRIOR COUNCIL ACTION:

Council awarded this Contract to Ennis Paint, Inc. in March 2010.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION: N/A

Enter appropriate comments or 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

WHEREAS, the City awarded Contract No. 2010-158 to Ennis Paint, Inc. of Ennis, Texas on March 30, 2010, for Paint, Traffic and Airfield Marking, Type II Waterborne for the Department of Aviation; and

WHEREAS, Ennis Paint, Inc. is unable to perform within the contracted expenditures due to unforeseen increased costs of raw materials, continued industry shortages and volatility in the point market, all beyond its control; and

WHEREAS, pursuant to Section C 8A 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 Ennis Paint, Inc. of Ennis, Texas that the City is terminating Contract No. 2010-158 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of July 12, 2011.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:



Elizabeth M. Ruhmann
Assistant City Attorney

APPROVED AS TO CONTENT:



Bruce D. Collins, Purchasing Manager
Department of Financial Services