

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

DEPARTMENT: AIRPORT

AGENDA DATE: July 26, 2011

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

DISTRICT(S) AFFECTED: All

SUBJECT:

Authorize the City Manager to sign an amendment to extend the contract with TIBH and Border TM Industries, Inc. for Grounds Maintenance Services at El Paso International Airport.

BACKGROUND / DISCUSSION:

This is the First Amendment to Contract No. 2008-242, which Council approved on July 29, 2008. The current contract expires on July 31, 2011 and the purpose of the Amendment is to extend the contract through November 1, 2011, or, until such time as the General Services issues a solicitation and Council awards a new contract for "Citywide Grounds Maintenance", to include grounds maintenance at the Airport. Should a new contract be awarded earlier than November 1, 2011, the Amendment includes a termination clause which can be exercised with thirty days written notice.

PRIOR COUNCIL ACTION:

Council awarded the original contract on July 29, 2008 for a three year term.

AMOUNT AND SOURCE OF FUNDING:

Airport Operating Funds, 62620001-40101-502204

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:

That the City Manager be authorized to sign the First Amendment to the State Use Contact for Grounds Maintenance Service by and between the CITY OF EL PASO, a Texas home rule municipal corporation ("the City"), and TIBH, Inc. ("TIBH"), a private non-profit corporation and the certifying party, and BORDER TM INDUSTRIES, INC., the performing party ("Contractor") to extend the contract until November 1, 2011.

ADOPTED THIS ____ DAY OF _____ 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña, A.A.E.
Director of Aviation

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

FIRST AMENDMENT TO
STATE USE CONTRACT FOR
GROUNDS MAINTENANCE SERVICES

THIS FIRST AMENDMENT is made this _____ day of July 2011 by and between the CITY OF EL PASO, a Texas home rule municipal corporation (hereinafter referred to as "the City"), and TIBH, Inc. (hereinafter referred to as "TIBH"), a private non-profit corporation and the certifying party, and BORDER TM INDUSTRIES, INC., the performing party (hereinafter referred to as "Contractor").

WHEREAS, the City entered into a State Use Contract for Grounds Maintenance Services (hereinafter referred to as the "Contract") with the Contractor for the provision of grounds maintenance services for the period of August 1, 2008 through July 31, 2011;

WHEREAS, the City anticipates that it will prepare a new solicitation for "Citywide Grounds Maintenance" to include grounds maintenance at the El Paso International Airport;

WHEREAS, the City and the Contractor desire to amend the Contract to extend the term of the Contract until the solicitation is awarded,

NOW, THEREFORE, the parties do hereby mutually agree to amend the Contract as follows:

1. The term of the Contract is hereby extended through November 1, 2011. The City may terminate this agreement for convenience with thirty (30) days written notice to the Contractor. It is also understood and agreed that upon such notice of termination, the Contractor shall cease the performance of services under this Contract. Upon such termination, the Contractor shall provide one final invoice for all services completed prior to the City's notice of termination. The City shall compensate the Contractor in accordance with this Contract.
2. Regardless of the date executed, the Effective Date of this First Amendment to the State Use Contract for Grounds Maintenance Services shall be August 1, 2011.
3. Except as expressly modified herein all other terms and conditions of the Contract shall remain in full force and effect and shall remain as written unless expressly modified herein.
4. Each individual signing this First Amendment acknowledges that he or she is authorized to do so, and warrants that each is authorized to commit and bind that party to the terms and conditions of this instrument.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña, A. A. E.
Director of Aviation

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

TIBH and CONTRACTOR:

BORDER TM INDUSTRIES, INC.

Name: Everardo M. Sanchez
Title: Executive Director

TEXAS INDUSTRIES FOR THE
BLIND AND HANDICAPPED

Name: Henry Hernandez
Title: Marketing Sales Representative