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

CITY CLERK DEPT.
2011 JUL 20 AM 9:25

DEPARTMENT: **Engineering and Construction Management**

AGENDA DATE: **July 26, 2011**

CONTACT PERSON NAME AND PHONE NUMBER: **R. Alan Shubert, P.E., City Engineer X4423**

DISTRICT(S) AFFECTED: **Citywide**

SUBJECT:
That the procurement for the construction of Clint Cell Lining, Cells 7-10 is exempt under state law for the preservation and protection of the public health of the City's residents, and that the City Engineer be authorized to enter into an agreement with J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. in an amount not to exceed $3,849,497.65 for construction of the Clint Cell Lining, Cells 7-10.

BACKGROUND / DISCUSSION:
The Engineering and Construction Management Department recommended the construction award to M Lee Corp. at City Council May 31, 2011 and City Council approved the award. Since then the Engineering and Construction Management Department has been working with M Lee Corp. to get a contract in place. One of the contract requirements is that M Lee Corp. provide payment and performance bonds that meet the City's general conditions of the bid specifications. M Lee Corp. was provided a final cure letter to address the deficiencies July 7, 2011 with a final deadline of July 21, 2011. The company did not meet the deadline. The Engineering and Construction Management Department is requesting an emergency procurement to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. for the construction of four additional cells at the Clint Landfill as capacity will be reached by February, 2012. JAR would have been the next lowest bidder after M Lee Corp. although the bids are now expired. The construction contract is 210 consecutive calendar days from notice to proceed to final completion.

PRIOR COUNCIL ACTION:
City Council approved the construction award of Solicitation No. 2011-211 for Clint Cell Lining Cells 7-10 Re-Bid to M Lee Corp. May 31, 2011.

AMOUNT AND SOURCE OF FUNDING:
$3,849,497.65 – Environmental Services Fund

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

WHEREAS, adequate landfill space is necessary for the safe and proper operation of the City of El Paso's Clint Landfill; and

WHEREAS, the Clint Landfill will be out of landfill space by February, 2012; and

WHEREAS, the construction time for the lining of four additional cells (36 acres) (the "Project") that need to be operational by February, 2012, is two hundred ten (210) consecutive calendar days; and

WHEREAS, immediate action is needed to award a construction contract to expand the capacity of the Clint Landfill by February, 2012; and

WHEREAS, J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. has proposed to construct the Project at the Clint Landfill for an amount not to exceed $3,849,497.65 for the services; and

WHEREAS, the Texas Local Government Code exempts from the competitive bidding requirements a procurement necessary to preserve and protect the public health or safety of the municipality's residents; and

WHEREAS, the construction of the Project is necessary to preserve and protect the public health of the citizen's of El Paso.

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

THAT the procurement for the construction of Clint Cell Lining, Cells 7-10 is exempt under state law for the preservation and protection of the public health of the City's residents, and that the City Engineer be authorized to enter into an agreement with J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. in an amount not to exceed $3,849,497.65 for construction of the Clint Cell Lining, Cells 7-10.

ADOPTED this _____ day of _____, 2011.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:

_____
Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E.
City Engineer

PL # 77339 Resolution for procurement of Clint Cell Lining Cells 7-10 / J.A.R. Construction
COSB

CONSTRUCTION, INC.

8000 ESCOBAR DRIVE
EL PASO, TEXAS 79907
(915) 591-3389
(915) 591-8253 Fax

July 20, 2011

City of El Paso
Engineering Department
2 Civic Center Plaza
El Paso TX 79901

Attn: Alan Shubert, P.E., City of El Paso, City Engineer

RE: **Award Acceptance**
Clint Cell lining Cells 7-10 Re Bid
Project No. 2011-211

Dear Mr. Shubert,

I am writing this letter to formally inform you that JAR Construction is willing and able to accept an award by the City of the above mentioned project. JAR is also willing to hold fixed the bid price we offered when the bid proposals were accepted. The sum total of our bid for this project, as the City's on-line bid tabs indicate, is $3,849,497.65. We look forward to collaborating with the City on this project and await a formal response from the City regarding the award of the project.

Sincerely,

Joe A. Rosales, Jr.
J.A.R. President