

Ex

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

DEPARTMENT: Street Department

AGENDA DATE: 08-17-2010

CONTACT PERSON NAME AND PHONE NUMBER: Daryl W. Cole, Streets Director, 621-6750

DISTRICT(S) AFFECTED: ALL Bruce D. Collins, Purchasing Manager, 541-4313

SUBJECT:

Terminate Bid Solicitation No. 2010-152 Herbicide Spraying Citywide Right of Ways

BACKGROUND / DISCUSSION:

We received notification from H Repair Solutions on June 10, 2010 requesting to terminate contract effective immediately. Contractor prices submitted were improperly calculated.

PRIOR COUNCIL ACTION:

Contract was awarded to H Repair Solutions Inc on City Council agenda of May 11, 2010.

AMOUNT AND SOURCE OF FUNDING:

Funding source(s) is/are:

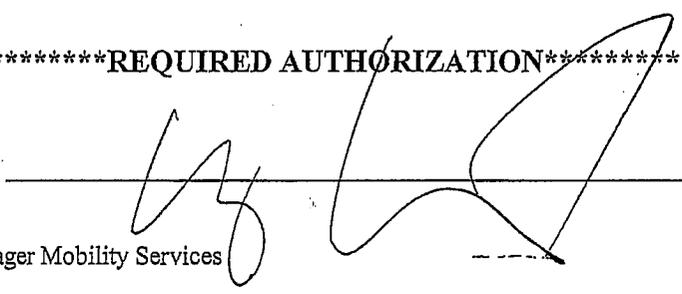
32010155 - 502221 - 01101 - 32000 General Fund

BOARD / COMMISSION ACTION:

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

DEPARTMENT HEAD:



Cc: Jane Shang, Deputy City Manager Mobility Services

CITY CLERK DEPT.  
10 AUG -2 PM 3:57

**RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2010-152 to H. Repair Solutions, Inc. of El Paso, Texas, on May 11, 2010, for Herbicide Spraying Citywide Right of Ways for Street Department; and

**WHEREAS**, the City Council finds that the Company is in default of the provisions of the Contract because the vendor failed to provide services at the prices bid and under the contract awarded by City Council; and

**WHEREAS**, pursuant to Section 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract in the event of default; and

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

That the Purchasing Manager is authorized to notify H. Repair Solutions, Inc. of El Paso, Texas, that the City is terminating Contract No. 2010-152 for default pursuant to the provisions and requirements of Section 8B of the Contract Clauses due to contractor's failure to provide services at the bid price offered and that the termination shall be effective as of August 17, 2010.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

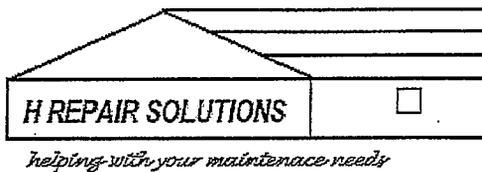
\_\_\_\_\_  
Richarda D. Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Bertha A. Ontiveros  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Carmen Arrieta-Candelaria  
Chief Financial Officer  
Financial Services



12243 DeLaCroix Dr.  
El Paso, TX 79936  
Fax/phone: 915.856.0010  
hrepairsolutions@gmail.com

June 10, 2010

City of El Paso Street Department,

Thank you for awarding us with Spraying Citywide Right of Ways Contract #2010-152. However, we regret to inform you this letter is to formally terminate Herbicide Spraying Citywide Right of Ways Contract #2010-152 effective immediately.

Estimated costs disabled us to work with the quoted prices we bid for; unfortunately this was realized only after a few days of labor. Time and costs were improperly calculated.

After this realization we met with the Street Department directors and Edward Nuñez, to explain the above information, they explained there will be consequences, which we unfortunately understand.

If you could please provide those in writing to us whenever possible to understand how to proceed with our opportunities or lack thereof in the future with the City of El Paso/Street Department.

Again, thank you for letting us work with you and it is unfortunate this contract did not turn out a success like the others. We, despite this, hope you will again welcome us and if so look forward to working with you sometime in the future.

Sincerely,

Arturo Escalante  
President  
H. Repair Solutions, Inc.  
915/474-1852



CITY CLERK DEPT.  
10 AUG -2 PM 3:57