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

CITY CLERK DEPT.
06 AUG 21 PM 3:00

DEPARTMENT: **Engineering Department**

AGENDA DATE: **August 29, 2006**

CONTACT PERSON/PHONE: **Rick Conner, ext. 4423**

DISTRICT(S) AFFECTED: **Citywide**

SUBJECT:

That the City exercises the option to extend the Agreement for Civil Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC,** and that the City Manager be authorized to sign an Amendment to the Agreement to increase the total amount of compensation under the Agreement by an additional TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($250,000.00).

BACKGROUND / DISCUSSION:

City of El Paso Engineering staff recommends extending the existing agreement for one additional one year term. An increase of $250,000.00 is requested to the original contract amount ($750,000.00). Moreno Cardenas has expended $225,000.00 of the current contract. With the recent flooding problems we find it imperative to extend both the time and contract amount of this contract. Flood control facilities that were damaged by the flooding incidents require civil engineering consulting services. This open end contract allows the City to expedite and rush designs when required. Furthermore, Moreno Cardenas, Inc. can complete their current work assignments without interruption.

PRIOR COUNCIL ACTION:

City Council approved the original contract on September 27, 2005.

AMOUNT AND SOURCE OF FUNDING:

This item will be funded on a per project basis. The item has not been budgeted and no funding information is available. This item does not require a budget transfer.

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD: JR Rick Conner

(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:** _____

RESOLUTION

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

That the City exercises the option to extend the Agreement for Civil Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC,** and that the City Manager be authorized to sign an Amendment to the Agreement to increase the total amount of compensation under the Agreement by an additional TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($250,000.00).

ADOPTED THIS _____ DAY OF _____, 2006.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Rick Conner, P.E.
City Engineer

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

FIRST AMENDMENT TO ENGINEERING SERVICES AGREEMENT

THIS First Amendment is made this _____ **day of** _____, **2006**, by and between **THE CITY OF EL PASO**, hereinafter referred to as the **"Owner"**, and **MORENO CARDENAS, INC.,** a Texas corporation, hereinafter referred to as the **"Engineer"**.

WHEREAS, on **September 27, 2005**, the Owner entered into an Agreement for Engineering Services, hereinafter referred to as the "Agreement", with the Engineer to perform civil engineering services for a period of one (1) year; and,

WHEREAS, under the Agreement, the Owner has the option to renew the Agreement for one (1) additional one (1) year term; and,

WHEREAS, the Owner desires to extend the Agreement for an additional one (1) year and to engage the Engineer to be available, on an "as needed" basis, to perform civil engineering services in connection with construction projects designed by the Owner in-house or designed by Consultants hired by the Owner or other studies as necessary; and,

WHEREAS, the Owner also desires to amend the Agreement to increase the total amount of compensation under the Agreement by an additional amount of **TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($250,000.00).**

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

a. The Owner hereby exercises the option to extend the Agreement for an additional one year period; and,

b. For and in consideration of the promises, terms and conditions and covenants set forth in the dated September 27, 2005, both the Owner and Engineer agree to amend Section V, Payment to Engineer, Subsection A, Payments for Basic Services of the Engineer Under Section I, Paragraph b, the Agreement as follows:

V. PAYMENTS TO THE ENGINEER

A. Payments for Basic Services of the Engineer Under Section I

1. Pursuant to Basic Services under Section I:

b) The total value for the term of the Agreement, to include any term which extends the Agreement, shall not exceed **ONE MILLION AND NO/100 DOLLARS ($1,000,000.00).**

c. Except as expressly herein amended, all terms and conditions of the Agreement and all subsequent Amendments to the Agreement shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

OWNER:
THE CITY OF EL PASO

_____
Joyce A. Wilson
City Manager

ENGINEER:
MORENO CARDENAS, INC.

By: _____
Robert Moreno, P.E.
Vice President

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Rick Conner, P.E.
City Engineer

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____day of _____, 2006, by _____ as **CITY MANAGER** of the **CITY OF EL PASO, TEXAS.**

_____
Notary Public, State of Texas

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 24th day of August, 2006 by **ROBERT MORENO, P.E.**, as **VICE-PRESIDENT** of **MORENO CARDENAS, INC.**

DOLORES M. JENKINS
NOTARY PUBLIC
In and for the State of Texas
My commission expires
04-25-2010

Dolores M. Jenkins
Notary Public, State of Texas