

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

**DEPARTMENT:** PARKS & RECREATION

**AGENDA DATE:** SEPTEMBER 4, 2007

**CONTACT PERSON/PHONE:** BARRY A. RUSSELL, INTERIM DIRECTOR, TERRENCE FREIBURG,  
PURCHASING MANAGER, ext. 4313

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Request authorization that the Purchasing Manager terminate Contract No. 2007-011 with RL Building Maintenance, Inc., Lubbock, TX, for Janitorial Services for the Nolan Richardson Recreation Center for default pursuant to Section C, 8B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

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**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Approved by City Manger, November 2006

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

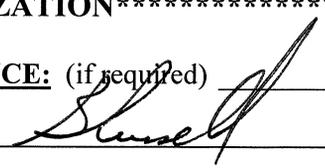
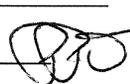
**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** Barry A. Russell Interim Director  

(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**

**WHEREAS**, the City awarded Contract No. 2007-011 to RL Building Maintenance, Inc., on November 7, 2006, for Janitorial Services-Nolan Richardson Recreation Center; and

**WHEREAS**, the City Council finds that the Company is in default of the provisions of the Contract; and

**WHEREAS**, pursuant to Section C 8B of the Contract (Cancellation 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 RL Building Maintenance, Inc., that the City is terminating Contract No. 2007-011 for default pursuant to the provisions and requirements of Section C 8B of the Contract Clauses due to the failure to perform janitorial services and that the termination shall be effective as of September 4, 2007.

**PASSED AND APPROVED this 4<sup>th</sup> day of September, 2007.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John Cook  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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*Bertha A. Ontiveros*  
Bertha A. Ontiveros  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
*Terrence Freiburg*  
Terrence Freiburg  
Purchasing Manager, Financial Services,  
Purchasing Division

## PURCHASING DEPARTMENT

DATE: August 23, 2007  
TO: MUNICIPAL CLERK  
FROM: Terrence Freiberg  
Purchasing Manager  
Ray Heredia  
Procurement Analyst

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Please place the following item on the CONSENT COUNCIL AGENDA for the Council Meeting of Tuesday, September 4, 2007.

Item should read as follows: The Purchasing Manager requests that Mayor and Council terminate Contract No. 2007-011 with RL Building Maintenance, Inc. for Janitorial Services for the Nolan Richardson Recreation Center for default pursuant to Section C, 8B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract.

The user Department was notified & a new solicitation will be issued.

Department: Parks & Recreation

SPECIAL INSTRUCTIONS: \_\_\_\_\_

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City's Clerk Use

ITEM No. \_\_\_\_\_

## Parks & Recreation

**To:** Terrence Freiburg, Purchasing Manager  
**Through:** Barry Russell, Interim Director of Parks & Recreation   
**From:** Pete Dunavant   
**Date:** August 21, 2007  
**Re:** Terminate Contract 2007-011 for Janitorial Services at Nolan Richardson

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Please terminate Contract No. 2007-011 with RL Building Maintenance, Inc., Lubbock, TX, for Janitorial Services at the Nolan Richardson Recreation Center for default. This contractor "bounced" checks to his employees who in turn refused to clean the center.