

DATE: August 31, 2005
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M. *BJ*
Deputy Director of Financial Services, X4313
THRU: Rachel Johnson
Clerk Typist II - X4162

Please place the following item on the **REGULAR** agenda for the Council Meeting of **SEPTEMBER 13, 2005**

Request approval for the Deputy Director of Financial Services to reject the bids submitted for Solicitation No.2005-229, Cohen Stadium Improvements. The bids received exceeded the budgeted amount appropriated for this project, it is recommended by the Financial Services and Engineering Departments that this item be re-bid with revised specifications.

Contact Person: Byron E. Johnson, C.P.M., Deputy Director of Financial Services 541-4313

AGENDA FOR: **SEPTEMBER 13, 2005**

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Purchasing

AGENDA DATE: September 13, 2005

CONTACT PERSON/PHONE: Byron Johnson, C.P.M., Deputy Director of Financial Services, 541-4313

DISTRICT(S) AFFECTED: 4

SUBJECT:

Request approval for the Deputy Director of Financial Services to reject bids submitted for Solicitation No. 2005-229 Cohen Stadium Improvements. The bids received exceeded the budgeted amount appropriated for this project, it is recommended by the Financial Services and Engineering Departments that this item be re-bid with revised specifications.

BACKGROUND / DISCUSSION:

All bids came in above the appropriated and budgeted amount. Will request that Engineering re-design and re-write the specifications for this project to within budget and re-bid with the new revised specifications.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

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

OTHER:

(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: _____

DATE: August 31, 2005
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M.
Deputy Director of Financial Services, 541-4313
THRU: Aurora Wells
Interim Bid Clerk - X4038

Please place the following item on the REGULAR agenda for the Council Meeting of:
September 13th., 2005

Request approval for the Director of Purchasing to reject the bids submitted for Solicitation No.2005-229, Cohen Stadium Improvements. The bids received exceeded the budgeted amount appropriated for this project, it is recommended by the Financial Services and Engineering Departments that this item be re-bid with revised specifications.

Contact Person: Byron E. Johnson, C.P.M., Deputy Director of Financial Services 541-4313

AGENDA FOR: September 13th., 2005



ENGINEERING DEPARTMENT
Design Management
Memorandum

TO: Byron Johnson
Director of Purchasing

FROM: Javier Reyes, P.E.
Engineering Design Manager 

DATE: August 31, 2005

SUBJECT: Cohen Stadium Improvements.

We are recommending that bids for the above-mentioned project to be rejected.
Bids were over budget and we have insufficient funds to award the project.

If you have any questions or need additional information please contact me at Ext # 4630.

Thank You.

RECEIVED

AUG 31 2005

CITY OF EL PASO
CONSTRUCTION BIDDING

CITY OF EL PASO BID TABULATION

BID ITEM: COHEN STADIUM IMPROVEMENTS
 BID DATE: JULY 20, 2005

BID # 2005-229
 DEPARTMENT: PARKS

	EL PASO A. R. C. ELECTRIC, INC. EL PASO, TEXAS					
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID 1	\$26,790.00					
BASE BID 2	\$156,486.00					
BASE BID 3	\$131,675.00					
BASE BID 4	\$2,100.00					
SUM TOTAL BASE BID #1 ALTERNATE NO. 1	\$317,051.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AMENDMENTS ACKNOWLEDGED	NONE ISSUED					
BID BOND SUBMITTED	YES					

CHECKED BY: Michael W. [Signature]

Base Bid 3:

Plumbing Improvements.

The undersigned agrees to perform all of the work required for the total amount of:

\$ 131,675.00

Base Bid 4:

TAS Compliance Improvements (EABPRJA1008041).

The undersigned agrees to perform all of the work required for the total amount of:

\$ 2,100.00

SUM TOTAL OF BASE BIDS 1, 2, 3, AND 4:

\$ 317,051.00

COMPANY NAME: El Paso A. R. C. Electric, Inc.

BIDDER'S SIGNATURE: *Enrique Ortiz*

CONTRACT TIME AND LIQUIDATED DAMAGES

The undersigned Bidder agrees to commence work on a date to be specified in a written Notice to Proceed and to substantially complete the work on which he/she has bid within **Forty Five (45) CONSECUTIVE CALENDAR DAYS**. Bidder agrees to pay as liquidated damages the sum of **One Hundred Dollars (\$ 100.00)** for each consecutive calendar day thereafter as provided in paragraph 6.8 of the General Conditions of the Contract.

PROPOSAL

Enclosed with this proposal is a certified check or bid bond for five percent (5%) of the TOTAL bid price including base bid(s) and alternate(s) which is agreed shall be collected and retained by the owner(s) as liquidated damages in the event this proposal is accepted by the Owner within sixty (60) consecutive calendar days after the date advised for the reception of bids and the undersigned fails to execute the contract and the required performance and payment bonds with the Owner within ten (10) consecutive calendar days after the date said proposal is accepted; otherwise, the said bid security shall be returned to the undersigned upon demand.

THE UNDERSIGNED BIDDER REPRESENTS TO THE CITY AND TO THE OTHER BIDDERS THAT HIS/HER BID, AND THE ESTIMATES ON WHICH IT IS BASED, HAS BEEN CAREFULLY CHECKED AND CONTAINS NO ERRORS, AND NOTHING HAS BEEN OMITTED OR OVERLOOKED IN DETERMINING THE AMOUNTS BID.

BIDDER'S NAME: El Paso A. R. C. Electric, Inc.

BY: Eulogio Ortiz Signature July 20, 2005 Date

Eulogio Ortiz, President Signer's name & title 915-593-3700 Telephone 915-590-5500 Fax

8010 North Loop Dr. Address El Paso, TX 79915 City, State, Zip Code

same as above Physical Address of Business - if different from above City, State, Zip Code

IF THE BIDDER BE A CORPORATION, THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED:

I, Mireya Ortiz, certify that I am the Corporate Secretary of the corporation named as Bidder hereinabove; that Eulogio Ortiz, who signed the foregoing contract on behalf of the Bidder, was then President of said corporation; that said proposal was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Mireya Ortiz

CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that El Paso A.R.C. Electric, Inc.
(hereinafter called the Principal), as Principal, and Washington International Insurance Company
as Surety, are hereby held and firmly bound unto THE CITY OF EL PASO, as Owner, in the penal sum of
5% of bid amount
_____ for the payment of which, well and truly to be made, we
hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

SIGNED, this 20th day of July, 2005.

The conditions of the above obligation are such that whereas the Principal has submitted to the City of El Paso a certain bid,
attached hereto and hereby made a part hereof, to enter into a contract in writing for the Cohen Stadium Improvements,
Solicitation No. 2005-229

NOW, THEREFORE,

- a) If said bid shall be rejected, or in the alternate,
- b) If said bid shall be accepted and within fourteen (14) consecutive calendar days after the Principal has received notice of his acceptance, the Principal shall properly complete, execute, and deliver insurance certificates and a contract in the form approved by the Owner and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void; otherwise the same shall remain in force and effect, it being expressly understood and agree that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation, as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the OWNER MAY ACCEPT such bid, such extension to be upon notice to the Surety by the Principal.

IN WITNESS, WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

El Paso A.R.C. Electric, Inc.
Principal – Company Name

8051 North Loop Drive
Address

El Paso, Texas 79915
City, State, Zip Code

Washington International Insurance Company
Surety – Company Name

P.O. Box 981021
Address

El Paso, Texas 79998-1021
City, State, Zip Code

Eulogio Ortiz Seal)
Signed by (Principal Agent)

Eulogio Ortiz, President
Principal Agent's Name (Printed or Typed)

(915) 593-3700
Telephone No.

(915) 590-5500
Fax No.

[Signature] Seal)
Signed by (Surety Agent)

John M. Rindt, Attorney-in-Fact
Surety Agent's Name (Printed or Typed)

(915) 496-8500
Telephone No.

(915) 496-8550
Fax No.

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of Arizona and having its principal office in the City of Itasca, Illinois, each does hereby make, constitute and appoint:

JOHN M. RINDT and GEORGIANNE MILLIKEN

jointly or severally

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TEN MILLION (10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24th of March, 2000:

"RESOLVED, that any two of the President, any Executive Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By

Paul D. Amstutz

Paul D. Amstutz, President & Chief Executive Officer of Washington International Insurance Company & Vice President of North American Specialty Insurance Company



By

Steven P. Anderson

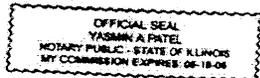
Steven P. Anderson, Executive Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 19 day of August, 2004.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Du Page ss:

On this 19 day of August, 2004, before me, a Notary Public personally appeared Paul D. Amstutz, President and CEO of Washington International Insurance Company and Vice President of North American Specialty Insurance Company and Steven P. Anderson, Executive Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Yasmin A. Patel
Yasmin A. Patel, Notary Public

I, James A. Carpenter, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 20 day of July, 2005.

James A. Carpenter

James A. Carpenter, Vice President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company