

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

DEPARTMENT: Parks and Recreation Department
AGENDA DATE: December 13, 2005
CONTACT PERSON/PHONE: Norman C. Merrifield (915) 541-4910
DISTRICT(S) AFFECTED: ALL

CITY CLERK DEPT
05 DEC -5 PM 2:31

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.

A resolution to authorize the City Manager to sign a First Amendment to the City Parks Restrooms Maintenance Contract between the City of El Paso, Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to extend the term of the contract and provide consideration for the extension for the sum of \$55,296.00 for the period of January 1, 2005 through August 31, 2006.

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?

The City of El Paso and County of El Paso have previously contracted with Border TM Industries, Inc., an employment corporation for individuals with mental disabilities, to provide services to the citizens of the City and County.

PRIOR COUNCIL ACTION:

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

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?

Account # 51010262-01101-502221

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

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

DEPARTMENT HEAD: Shawell for NCM
(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 Manager be authorized to sign a First Amendment to the City Parks Restrooms Maintenance Contract between the City of El Paso, Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to extend the term of the contract and provide consideration for the extension.

APPROVED this _____ day of December, 2005.

CITY OF EL PASO:

John F. Cook
Mayor

ATTEST:

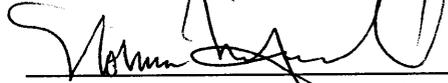
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Norman Merrifield, Ed.D., Director
Parks and Recreation Department

STATE OF TEXAS)
) **FIRST AMENDMENT TO CITY PARKS**
COUNTY OF EL PASO) **RESTROOMS MAINTENANCE CONTRACT**

This First Amendment (“Amendment”) to the City Parks Restrooms Maintenance Contract (“Contract”) originally authorized December 7, 2004 by and between the CITY OF EL PASO (“City”), Texas Industries for the Blind and Handicap (TIBH), and Border TM Industries, Inc., is made to be effective as of the date stated below.

WHEREAS, the City of El Paso and the County of El Paso have previously contracted with Border TM Industries, Inc., an employment corporation for individuals with mental disabilities, to provide services to the citizens of the City and County; and

WHEREAS, the City needs the services outlined in the contract; and

WHEREAS, Border TM Industries, Inc. is able to provide such services for the mutual benefit of its workers and the City; and

WHEREAS, the parties now desire to extend the term through August 31st, 2006 and provide consideration for the extended contract period under the same terms and conditions as set forth in the original contract.

NOW THEREFORE, in consideration of the mutual agreements herein, the City, Texas Industries for the Blind and Handicapped, and Border TM Industries, Inc. wish to amend the City Parks Restrooms Maintenance Contract as follows:

The City Parks Restrooms Maintenance Contract authorized by the El Paso City Council on December 7, 2004 is hereby amended in the following respects:

1. Section 2. of the City Parks Restrooms Maintenance Contract is hereby deleted in its entirety and replaced as follows:

2. **Term.** This Contract shall become effective on January 1, 2005, and shall terminate at the expiration of August 31, 2006.

2. Section 3. of the City Parks Restrooms Maintenance Contract is hereby deleted in its entirety and replaced as follows:

3. **Consideration.** The City shall pay TIBH the sum of \$55,296.00 for the period of January 1, 2005 through August 31, 2006. BORDER TM INDUSTRIES, INC. shall bill the City on the 25th day of each month for services furnished. Upon verification and approval of such billing, the City shall proceed to process and send payment to TIBH, which shall send the appropriate amount, within a reasonable time, to BORDER TM INDUSTRIES, INC. as may be determined by TIBH and BORDER TM INDUSTRIES, INC.

3. Except as herein provided, all terms and conditions of the Contract remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands, this ___ day of December, 2005.

THE CITY OF EL PASO

Joyce A. Wilson
City Manager

**TEXAS INDUSTRIES FOR THE BLIND
AND HANDICAPPED**

By Henry Hernandez
Name (printed) Henry Hernandez
Title MARKETING SALES REP.

**BORDER TM INDUSTRIES., INC.
("Contractor")**


By: _____

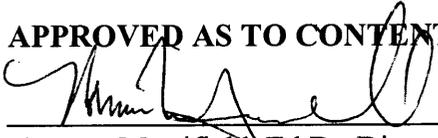
Everardo M. Sanchez, Executive Director-
Border TM

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Norman Merrifield, Ed.D., Director
Parks and Recreation Department