

Attachment " A "

Storm 2006 Infrastructure Repair/Reconstruction Progress Update December 18, 2007

Council Ratification of the following Storm 2006 construction management and construction contracts. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Council Resolution.

Construction

Copper Queen Drainage Improvements, Solicitation No. 2007-242, awarded to Southwest Growth, Corp. in the estimated amount of \$485,776.00.

Colonia Escondida Pump Station, Phase I, Solicitation No. 2008-018, awarded to Dan Williams Company in the estimated amount of \$800,800.00.

The above contracts are unit priced and work under these unit price contracts are only an estimated minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total of unit prices at the end of the contract term.

As part of the award of these contracts, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

Design:

S&B Infrastructure, LTD- First Amendment to original professional agreement shall provide additional design services for Storm 2006 projects. The additional design service is for the Lincoln Park Channel Drainage study. The amendment shall extend contract value from \$75,000 to \$95,000.

Geotechnical and Material Testing:

AMEC Earth and Environmental, Inc. - First Amendment to original professional agreement shall provide additional services for Storm 2006 projects. The additional services shall consist of providing geotechnical and material testing services for Storm 2006 projects. The amendment shall extend contract value from \$300,000 to \$675,000.

ENCON International, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Professional Service Industries, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Archana, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Raba Kistner Consultants (SW), Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

CQC Testing & Engineering- The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

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RESOLUTION

WHEREAS, on August 15, 2006, President Bush declared a major disaster for the State of Texas, triggering the release of federal funds to help the people and community recover from the impact of the flooding that began on July 31, 2006; and,

WHEREAS, El Paso County is designated as one of the counties covered by the declaration; and,

WHEREAS, the flooding caused extensive damage, currently estimated at over sixty three million dollars, to the city's infrastructure and city facilities, creating a threat to the public safety of the El Paso citizens; and,

WHEREAS, the City Council of the City of El Paso finds that the expenditure of funds necessary to rebuild and reconstruct the City's infrastructure and facilities qualifies for an exemption to the competitive bidding or competitive proposal requirements of Chapter 252 of the Texas Local Government Code under Section 252.022(a)(1) due to the public calamity requiring the immediate appropriation of funds to preserve the property of the municipality; and,

WHEREAS, the City Council of the City of El Paso finds that the expenditure of funds necessary to rebuild and reconstruct the City's infrastructure and facilities qualifies for an exemption to the competitive bidding or competitive proposals requirements of Chapter 252 of the Texas Local Government Code under Section 252.022(a)(2) since the expenditure of such funds will be for procurements necessary to preserve or protect the public health or safety of the City's residents; and,

WHEREAS, the City Council of the City of El Paso further finds that the expenditure of funds necessary to rebuild and reconstruct the City's infrastructure qualifies for an exemption to the competitive bidding or competitive proposal requirements of Chapter 252 of the Texas Local Government Code under Section 252.022(a)(3) since the expenditure of such funds will be for procurements necessary because of unforeseen damage to public property caused by the flooding; and,

WHEREAS, due to the emergency nature of the situation, for contracts related to the rebuilding and reconstruction of the City's infrastructure damaged by the flooding, the City will suspend the application of the City Architecture and Engineer Selection Policy normally used but will adhere to the statutory requirements for the selection of such professional services.

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

THAT the City Council of the City of El Paso hereby authorizes the City Manager to enter into contracts necessary for the design, repair, rebuilding, and reconstruction of the City's infrastructure located on public property, to include but not limited to, the following:

- a. The City's communications infrastructure.

- b. The City's utilities infrastructure.
- c. Drainage structures, to include but not limited to, culverts, channels, and headwalls
- d. Right of way structures, to include but not limited to streets, manholes, curbs, gutters, and sidewalks
- e. Debris removal, erosion backfill, rockwalls, fences, and grates
- f. City buildings and facilities damaged by storm
- g. Leases for or purchase of equipment
- h. Purchase of materials

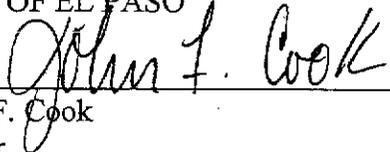
THAT the administrative procedures previously adopted by Council, such as the Architect and Engineer Selection process, be suspended for professional services contracts and other contracts necessary to accomplish the intent of this Resolution.

THAT the City Manager is hereby authorized to enter into construction contracts and professional services contracts in whatever amount necessary in order to accomplish the intent of this Resolution and the City Manager shall bring these construction contracts and professional services contracts to City Council for ratification on a weekly basis.

THAT the City Manager be authorized to enter into other agreements necessary to accomplish this resolution, such as right-of-entry agreements and Interlocal agreements, provided that such agreements are reviewed by the City Attorney's office.

ADOPTED this 19th day of September, 2006.

CITY OF EL PASO



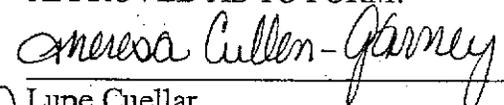
 John F. Cook
 Mayor

ATTEST:



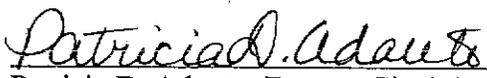
 Richarda Duffy Momsen
 City Clerk

APPROVED AS TO FORM:



 Lupe Cuellar
 Assistant City Attorney

APPROVED AS TO CONTENT:



 Patricia D. Adauto, Deputy City Manager
 for Development and Infrastructure Services