

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** General Services

**AGENDA DATE:** December 22, 2009

**CONTACT PERSON/PHONE:** Stuart Ed, Director, General Services, 621-6822  
Terrence Freiburg, Purchasing Manager, 541-4313

**DISTRICT (S) AFFECTED:** All

**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.

The Purchasing Manager, Financial Services, Purchasing Division, requests that Mayor and Council terminate Contract No. 2009-224 with Forrest Tire Company of El Paso, Texas, for Roadside Tire Service for default pursuant to Section 8B of the Contract Clauses, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

**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?

Forrest Tire Company is in default of the provisions of the Contract because they failed to provide the services for the bid price offered that was awarded by City Council.

**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?

N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

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

**LEGAL:** \_\_\_\_\_  
(If required)

**FINANCE:** \_\_\_\_\_  
(If required)

**DEPARTMENT HEAD:** \_\_\_\_\_  
Name Signature Date

(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. 2009-224 to Forrest Tire Company of El Paso, Texas, on September 29, 2009, for Roadside Tire Service, Part C, Item 1A, 1B, 2A, 2B, 3A and 3B for General Services Department, Fleet Division; and

**WHEREAS**, the City Council finds that the Company is in default of the provisions of the Contract because they failed to provide the services for the bid price offered that was awarded by City Council; and

**WHEREAS**, pursuant to Section 8B of the Contract (Termination 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 Forrest Tire Company of El Paso, Texas, that the City is terminating Contract No. 2009-224 for default pursuant to the provisions and requirements of Section 8B of the Contract Clauses due to contractor's failure to provide services at the bid price offered and that the termination shall be effective as of December 22, 2009.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

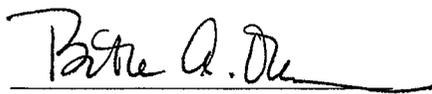
**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

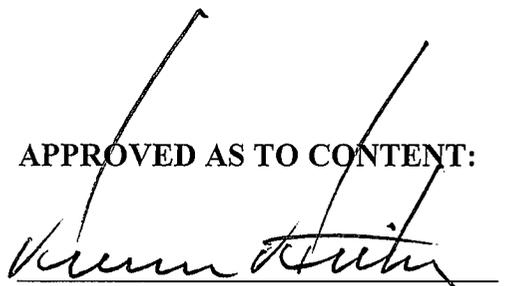
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Bertha A. Ontiveros  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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

**PROJECT FORM**

**FINANCIAL SERVICES DEPARTMENT, PURCHASING DIVISION**

DATE: December 8, 2009  
TO: Municipal Clerk  
FROM: Terrence Freiburg  
Purchasing Manager, ext. 4313

Please place the following item on the **CONSENT** Agenda for the Council Meeting of Tuesday, **December 22, 2009**.

Item should read as follow:

The Purchasing Manager, Financial Services, Purchasing Division, requests that Mayor and Council terminate Contract No. 2009-224 with Forrest Tire Company of El Paso, Texas, for Roadside Tire Service for default pursuant to Section 8B of the Contract Clauses, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The vendor will be notified.

Department: General Services

**SPECIAL INSTRUCTIONS:**

Municipal Clerk's Use

ITEM NO. \_\_\_\_\_

cc: BID FILE

**MOTION  
SEPTEMBER 29, 2009**

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **AWARD** Solicitation No. 2009-224 (Tire and Roadside Tire Service) to A to Z Tire and Battery, Inc. (Bid #2); American Tire Distributors; Broadway Motors d/b/a Bill Williams Tire Center; Martin Tire Company; The Goodyear Tire and Rubber Company, RB Wicker Tire & Rubber Company; and Forrest Tire Company for a total estimated amount of \$1,457,721.

Departments:	General Services, Airport, Fire and Sun Metro
Award to: Vendor 1	A to Z Tire and Battery, Inc. Amarillo, TX
Items:	Part A, Items 2, 3, 7, 11, 12, 15, 16, 17, and 23
Estimated Annual Expenditure:	\$ 165,407
Award to: Vendor 2	American Tire Distributors Forth Worth, TX
Items:	Part A, Items 8, 19, 25, 28, 31, 32, and 33
Option:	One year
Estimated Annual Expenditure:	\$ 55,480
Award to: Vendor 3	Broadway Motors d\b\la Bill Williams Tire Center Midland, TX
Items:	Part A, Items 5, 18, 20, 22, 24, and 26
Option:	One year
Estimated Annual Expenditure:	\$ 61,089
Award to: Vendor 4	Martin Tire Company El Paso, TX
Items:	Part A, Items 4, 6, 9, 13, 14, 27, 29, and 30
Estimated Annual Expenditure:	\$ 67,558
Award to: Vendor 5	The Goodyear Tire and Rubber Company El Paso, TX
Items:	Part A, item 1 and 10
Estimated Annual Expenditure:	\$ 7,581
Award to: Vendor 6	RB Wicker Tire & Rubber Company El Paso, TX
Items:	Part B (All items) 1 thru 8
Estimated Annual Expenditure:	\$ 113,865
Award to: Vendor 7	Forrest Tire Company El Paso, TX
Items:	Part C (all items), 1A, 1B, 2A, 2B, 3A, and 3B
Option:	One year
Estimated Annual Expenditure:	\$ 14,927

Account No.: 37370510 – 503125 – 45202 or  
37370510 – 503121 – 45202  
62620003-503121-40101  
22010320-502228-01101  
60600015-503118-40348

Funding Source: General Services, Internal Service Fund  
Inventory Purchases, Airport Cost Centers  
Logistics, Government Operations Mass Trans  
Inventory Purchases, S M Inventory

Total Estimated Award: \$1,457,721 (3 year total)

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidders.

Richarda Duffy Momsen, City Clerk