

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

AGENDA DATE: December 5, 2023

PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Yvette Hernandez, City Engineer, (915) 212-1860

K. Nicole Cote, Managing Director (915) 212-1092

DISTRICT(S) AFFECTED: 5

STRATEGIC GOAL: No. 2 – Set the Standard for a Safe and Secure City

SUBGOAL: 2.3 – Increase public safety operational efficiency

SUBJECT:

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify EMJ Construction, LLC, that the City is terminating Contract No. 2023-0403 Fire Station 38 pursuant to Section 14, Subsection 7. Liquidated Damages for Failure to Enter into Contract of the Solicitation Documents, that the termination shall be effective as of December 5, 2023, and that the City may take all necessary steps to seek forfeiture of Vendor's bid bond as liquidated damages.

BACKGROUND / DISCUSSION:

The voters of the City of El Paso approved a Public Safety Bond measure in November 2019. Key elements of the bond program are new and/or renovated safety facilities. With the rapid growth on the east side of El Paso, an additional fire station is necessary. The new Fire Station #38 will be located within a complex and adjacent to the Eastside Regional Command Center (ERCC) at 14301 Pebble Hills Blvd., Building B.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

N/A

PRIOR COUNCIL ACTION:

On August 15, 2023 City Council approved the award of contract 2023-0403 to EMJ Construction, LLC for a total estimated amount of \$5,788,541.00.

AMOUNT AND SOURCE OF FUNDING:

Amount: N/A

Funding Source: N/A

Account: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Capital Improvement

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

Gilbert Guerrero Gilbert Guerrero
Assistant Director of Capital Improvements
for Yvette Hernandez, City Engineer

**COUNCIL PROJECT FORM
(Termination)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **CONSENT AGENDA** for the Council Meeting of **December 5, 2023**

STRATEGIC GOAL No. 2: Set the Standard for a Safe and Secure City

The linkage to the Strategic Plan is subsection 2.3 – Increase public safety operational efficiency

Request that the Managing Director of Purchasing & Strategic Sourcing is authorized to notify EMJ Construction, LLC, that the City is terminating Contract No. 2023-0403 Fire Station 38 pursuant to Section 14, Subsection 7. Liquidated Damages for Failure to Enter into Contract of the Solicitation Documents, that the termination shall be effective as of December 5, 2023, and that the City may take all necessary steps to seek forfeiture of Vendor's bid bond as liquidated damages.

RESOLUTION

WHEREAS, on August 15, 2023, the City of El Paso (“City”) awarded Contract No. 2023-0403 Fire Station 38 (“Contract”) to the following vendor (“Vendor”):

- 1. EMJ Construction, LLC

WHEREAS, pursuant to Section 14, Subsection 7. **Liquidated Damages for Failure to Enter into Contract** of the Solicitation Documents associated with Solicitation 2023-0403 Fire Station 38; the City of may take steps to terminated the above-referenced award; and

WHEREAS, Vendor has failed or refused to execute and deliver the Contract and other required documents to City to finalize and execute the validly awarded Contract; and

WHEREAS, the City desires to terminate the and rebid the above solicitation.

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

That the Managing Director of Purchasing & Strategic Sourcing is authorized to notify EMJ Construction, LLC, that the City is terminating Contract No. 2023-0403 Fire Station 38 pursuant to Section 14, Subsection 7. **Liquidated Damages for Failure to Enter into Contract** of the Solicitation Documents, that the termination shall be effective as of December 5, 2023, and that the City may take all necessary steps to seek forfeiture of Vendor’s bid bond as liquidated damages.

APPROVED this _____ day of _____, 2023.

THE CITY OF EL PASO:

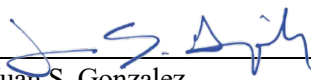
Oscar Lesser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Juan S. Gonzalez
Senior Assistant City Attorney



K. Nicole Cote, Managing Director
Purchasing & Strategic Sourcing