

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

DEPARTMENT: Library

AGENDA DATE: January 22, 2019

CONTACT PERSON/PHONE: Mark E. Pumphrey, Library Director, 915-212-3207
Bruce D. Collins, Purchasing Director, 915-212-1181

DISTRICT(S) AFFECTED: All

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

SUBJECT:

That the City Manager be authorized to sign an Amendment to Consent to Assignment of Contract 2015-330 for Library Security Guard Services to change the name from Ruiz Protective Service, Inc., to Boutchantharaj Corporation dba DFW Security Protective Force.

BACKGROUND / DISCUSSION:

Contract 2015-330 for Library Security Guard Services for the Library Department was approved on December 30, 2014 and is effective for a three-year term from December 30, 2014 through December 29, 2017 with a two-year option to extend. The extended contract period is from December 30, 2017 to December 29, 2019.

SELECTION SUMMARY:

N/A

PROTEST

☒ There was no protest received for this requirement.

☐ Protest received.

PRIOR COUNCIL ACTION:

Motion to award the contract was made by City Council on December 30, 2014. Motion to extend the contract by City Council was made on December 30, 2017.

AMOUNT AND SOURCE OF FUNDING:

The total contract amount of the initial three-year period is \$206,759.16 with a two-year option to extend for an estimated amount of \$137,839.44. This assignment creates no change to the funding source or amount.

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: Mark Pumphrey Date: 1/14/19

**COUNCIL PROJECT FORM
(CONSENT TO ASSIGNMENT)**

Please place the following Item on the **CONSENT** agenda (under **RESOLUTIONS**) for the Council Meeting of **JANUARY 22, 2019.**

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

That the City Manager be authorized to sign Consent to Assignment of the following Contract 2015-330 Library Security Guard Services from Ruiz Protective Service, Inc. to Boutchantharaj Corporation dba DFW Security Protective Force.

This is a Best Value, service contract.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign Consent to Assignment of the following Contract 2015-330 Library Security Guard Services from Ruiz Protective Service, Inc. to Boutchantharaj Corporation dba DFW Security Protective Force.

PASSED AND APPROVED this ____ day of _____ 2019.


CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Bruce D. Collins, Director
Purchasing and Strategic Sourcing Dept.

STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONSENT TO ASSIGNMENT

This Consent to Assignment is executed this _____ day of _____, 2019,
by and between the City of El Paso (the "City"), Ruiz Protective Services, Inc. ("Assignor") and
Boutchantharaj Corporation dba DFW Security Protective Force ("Assignee").

WHEREAS, on December 30, 2014, the City entered into Contract No. 2015-330 Library
Security Guard Services with Assignor for an initial term of thirty six (36) months and one option to
extend for two (2) years which is fully incorporated herein by reference to provide such services to
the City;

WHEREAS, after entering into said Contract the assets of Assignor were transferred to
Assignee;

WHEREAS, the Contract provides they are not assignable without the consent of the City;

WHEREAS, Assignor has requested that the City approve an assignment of the Contract to
Assignee;

WHEREAS, Assignee has agreed to be responsible for all duties and obligations under the
Contracts; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations
encompassed in the Contract to Assignee.

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. The City consents to the assignment of the rights, duties and obligations under
Contract No. 2015-330 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities
under Contract No. 2015-330.

3. All terms and conditions of Contract No. 2015-330 shall remain in full force and effect.
4. Assignee agrees to indemnify, defend and hold harmless the City from and against any and all claims, demands, causes of action, court costs, expenses, and attorney's fees which are connected with or arise from the assignment of the Contract or the City's acceptance and recognition of the assignment of Contract No. 2015-330.

(Signature Page to follow)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONSENT TO ASSIGNMENT

(Signature Page)

EXECUTED this the day of , 2019

THE CITY OF EL PASO

Tomás González
City Manager


APPROVED AS TO FORM:


Leslie B. Jean-Pierre
Assistant City Attorney

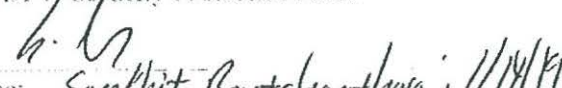
APPROVED AS TO CONTENT:

Bruce D. Collins, Director
Purchasing and Strategic Sourcing Dept.

ASSIGNOR:
Ruiz Protective Services, Inc.


Name: Hector Ruiz
Title: President/Owner

ASSIGNEE:
Boutchantharaj Corporation
dba DFV Security Protective Force


Name: Somkhut Boutchantharaj, 11/14/19
Title: President

MOTION
DECEMBER 30, 2014

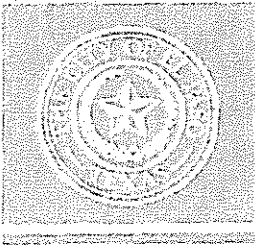
Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-330 (Library – Security Guard Services) to Ruiz Protective Service, Inc. for an initial three (3) year term in the estimated amount of \$206,759.16. The award is to include a two (2) year optional amount of \$137,839.44 for a total five (5) year award of \$344,598.60.

Department:	Library
Award to:	Ruiz Protective Service, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$68,919.72
Initial Term Estimated Award:	\$206,759.16 (3 Years)
Total Estimated Award:	\$344,598.60 (5 Years)
Account No.:	453 – 53140 – 1000 – 522120 454 – 54020 – 1000 – 522120 454 – 54030 – 1000 – 522120
Funding Source:	Library – Security Contracts MCAD – Security Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Library recommends award as indicated to Ruiz Protective Service, Inc., the bidder offering the best value bid. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Richarda Duffy Momsen, City Clerk



FY19

Purchasing & Strategic Sourcing Department

Mayor
Dee Margo

December 20, 2017

City Council

Ruiz Protective Services, Inc.
Attn: Robert Contreras
6000 Welch, Suite 11
El Paso, Texas 79905

District 1
Peter Swartzbach

RE: NOTICE OF CONTRACT EXTENSION - Solicitation No. 2015-330 Security Guard Services - Library

District 2
Alexsandra Anello

Dear Mr. Contreras,

District 3
Cassandra H. Brown

The City of El Paso has exercised its option to extend 2015-330 Security Guard Services - Libraries for two (2) additional years. Accordingly, on December 20, 2017, the City of El Paso approved the extension of Contract No. 2015-330 to Ruiz Protective Services, Inc., for a total estimated amount of \$137,839.44 (Two-year Contract). The extended period of performance will be effective December 30, 2017 to December 29, 2019.

District 4
Sam Morgan

District 5
Dr. Michael R. Noe

District 6
Claudia Ordoz Perez

The contract, comprised of the solicitation, your offer and the Purchase Order(s), constitutes a final and complete repository of the agreements between and the City of El Paso and Ruiz Protective Services, Inc. It supersedes all prior or contemporaneous communications, representations, or agreements, whether oral or written, relating to the subject matter of this contract. Modifications to this Contract shall not be binding unless made in writing and signed by an authorized representative of each party.

District 7
Henry Rivera

District 8
Cassy Lizarraga

City Manager
Tommy Gonzalez

The Contract Administrator for this Contract will be Lisa Riley, Business Manager, and can be reached at (915) 212-3208. She will assist you with any questions you may have and will assure that the terms of the Contract are met. Any correspondence regarding this Contract should be sent to her attention. The City of El Paso looks forward to working with you on this Contract.

Sincerely,

Bruce D. Collins for Bruce D. Collins

Bruce D. Collins, CPPO
Purchasing Director
Purchasing & Strategic Sourcing

TF:BDC

Bruce D. Collins, CPPO
City 1 | 300 N. Campbell Street | El Paso, Texas 79901 | (915) 212-0043

"Delivering Outstanding Services"

EXHIBIT D

ASSIGNMENT AGREEMENT

This assignment agreement made this 3rd Day of November, 2018 and effective November 3rd, 2018, by and between Hector Ruiz of Ruiz Protective Service, Inc., hereunder referred to as "SELLER", and Kit Boutchantharaj, President of DFW Security Protective Force, Inc, hereinafter referred to as "Buyer", in consideration of the mutual covenants herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, witnesseth:

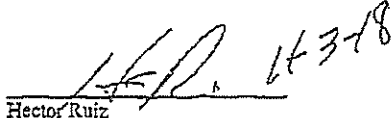
WHEREAS, Seller hereby assigns, transfers and sets over to Buyer all of its rights, titles and interests held by Seller in and to the contracts for security guard and security related services for all customers serviced in the State of Texas. Seller warrants and represents that the Contracts are in full force and effect and are fully assignable. Buyer shall be entitled to all monies remaining to be paid under the Contracts, which rights are also assigned hereunder. Seller warrants that the Contracts are without modification and remain on the terms contained therein. Seller further warrants that it has the full right and authority to transfer the Contracts and that those contracted rights herein transferred are free of liens, encumbrances, or adverse claims. This assignment shall be binding upon and inure to the benefit of the parties, their successors and assigns.

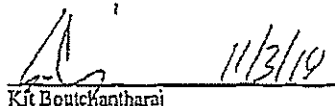
This Agreement is governed by the laws of the State of Texas, without regard to SELLER's conflict of choice of law provisions and both parties expressly consent to jurisdiction in such courts.

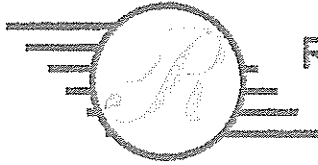
IN WITNESS WHEREOF, the parties set their hand and seals as of the date first above written.

Ruiz Protective Service, Inc.

DFW Security Protective Services, Inc.


Hector Ruiz
President


Kit Boutchantharaj
President



**Ruiz Protective
Service, Inc.**

2646 Ardian Drive
Dallas, Texas 75220
Phone (469) 682-9247

E-mail hector@ruizservices.com

Ms. Jimenez,

This is to inform the City of El Paso that DFW Security Protective Services, Inc. has acquired the assets of the security guard division of Ruiz Protective Service, Inc.

The sale is structured as an asset acquisition. DFW Security Protective Force, Inc. acquired all the guard assets to include all client accounts throughout the state of Texas.

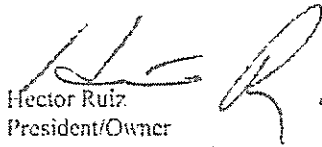
DFW Security Protective Force, Inc. is a very strong, minority owned guard company with clients throughout the federal and municipal sectors throughout the United States.

The sale was completed on November 12th, 2018. DFW Security Protective Force, Inc. is scheduled to take over all guard accounts prior to the end of November 2018.

Mr. Kit Boutchantharaj will be providing you documentation for insurance and bonding information.

Ruiz Protective Service, Inc. will remain in business to continue services in the fields of polygraph testing, software development and recruitment and screening services for public safety agencies.

Regards,


Hector Ruiz
President/Owner
Ruiz Protective Service, Inc.
469-682-9247