

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

**DEPARTMENT:** Engineering and Construction Management

**AGENDA DATE:** January 27, 2015

**CONTACT PERSON NAME AND PHONE NUMBER:** Irene D. Ramirez, P.E., Interim City Engineer, 212-1831

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

That the City Council ratifies the exempt expenditure in the amount of Three Hundred Thirty Three Thousand Three Hundred Two and 26/100 Dollars (\$333,302.26) to Martinez Bros. Contractors, LLC for the removal of additional buried household trash discovered in connection with the Cheryl Ladd Park Project, Solicitation No 2013-266, and the expenditure of this amount is necessary to preserve and protect the public health and safety of the municipality's residents. The contract amount, including the exempt expenditure is \$1,536,079.26. In addition, the City Council approves an additional extension of three hundred (300) consecutive calendar days to the construction term because the identified time was necessary to remove the additional household waste from the Project site.

**BACKGROUND / DISCUSSION:**

During the construction of the Cheryl Ladd Park project, we encountered 13,500 tons of unforeseen household trash. We employed our contractor to remove the trash in order to have a clean site. By using our contractor, we maximized our contract change order capacity. With this resolution we are requesting City Council to exempt the funds utilized for the clean-up from the change order capacity limit. This issue was discussed with City Council during the Legislative Review Committee meeting CIP Project Update for Cheryl Ladd Park held on November 3, 2014.

**PRIOR COUNCIL ACTION:**

n/a.

**AMOUNT AND SOURCE OF FUNDING:**

\$333,302.26 Funding Source: Environmental Fee and 2012 Quality of Life Bonds

**BOARD / COMMISSION ACTION:** N/A

---

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

**DEPARTMENT HEAD:**



---

(If Department Head Summary Form is Initiated by Purchasing, client department should sign also)  
Information copy to appropriate Deputy City Manager

**RESOLUTION**

**WHEREAS**, on October 8, 2013, the City entered into Contract No. 2013-266 Cheryl Ladd Park with Martinez Bros. Contractors, LLC. ("Contractor");

**WHEREAS**, after construction began the Contractor discovered approximately 13,500 tons of additional household waste buried the project site;

**WHEREAS**, the Contractor removed the household waste found at the project site to preserve and protect the public health or safety of the municipality's residents;

**WHEREAS**, the additional construction costs for the removal of the household waste are \$333,302.26; and

**WHEREAS**, pursuant to Section 252.022(a)(2) of the Texas Local Government Code, a procurement made necessary to preserve or protect the public health or safety of the municipality's residents is exempt from the bidding requirements of Chapter 252 of the Local Government Code; and

**WHEREAS**, the removal of the buried additional household waste took 300 calendar days.

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

That the City Council ratifies the exempt expenditure in the amount of Three Hundred Thirty Three Thousand Three Hundred Two and 26/100 Dollars (\$333,302.26) to Martinez Bros. Contractors, LLC for the removal of additional buried household trash discovered in connection with the Cheryl Ladd Project , Solicitation No 2013-266, and the expenditure of this amount is necessary to preserve and protect the public health and safety of the municipality's residents. The contract amount, including the exempt expenditure is \$1,536,079.26. In addition, the City Council approves an additional extension of three hundred (300) consecutive calendar days to the construction term because the identified time was necessary to remove the additional household waste from the Project site.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

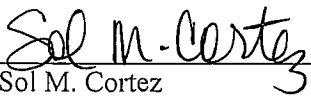
CITY OF EL PASO

\_\_\_\_\_  
Oscar Leaser  
Mayor


ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sol M. Cortez  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Irene D. Ramirez, P.E.  
Interim City Engineer



# CHERYL LADD PARK

Solicitation No. 2013-266

January 27, 2015





## Background

- On November 3, 2014, City Council was informed of the need for an increase in change order capacity
- Additional household trash was discovered buried at the project site
- Trash was removed to protect the health and safety of the community





## Request

- Exemption of \$333,302.26 from the contract
  - Services for trash removal have been completed
  - This is not a request for a budget increase