

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

DEPARTMENT: Parks & Recreation Department

AGENDA DATE: October 1, 2019

CONTACT PERSON/PHONE: Tracy Novak, Parks & Recreation Director, 915-212-1708
Bruce D. Collins, Purchasing & Strategic Sourcing Director, 915-212-1181

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 3: Promote the Visual Image of El Paso

SUBJECT:

That the City Manager be authorized to sign Consent to Assignment of Contract No. 2017-407 Miscellaneous Proprietary Irrigation Equipment from Baron Irrigation, Inc. to Winsupply S El Paso TX Co., a Delaware Corporation.

BACKGROUND / DISCUSSION:

Contract 2017-407 Miscellaneous Proprietary Irrigation Equipment for Parks and Recreation was approved on February 7, 2017 and is effective for a three-year term from February 7, 2017 to February 6, 2020 with a two-year option to extend.

SELECTION SUMMARY

N/A

PROTEST

- No protest received for this requirement.
 Protest received

CONTRACT VARIANCE:

N/A

PRIOR COUNCIL ACTION:

Motion to award contract 2017-407 was made by City Council on February 7, 2017.

AMOUNT AND SOURCE OF FUNDING:

The total estimated amount of the three-year period is for \$2,122,807.35. This assignment creates no change to the amount awarded.

Department: 451; Division: 51295; Fund: 1000; Account: 532020; Program: P5120

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

 9-26-19

COUNCIL PROJECT FORM

(CONSENT TO ASSIGNMENT)

Please place the following item on the CONSENT agenda (under **RESOLUTIONS**) for the Council Meeting of OCTOBER 1, 2019.

STRATEGIC GOAL: NO. 3 Promote the Visual Image of El Paso

That the City Manager be authorized to sign Consent to Assignment of Contract No. 2017-407 Miscellaneous Proprietary Irrigation Equipment from Baron Irrigation, Inc. to Winsupply S El Paso TX Co., a Delaware Corporation.

This was a low bid, unit price 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 Contract No. 2017-407 Miscellaneous Proprietary Irrigation Equipment from Baron Irrigation, Inc. to Winsupply S El Paso TX Co., a Delaware Corporation.

APPROVED this _____ day of _____, 2019.

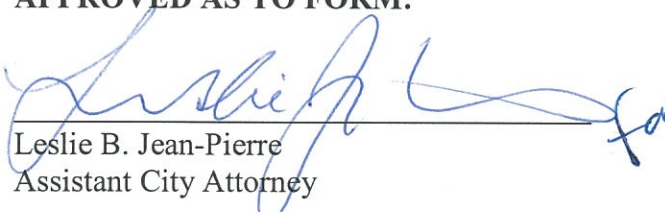
THE CITY OF EL PASO:

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 OF
CONTRACT NO. 2017-407**

This Consent to Assignment is executed this ___ day of _____, 2019, by and among the City of El Paso (the "City"), Baron Irrigation Supply, Inc. ("Assignor") and Winsupply S El Paso TX Co., a Delaware Corporation ("Assignee").

WHEREAS, on February 7, 2017 the City entered into Contract No. 2017-407 for Irrigation Supplies ("Contract") with Assignor for an initial term of two (2) years 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, on February 1, 2019, the assets of Assignor were sold to Assignee;

WHEREAS, the Contract provides that it is not assignable without the consent of the City;

WHEREAS, Assignee has agreed to be responsible for all duties and obligations under the Contract; 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. 2017-407 to Assignee.
2. As of the execution date of this Consent to Assignment, Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract No. 2017-407.
3. All terms and conditions of Contract No. 2017-407 shall remain in full force and effect.

(Signature page to follow)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

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CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2017-407


(Signature Page)

EXECUTED this the ____ day of October, 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:

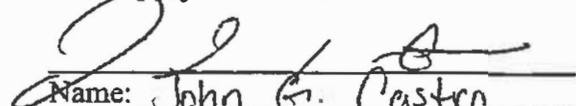
Baron Irrigation Supply, Inc.



Name: John G. Castro
Title: Manager

ASSIGNEE:

Winsupply S El Paso TX Co.



Name: John G. Castro
Title: President

**MOTION
FEBRUARY 7, 2017**

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried to AWARD Solicitation No. 2017-407 Miscellaneous Proprietary Irrigation Equipment to Barron Irrigation Supply Inc. for an initial term estimated award of \$2,122,807.35. The award is to include a two (2) year optional amount of \$1,415,204.90 for a total five (5) year award of \$3,538,012.25

ABSENT: Representative Niland

Department:	Parks and Recreation
Award to:	Barron Irrigation Supply Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$707,602.45
Initial Term Estimated Award:	\$2,122,807.35 (3 years)
Total Estimated Award:	\$ 3,538,012.25 (5 years)
Account No.:	451-51295-532020-1000-P5119
Funding Source:	General Fund – Land Landscaping-Maint and Rep

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Parks & Recreation Department recommend award as indicated to Barron Irrigation Supply Inc., the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

The Purchasing & Strategic Sourcing Department recommend that Site One Landscape Supply be deemed nonresponsive because the bidder took exemptions to pricing bid form. ABSENT: Representative Niland

Richarda Duffy Momsen, City Clerk