

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

**DEPARTMENT:** MASS TRANSIT DEPARTMENT (SUN METRO)

**AGENDA DATE:** February 7, 2017

**CONTACT PERSON/PHONE:** Jay Banasiak, Department of Mass Transit (Sun Metro), 212-3300  
Bruce D. Collins, Purchasing Director, 212-1181

**DISTRICT (S) AFFECTED:** ALL

**STRATEGIC GOAL: NO. 7: Enhance and Sustain El Paso's Infrastructure Network**

**SUBJECT:**

Request that the Director of Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order to Doggett Freightliner of South Texas, LLC., a contractor under Texas Procurement and Support Services (TPASS) Contract #072-A1 for one (1) 2018 Freightliner MS 106 flatbed with TXDOT approved attenuator modifications for a total estimated award amount of \$121,490.00. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing. The body and chassis costs \$60,776.00 + the selected options which total \$60,865.00.

**BACKGROUND / DISCUSSION:**

Mass Transit Department (Sun Metro) recommends the contract be awarded to Doggett Freightliner of South Texas, LLC through the afore-mentioned TPASS contract Contract #072-A1.

**SELECTION SUMMARY:**

Not Applicable (Cooperative)

**PROTEST**

☒ No protest received for this requirement.

☐ Protest received.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided? ☐ Yes or ☒ Not Applicable (Routine)

If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8
- ☐ All Districts

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Sun Metro Miscellaneous Grant Funds

Account No.: 580540-560-3210-60070-PCP09MT0100-TX340013

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Revised OP for J. Garcia 1/24/17*



## Purchasing & Strategic Sourcing Department

### Six (6) Factor Option Memo

#### Mayor

Oscar Leaser

#### City Council

##### District 1

Peter Svarzbein

##### District 2

Jim Tolbert

##### District 3

Emma Acosta

##### District 4

Carl L. Robinson

##### District 5

Dr. Michiel R. Noe

##### District 6

Claudia Ordaz

##### District 7

Lily Limón

##### District 8

Cortney C. Niland

#### City Manager

Tommy Gonzalez

To: Bruce D. Collins, CPPO, Director  
Purchasing & Strategic Sourcing Department

From: Jay Banasiak, Director  
Mass Transit Department

Date: January 26, 2017

Signature:  1/26/17

Re: 2017-711 TMA Vehicle Purchase

The Mass Transit Department recommends authorizing the Purchasing Director to issue <sup>TXDOT</sup> purchase order for \$121,490.00 to Doggett Freightliner of South Texas, LLC. The Mass Transit Department will utilize TXPASS 072-A1 for the purchase of this TXDOT required traffic control vehicle

The following are the factors used to evaluate the use of this procurement program as the best approach:

1. *Is there an urgent need for the product/service? In other words, is time of the essence?*  
*Yes, maintenance and repairs of shelters is becoming a greater issue on Mesa corridor, panels kicked in, roof lighting and electrical maintenance repairs. Many stations do not allow for off-street parking and therefore TXDOT required signage is needed,*
2. *Does the purchase through the Program promote the standardization of equipment?*  
*Yes, with 3 more RTS corridors forthcoming by 2020, multiple units will be required,*
3. *Does the purchase through the Program support local business? If not, is there a comparable product/service available locally?*  
*No, required vehicle was not identified thru local vendors.*
4. *Do the available vendors have prior work experience and/or familiarity with the City?*  
*No.*
5. *Is the pricing reasonable as compared to other similar products/work performed for the City of El Paso in the past or as quoted from other companies?*  
*Yes, pricing is comparable. Similar truck on HGAC is 1% more for chassis and 5% more for attenuator than TPASS Purchase*
6. *Is the proposed vendor on the City's wage theft data base?*  
*No, vendor is not on wage theft database.*

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

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0 Items

## Contract Details: # 072-A1 ended 8/31/2015

Search for items in this contract (/ex\_search/false/contract\_number/072-A1 exp 08/31/2015)

**Number** 072-A1 ended 8/31/2015  
**Description** Fleet Trucks  
**Category** TxSmartBuy  
**Type** Term  
**Start Date** 9/1/2013  
**End Date** 8/31/2015  
**Purchase Category Code(Agencies Only)** PCC A  
**Optional Renewal Terms** September 1, 2016 through August 31, 2017  
September 1, 2017 through August 31, 2018  
**Purchase Orders** Only purchase orders issued through TxSmartBuy are eligible for contract pricing. The Contractor will not ship any products or provide related services until receipt of a Purchase Order generated by the TxSmartBuy system.

**TRADE-IN VEHICLES:** Customers are NOT authorized to trade in vehicles under this contract.**AWARD LEVELS:** This contract consists of tiered awards for each vehicle series:

- Primary
- Secondary
- Tertiary
- 4th level
- 5th Level
- 6th Level
- 7th Level
- 8th Level

**STATE AGENCY ORDERS HOLD PROCESS:** State Agency purchasers should order through the primary contractor.

Orders entered into TxSmartBuy for non-primary awards will be placed on automatic hold by the TxSmartBuy system. The state agency purchaser will receive an email from the system requiring the purchaser to submit a justification via email to the Strategic Sourcing contact, Charlene Rendon at [charlene.rendon@cpa.state.tx.us](mailto:charlene.rendon@cpa.state.tx.us) (mailto:charlene.rendon@cpa.state.tx.us). The explanation should identify in detail why the primary contractor does not meet the state agency's operational requirements.

The request will be reviewed and processed within two (2) business days from date of receipt. Purchaser's order(s) shall remain on hold, until the justification submitted is reviewed and approved or rejected. The Customer will notify the Strategic Sourcing contact immediately if a primary contractor is unable to provide any vehicle or option under this contract.

See Contract Specifics/Notes section for additional ordering information.

<b>NIGP Code(s)</b>	072-01	072-02	072-03	072-04
	072-05	072-06	072-07	072-08

**CPA Contract Management** Questions regarding contract management issues, price changes, amendments or other post-award concerns should be directed to:  
TPASS Contract Management Office (TCMO)  
Texas Comptroller of Public Accounts (CPA)  
Fax: (512) 936-0040  
Email: [tpass\\_cmo@cpa.state.tx.us](mailto:tpass_cmo@cpa.state.tx.us) (mailto:tpass\_cmo@cpa.state.tx.us)  
Questions concerning technical specifications should be directed to:  
Charlene Rendon  
Phone: 512-463-3653  
Email: [charlene.rendon@cpa.state.tx.us](mailto:charlene.rendon@cpa.state.tx.us) (mailto:charlene.rendon@cpa.state.tx.us)

**Contract Specifics/Notes** **VEHICLE SPECIFICATIONS:** This contract is established by a Vehicle Series number outlined in the Texas Fleet Specification No. 071-072-AT-2015. Each vehicle series lists the make and model and all minimum equipment required by the State. The Texas Fleet Specification is referenced throughout these instructions and can be accessed online at: TEXAS FLEET SPECIFICATION NO. 071-072-AT-2015 (pdf) ([http://www.txsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 STATE OF TEXAS SPECIFICATION\\_2016.pdf](http://www.txsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 STATE OF TEXAS SPECIFICATION_2016.pdf))

**COLORS:** Base prices include the manufacturer's standard solid colors. Customers should contact the Contractor for available colors and shades. The color must be specified by the Customer at the ordering time and can be entered in the Line Item note.

**OPTIONS:** Options will be available in the *Add to Cart* view for each vehicle. Quotes or Charges can also be added in the *Add to Cart - Charges* section.

Any option which is not part of the Texas Standard Equipment including the ones offered by the Contractor at "no cost" must be entered into the system.

This contract is intended to cover the State's normal requirements for fleet vehicles with options that have historical usage and to offer best value for vehicles with options. Items/options that are not specifically listed in this contract may be purchased from the manufacturer's catalog provided by the Contractor. The Contract price for the catalog items offered by each awarded contractor can be found by going to the Contractor's link shown below:

**CONTRACTOR CATALOG ITEMS:**

Caldwell Country Chevrolet (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Caldwell Country Chevrolet.xls>)

Caldwell Country Ford (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Caldwell Country Ford.xls>)

Johnson Whitesboro Ford (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog - Johnson Whitesboro Ford.xls>)

Reliable Chev (2) (xls) ([http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Reliable Chev \(2\).xls](http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Reliable Chev (2).xls))

CBS 1 (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog CBS 1.xls>)

CBS 2 (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog CBS 2.xls>)

Cowboy Dodge Jeep (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Cowboy Dodge Jeep.xls>)

DOGETT Freightliner of South Texas, LLC (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog DOGETT Freightliner of South Texas, LLC.xls>)

Five Star Chevrolet (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072 Five Star Chevrolet Catalog.xls>)

Grande (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Grande.xls>)

Gunn v2 (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Gunn v2.xls>)

Gunn (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Gunn.xls>)

Johnson-Grayson Automotive (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Johnson-Grayson Automotive.xls>)

McKinney Dodge (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog McKinney Dodge.xls>)

Meador (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Meador.xls>)

National Bus Sales (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog National Bus Sales.xls>)

Reliable (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Reliable.xls>)

Sam Pack (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Sam Pack5-5-15.xls>)

Silsbee Ford (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Silsbee Ford.xls>)

Silsbee Toyota (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog Silsbee Toyota.xls>)

VED Heritage (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog VED Heritage.xls>)

CBS (xls) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog CBS.xls>)

CBS LowFloors (xls) ([http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog CBS\\_LowFloors.xls](http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Catalog CBS_LowFloors.xls))

**NOTE:** Discount-from-Catalog is a percentage (%) discount deducted from the manufacturer's suggested or list price (MSRP). The discount must be for all items available for purchase in the manufacturer's catalog.

**MANUFACTURER'S BUILD OUT SCHEDULE:** The vehicle manufacturers publish build out schedules for the vehicles listed under this Contract. The order cut-off dates for the current model year and the order start dates for the upcoming model year are listed in this schedule. Please note that if a model is being discontinued by the manufacturer, the build out schedule will show no order start date for the upcoming model year. CPA will remove all line items related to the discontinued model soon after the build out date has passed. The build out schedule submitted by the manufacturers can be found by going to each manufacturer's link shown below.

American Honda (pdf) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-a1-american-honda.pdf>)

Chrysler Corp (pdf) ([http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Chrysler 2015 MY ORDER CUTOFF\\_REVISED\\_4.15.15.pdf](http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-A1 Chrysler 2015 MY ORDER CUTOFF_REVISED_4.15.15.pdf))

Ford Motor Company (pdf) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072A1 Ford 022715 BALANCE OUT START UP INFO.pdf>)

Nissan Build-Out Schedule (pdf) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072-a1-nissan-buildout-schedule.pdf>)

GM Cutoff / Buildout Date (pdf) (<http://www.bxsmartbuy.com/ShopFlow/Documents/Contract%20Attachments/071-072A1 GM MY 2015 government order cutoff 7-17-2015.pdf>)

**STATE AGENCY EMISSIONS REQUIREMENTS:** Effective September 1, 2007, Texas Govt. Code 2158.009 requires that state agencies shall purchase a certain percentage of low-emissions passenger vehicles based on its total vehicle purchases during any state fiscal biennium.

**Govt Code 2158.009, LOW-EMISSIONS VEHICLES PURCHASING REQUIREMENT**

(a) Repealed by Acts 2009, 81st Leg., R.S., Ch. 900, Sec. 7, eff. September 1, 2009.

(b) A state agency authorized to purchase passenger vehicles or other ground transportation vehicles for general use shall ensure that not less than 26 percent of the vehicles the agency purchases during any state fiscal biennium, other than vehicles the purchase of which is exempted from this subsection by Subsection (c) or (d), are vehicles that meet or exceed the emissions standards necessary to be rated by the United States Environmental Protection Agency as a Tier II, Bin 3, emissions standard vehicle that has a greenhouse gas score of eight under regulations of that agency as they existed September 1, 2007.

(c) A state agency is exempt from Subsection (b) to the extent that a vehicle described by that subsection that meets the agency's operational needs is not commercially available.

(d) Subsection (b) does not apply to a state agency's purchase of a vehicle to be used by a peace officer, as defined by Article 2.12, Code of Criminal Procedure, whose duties include the apprehension of persons for violation of a criminal law of this state.

**STATE AGENCY DOCUMENTATION:** Texas Fleet Management program requires that the State Agency's procurement file must be documented with one of the following clauses:

- This agency operates 15 or less motor vehicles, excluding law enforcement or emergency vehicles, and is not subject to alternative fuel requirements.
- This agency operates more than 15 vehicles, excluding law enforcement or emergency vehicles. This purchase is for an alternative fuel vehicle.
- This agency operates more than 15 vehicles, excluding law enforcement or emergency vehicles. This purchase is for a vehicle that will be converted to alternative fuel prior to being placed in service.

- This agency operates more than 16 vehicles, excluding law enforcement or emergency vehicles. This purchase is for a law enforcement or emergency vehicle.
- A valid, current waiver number is on file with the Comptroller of Public Accounts (CPA) for this vehicle.
- This agency is exempt from Texas Government Code, Chapter 2168, and Section 2168.009, Subsection (b) to the extent that a vehicle described by that subsection is either not commercially available or the primary vendor does not meet the agency's operating requirements. A detailed written justification must be included in the procurement file which is subject to audit.

**DELIVERY:** The delivery schedule shown below is based upon the type of the vehicle being ordered and can be referenced in Texas Fleet Specification, Section A.5

**CALENDAR DAYS DELIVERY AFTER RECEIPT OF ORDER:**

**120 days**

- General Purpose Automobiles
- Carryalls, Utility Vehicles, Cargo Vans
- Passenger Vans, Lightduty
- Light Duty and Crew Cab Trucks
- Light and Medium Duty Chassis with No Bodies

**160 days**

- Special Purpose Automobiles (LE)
- OEM Alternative Fuel Vehicles

**180 days**

- Light and Medium Duty Chassis with Optional Bodies

All shipping shall be F.O.B. destination freight prepaid and allowed. Normal delivery time for most customers is Monday through Friday, 8:00 a.m. through 4:00 p.m. (CT) except for State and/or Federal Holidays. Delivery destinations will be indicated on each purchase order.

**PRE-DELIVERY SERVICE (Reference Specification 071-072-AT-2013/2014):**

- All fluid levels checked and maintained with the proper grade and type of fluids
- Pre-delivery inspection and service on chassis
- The interior and exterior shall be cleaned and freshly washed at time of delivery. A minimum of ¼ tank must show on the fuel gauge when delivered.

**VEHICLE INSPECTION (Reference Specification 071-072-AT-2015):** The contractor shall have each vehicle (except cab and chassis units delivered without bodies) properly inspected in compliance with Texas motor vehicle laws. Texas Inspection Sticker shall be attached prior to delivery to the receiving entity (2 year inspection sticker for vehicles through ¾ ton pickups and 1 year inspection sticker for 1 ton trucks and up, excluding cab and chassis units delivered without bodies).

**Warranty Details**

Unless the Customer has purchased an extended warranty, the warranty shall be in accordance with the Texas Fleet Specification, Section A.12.

**Adding New Products to the Contract**

Following the contract award, additional products or services of the same general category that could have been encompassed in the award of this contract, and that are not already on the contract, may be added. TPASS customers are encouraged to request additional items by contacting the TPASS Contract Management Office.

**Delivery Delays by Contractor**

Default in promised Delivery Days After Receipt of Order (ARO) without accepted reasons or failure to meet specifications authorizes the Customer to purchase goods and services of this contract elsewhere and charge any increased costs for the goods and services, including the cost of re-soliciting, to the Contractor.

**LATE DELIVERY FEE:** The ordering entity will have the option to charge the vendor a fee of \$50 per vehicle per day for late delivery. Late fee applies ONLY when vendor has not requested and received PRIOR WRITTEN approval from the ordering entity, to make delivery after the number of days established by the contract or the purchase.

Providing vehicle(s) which do not meet all specification requirements does not constitute delivery, and the late fee will continue to accrue until the vendor delivers vehicles in full compliance with the specifications to the ordering entity's FOB point. The ordering entity will have the option to deduct any accumulated late delivery fees prior to payment of the invoice. All late deliveries shall be recorded in Vendor Performance Tracking System (VPTS) by the Customer and the Contractor shall be required to submit a corrective action plan to CPA.

**Compliant Products by Contractor**

Failure to pay a damage assessment is cause for contract cancellation and/or debarment or removal of the contractor, as applicable, from the State Centralized Master Bidders List (CMBL). Compliant Products by Contractor Delivery does not occur until the Contractor delivers products, materials or services in full compliance with the specifications to Customer F.O.B. destination, unless delivery is specifically accepted, in whole or in part, by the Customer. Providing products, materials or services which do not meet all specification requirements does not constitute delivery.

**Purchase Order Cancellation**

The Customer may request that a Contractor cancel a specific line item or an entire purchase order. There shall be no fees charged for cancellation of an item and/or order prior to shipment by the Contractor. The cancellation must be processed through the TxSmartBuy system.

**Restocking Fee for Returned Products**

The Customer may request that a Contractor accept return of products already delivered. If the return is required through no fault of the Contractor, the Contractor may request a reasonable restocking charge. The Customer may pay a restocking charge if the CPA or Customer determines that the charge is justifiable. As a guideline, such charges shall not exceed 10%.

**Substitutions**

During the Contract term, the Contractor shall not substitute a product or brand unless the Contractor has obtained prior written approval from the TCMO in coordination with the Customer. The Contractor must have written confirmation from the TCMO of the substitution before making delivery.

## Contractor Performance

The Texas Procurement and Support Services (TPASS), a division of the Comptroller of Public Accounts (CPA), administers a vendor performance program for use by all customers per Texas Government Code (TGC), §2262.055, and 34 Texas Administrative Code (TAC), §20.108. The Vendor Performance relies on the customer's participation in gathering information on vendor performance. State agency customers shall report vendor performance on purchases over \$25,000 from contracts administered by CPA, or any other purchase over \$25,000 made through delegated authority granted by CPA (TAC 20.108), or purchases exempt from CPA procurement rules and procedures. State agencies are additionally encouraged to report vendor performance on purchases under \$25,000.

Vendor Performance shall be reported through the CPA VENDOR PERFORMANCE TRACKING SYSTEM ([http://www.window.state.tx.us/procurement/prog/vendor\\_performance/](http://www.window.state.tx.us/procurement/prog/vendor_performance/)).

The purpose of the Vendor Performance Tracking System is to:

- Identify vendors that have exceptional performance
- Aid purchasers in making a best value determination based on vendor past performance
- Protect the state from vendors with unethical business practices
- Provide performance scores in four measurable categories for the CMBL vendors
- Track vendor performance for delegated and exempt purchases

## Contractors Information

Texas.gov (<http://www.texas.gov/cn/Pages/default.aspx>)

Statewide Search from the Texas State Library (<https://www.tsl.state.tx.us/trail/index.html>)

State Link Policy (<http://www.dlr.texas.gov/pubs/pages/weblink-privacy.aspx>)

Texas Homeland Security (<http://governor.state.tx.us/homeland>)

Texas Transparency (<http://www.texas Transparency.org/>)

Report Fraud (<http://www.window.state.tx.us/fraud.html>)

Glenn Hegar, Texas Comptroller • Window on State Government (<http://www.window.state.tx.us/>) • Contact Us (<http://www.window.state.tx.us/contact.html>)

Privacy and Security Policy (<http://www.window.state.tx.us/privacy.html>)

Accessibility Policy (<http://www.window.state.tx.us/accessibility.html>)

Link Policy (<http://www.window.state.tx.us/linkpolicy.html>)

Public Information Act (<http://www.window.state.tx.us/pia.html>)

Texas Veterans Portal (<http://veterans.portal.texas.gov/cn/Pages/default.aspx>)

Compact with Texans (<http://www.window.state.tx.us/comptrol/compact/>)