

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 09-10-474 Council District:

For Meeting of February 16, 2010
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE CITY TO TRADE ELEVEN USED HARLEY-DAVIDSON FLHTP ELECTRA GLIDE MOTORCYCLES FOR ELEVEN NEW HARLEY-DAVIDSON FLHTP ELECTRA MOTORCYCLES AT NO COST TO THE CITY.

PURPOSE(S) OF ACTION:

TO APPROVE A TRADE BETWEEN THE CITY OF LAS CRUCES AND Barnett's Las Cruces Harley-Davidson, LLC, OF LAS CRUCES FOR MOTORCYCLES FOR THE LAS CRUCES POLICE DEPARTMENT.

Name of Drafter: Laurie Padilla		Department: Police/Admin		Phone: 528-4135	
Department	Signature	Phone	Department	Signature	Phone
Originating Department	<i>[Signature]</i>		Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Barnett's Las Cruces Harley-Davidson, LLC, ("Barnett") has offered to trade eleven (11) used 2009 Harley-Davidson FLHTP motorcycles currently used by the Las Cruces Police Department for eleven (11) new 2010 Harley-Davidson FLHTP Electra Glide motorcycles. If the trade is approved by the City Council, the new motorcycles would be delivered to the City, at which time the exchange would occur.

The City will remove all of the police equipment and the Las Cruces Police Department decals on the used motorcycles prior to the exchange. The removed equipment will be re-installed at the City's expense on the new motorcycles. The new motorcycles will come with the usual new vehicle warranties, and Barnett will accept the used motorcycles in "as-is" condition at the time of the exchange. Barnett will deliver the new motorcycles and will pick up the used ones.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
----------------------------	-----------------------	---------------

(Continue on additional sheets as required)

GF10147160-730300	\$16,236	\$39,038
-------------------	----------	----------

List your exhibits and attachments after the fund box just like the example below.

1. Resolution
2. Exhibit "A" - Purchasing Manager's Request to Contract
3. Exhibit "B" - Quote from Harley-Davidson
4. Prior Resolution, 07-08-209

OPTIONS / ALTERNATIVES:

1. **Approving the Resolution will allow the Police Department trade (11) 2009 Motorcycles for (11) 2010 Motorcycles**
2. **Modify the Resolution subject to the approval of Barnett's Las Cruces Harley-Davidson, LLC, dealership.**
3. **Not approve the Resolution**

(Continue on additional sheets as required)

RESOLUTION NO. 09-10-474

A RESOLUTION AUTHORIZING THE CITY TO TRADE ELEVEN USED HARLEY-DAVIDSON FLHTP ELECTRA GLIDE MOTORCYCLES FOR ELEVEN NEW HARLEY-DAVIDSON FLHTP ELECTRA MOTORCYCLES AT NO COST TO THE CITY.

The City Council is informed that:

WHEREAS, Barnett's Las Cruces Harley-Davidson, LLC, ("Barnett") has offered to trade eleven (11) used 2009 Harley-Davidson FLHTP Electra Glide motorcycles currently used by the Las Cruces Police Department for eleven (11) new 2010 Harley-Davidson FLHTP Electra Glide motorcycles; and

WHEREAS, the City will remove all of the police equipment and the Las Cruces Police Department decals on the used motorcycles prior to the exchange. The removed police equipment will be re-installed at the City's expense on the new motorcycles; and

WHEREAS, the new motorcycles will come with the usual new vehicle warranties, and Barnett will accept the used motorcycles in "as-is" condition at the time of the exchange. Barnett will deliver the new motorcycles and will pick up the used ones; and

WHEREAS, the City will continue the usual maintenance of the used motorcycles to the date of the exchange and will not permit unusual wear and tear to occur between the date of approval of this Resolution and the date of the motorcycle exchange. If any of the used motorcycles are damaged beyond repair between now and then, Barnett is not obligated to trade a new motorcycle for the damaged one; and

WHEREAS, the City Attorney's Office has concluded that this even trade does not violate the City's Procurement Code or the New Mexico state statute concerning the sale, exchange or gift of personal property, and that a determination by the City Council that the exchange is in the best interest of the City should be sufficient approval for the transaction.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces that:

(I)

The offer of Barnett to even exchange eleven (11) used 2009 Harley-Davidson FLHTP Electra Glide motorcycles for (11) new 2010 Harley-Davidson FLHTP Electra Glide motorcycles is in the best interest of the City and is hereby authorized.

(II)

City staff is authorized to take all action deemed necessary to accomplish the hereinabove.

DONE AND APPROVED on this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk

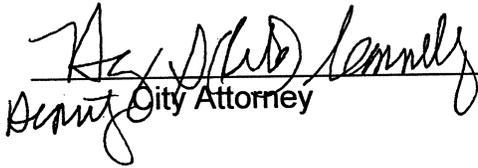
{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

APPROVED AS TO FORM:



Dennis J. Kennedy
City Attorney

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: February 2, 2010

Resolution No.: 09-10-474

Sole Source Contract to Trade

**Eleven (11) Used Harley-Davidson FLHTP Electra Glide Motorcycles
For Eleven (11) New Harley-Davidson FLHTP Electra Glide Motorcycles
At No Cost to the City**

The Las Cruces City Council is provided the following information concerning this request:

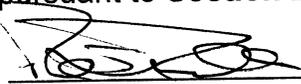
SOLICITATION INFORMATION:

Description of Bid/RFP: **2010 Replacement Harley-Davidson Motorcycles**

- 1. Using Department: **Police**
- 2. Current Award Recommendation To: **Barnett Harley Davidson of Las Cruces, NM**
- 3. Total Award Amount (includes any tax and contingency): **N/A**
- 4. Contract Duration: **Annual Trade In**

PROCUREMENT CODE COMPLIANCE:

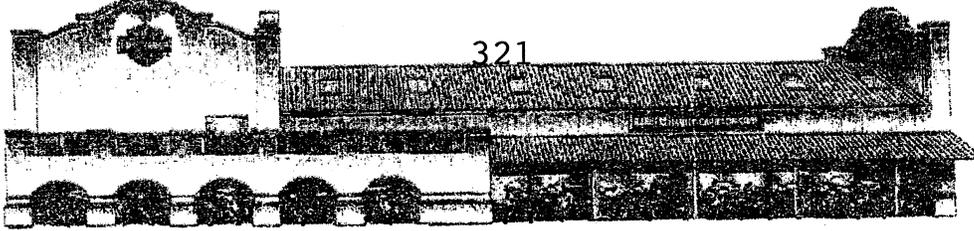
The City of Las Cruces Procurement Code was administered in the conduct of this procurement and approval to purchase is hereby requested pursuant to **Section 24-95**.


Purchasing Manager

1/1/25/10
Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	N/A
---------------------------------------	-----



2600 Lakeside Drive, Las Cruces 88005 On at Ave de Mesilla www.barnettharley.com (505) 541-1440 Toll Free (866) 780-7077 Fax (505) 541-8696

December 8, 2009

Attn: Joe Taiste

City of Las Cruces
1501 E. Hadley
Las Cruces, NM 88004

Re: 2010 FLHTP Proposal

To Whom It May Concern:

The following is an outline of our bid on eleven (11) 2010 FLHTP Electra Glide Police Motorcycles:

Major Unit Base Price on 2010's*	\$13,551	x 11	=	\$149,061
Trade Allowance on 2009 units:	(\$13,551)	x 11	=	(\$149,061)
Labor to transfer equipment:	\$ 800	x 11	=	\$ 8,800
Add ABS**	\$ 676	x 11	=	\$ 7,436
Total Purchase on Trades	\$ 1,576	x 11	=	\$ 16,236

* (\$5 increase in freight from factory)

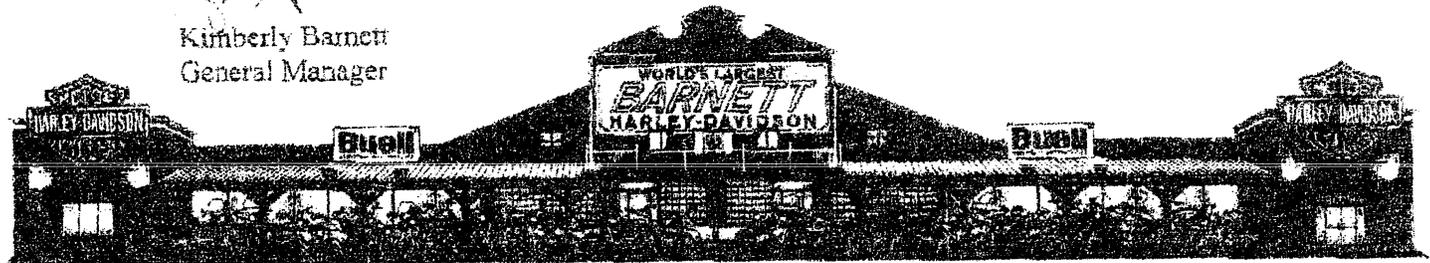
** (\$40 increase in ABS from factory)

The following is a bid on the 2010 FLHTP replacement for wrecked unit:

Major Unit Base Price	\$13,551
Equipment (radio box w/battery & and pursuit light kit)	\$ 4,488
Labor to install all equipment*	\$ 800
Add ABS	\$ 676
Total Purchase on Replacement	\$19,515

Grand Total \$35,751

Kimberly Barnett
General Manager





City of Las Cruces
Interdepartmental
Memorandum



Traffic Section

To: Whom it may concern
From: Sgt Joe Triste
Cc: File
Date: January 6, 2010
Re: Replacement of Police Motorcycle

CLC 2009 model Police Motorcycle #724 was wrecked and totaled in late 2009. It will be replaced by a 2010 model along with the 11 other current Police Motorcycles that are replaced every year per the acquisition contract between Barnett's Harley Davidson and the City of Las Cruces. Therefore, at the end of the 2010 year, all 12 2010 Police Motorcycles will be replaced with the 2011 models, and so on.

RESOLUTION NO. 07-08-209**A RESOLUTION AUTHORIZING THE CITY TO TRADE TWELVE USED HARLEY-DAVIDSON FLHTPI MOTORCYCLES FOR TWELVE NEW HARLEY-DAVIDSON FLHTPI MOTORCYCLES**

The City Council is informed that:

WHEREAS, Barnett Harley-Davidson Dealership ("Barnett") has offered to trade twelve (12) used 2007 Harley-Davidson FLHTPI motorcycles currently used by the Las Cruces Police Department for twelve (12) new 2008 Harley-Davidson FLHTPI motorcycles; and

WHEREAS, Barnett Harley-Davidson will remove all of the police equipment and the Las Cruces Police Department decals on the used motorcycles. The removed police equipment will be re-installed at the City's expense of \$14,382.00 on the new motorcycles; and

WHEREAS, the new motorcycles will come with the usual new vehicle warranties, and Barnett will accept the used motorcycles in "as-is" condition at the time of the exchange, which Barnett estimates to be in the winter of 2008. Barnett will deliver the new motorcycles and will pick up the used ones; and

WHEREAS, the City will continue the usual maintenance of the used motorcycles to the date of the exchange and will not permit unusual wear and tear to occur between the date of approval of this Resolution and the date of the motorcycle exchange. If any of the used motorcycles are damaged beyond repair between now and then, Barnett is not obligated to trade a new motorcycle for the damaged one; and

WHEREAS, the City Attorney's Office has concluded that this trade does not violate the City's Procurement Code or the New Mexico state statute concerning the sale, exchange or gift of personal property, and that a determination by the City Council that the exchange is in the best interest of the City should be sufficient approval for the transaction.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces that:

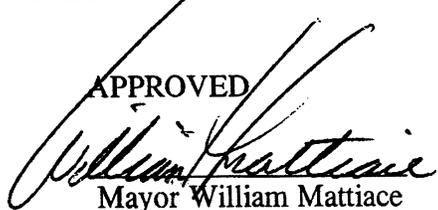
(I)

The offer of Barnett to exchange twelve (12) used 2007 Harley-Davidson FLHTPI motorcycles for twelve (12) new 2008 Harley-Davidson FLHTPI motorcycles is in the best interests of the City and is hereby authorized.

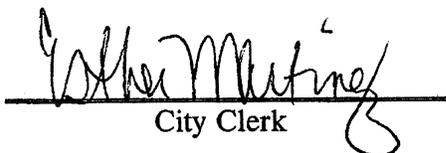
(II)

The City staff is authorized to take all action deemed necessary to accomplish the hereinabove.

DONE AND APPROVED THIS 5th DAY OF November, 2007.

APPROVED

Mayor William Mattiace

ATTEST:


City Clerk

(SEAL)

VOTE:

Mayor Mattiace: Aye

Councillor Frieze: Aye

Councillor Connor: Aye

Councillor Archuleta: Aye

Councillor Trowbridge: Aye

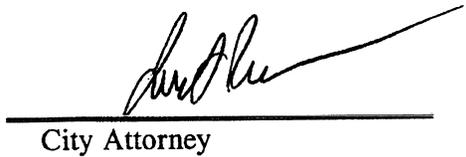
Councillor Jones: Aye

Councillor Miyagishima: Aye

Moved by: Trowbridge

Seconded by: Jones

APPROVED AS TO FORM:


City Attorney