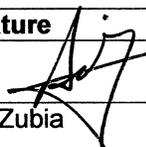
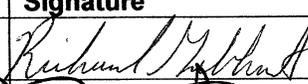


Council Action and Executive SummaryItem # 22 Ordinance/Resolution# 08-09-646 Council District: For Meeting of: June 15, 2009
(Adoption Date)**TITLE:**

A RESOLUTION AUTHORIZING PURCHASE OF TWO (2) REPLACEMENT PIERCE PUMPERS FOR THE FIRE DEPARTMENT FROM FIRST IN, INC. OF PHOENIX, ARIZONA, IN THE AMOUNT OF \$861,880.00 AND AMEND THE FISCAL YEAR 08/09 BUDGET.

PURPOSE(S) OF ACTION: due to cancellation of the pricing agreement previously approved by the City Council via Resolution No. 07-08-059 the Fire Department is seeking approval to purchase the much needed fire pumpers from an alternative vendor.

Name of Drafter: Mary Helen Sarabia		Department: Fire		Phone: 528-3473	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		528-3473	Budget		2300
	Adolf Zubia		Assistant City Manager		2271
Legal		2121	City Manager		2098

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On October 15, 2007, via Ordinance No. 2405, Council Bill No. 08-013, the City authorized the execution and delivery of a loan agreement with the New Mexico Finance Authority (NMFA) for the purpose of purchasing two fire pumpers. A Purchase Order was subsequently issued to American LaFrance LLC of New Mexico using a pre-existing pricing agreement. After the apparatus were ordered, ALF experienced financial bankruptcy which may have caused an extension of the completion date and delivery of the two pumpers. Subsequently, ALF increased the price to the City by approximately \$40,000 per unit. The City did not accept the price increase and as such notice was issued to ALF that the pricing agreement previously awarded by the City via Resolution No. 05-06-296 was rescinded and cancelled.

The Fire Department has two (2) Class A Engines that meet the City of Las Cruces vehicle replacement criteria. They are a 1989 Pierce Arrow Tanker/Pumper (CLC Inventory #17871) and a 1987 Pierce Arrow Pumper (CLC Inventory #17771). These apparatus were approved for replacement by City Council in the Fiscal Year 07/08 Budget.

Fund Name / Account Number	Amount of Expenditure	Budget Amount
46807010-851200-33001	\$822,000.00	\$822,000.00
23807010-851200	\$39,880.00	\$ 39,880.00

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" – Purchasing Manager's Request to Contract
3. Exhibit "B" – Budget Adjustment Page
4. Attachment "A" - Apparatus Purchase Request Memo

OPTIONS / ALTERNATIVES:

1. Approve the Resolution to purchase two (2) replacement fire pumpers for the Fire Department.
2. Do not approve the Resolution.
3. Amend the Resolution and/or instruct staff to seek alternative direction.

RESOLUTION NO. 08-09-646

A RESOLUTION AUTHORIZING PURCHASE OF TWO (2) REPLACEMENT PIERCE PUMPERS FOR THE FIRE DEPARTMENT FROM FIRST IN, INC. OF PHOENIX, ARIZONA, IN THE AMOUNT OF \$861,880.00 AND AMEND THE FISCAL YEAR 08/09 BUDGET.

The City Council is informed that:

WHEREAS, on October 15, 2007, via Ordinance No. 2405, Council Bill No. 08-013, the City of Las Cruces authorized the execution and delivery of a loan agreement with the New Mexico Finance Authority for the purpose of purchasing two (2) fire pumpers, and

WHEREAS, the Fire Department is requesting authorization to purchase the much needed fire pumpers from an alternative vendor as outlined in Attachment "A", Apparatus Purchase Request Memo, to reduce the procurement process and allow the Fire Department to expeditiously place apparatus in use for the protection of the general public and/or replace aging equipment , and

WHEREAS, the Fire Department has two (2) Class A engines that meet the City's vehicle replacement criteria and were approved by City Council for replacement in the Fiscal Year 07/08 Budget , and

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

(I)

THAT, the Purchasing Department is authorized to use RFP Number 05-06-296 to purchase two (2) Pierce fire pumpers for the Fire Department, as outlined in Exhibit "A," Purchasing Manager's Request to Contract.

**Resolution No.
Page 2**

(II)

THAT, the Fiscal Year 08/09 Budget is hereby adjusted as reflected in Exhibit "B," Budget Adjustment Page, attached hereto and made a part of this Resolution.

(III)

THAT, the City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 15th day of June 2009.

APPROVED:

Mayor, Ken Miyagishima

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima	_____
Councillor Silva	_____
Councillor Connor	_____
Councillor Archuleta	_____
Councillor Small	_____
Councillor Jones	_____
Councillor Thomas	_____

APPROVED AS TO FORM:



City Attorney

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: June 15, 2009

Resolution No.: 08-09-646

Existing Contract Purchase For Two (2) Pierce Pumpers

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

RFP/BID SOLICITATION INFORMATION:

- | | |
|---|---|
| 1. Existing Contract Issuer | Houston Galveston Area Council |
| 2. Contract Number: | FS12-07 |
| 3. Contract Expiration Date: | November 30, 2009 |
| 4. Description: | Two (2) Pierce Pumpers |
| 5. Using Department: | Fire Department |
| 6. Current Award Recommendation To: | First In. Inc, Phoenix of
Phoenix, Arizona |
| 7. Award Amount (includes any tax and contingency): | \$861,880.00 |
| 8. Contract Duration: | One Time Purchase |

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 24-316**.

Patricia Davis 1/29/09
 Purchasing Manager Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	91004158
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**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2008/2009**

FUND	DIVISION		FUND TYPE	
NMFA Equipment Fund 4613	Various		Capital Project	
	FY 2007/08 Actual	FY 2008/09 Adopted	Adjustment	FY 2008/09 Adjusted
RESOURCES				
Beginning Balance	\$ 41,492	1,009,141		1,009,141
REVENUES				
570010 Interest Income	\$ 13,956	0	5,317	5,317
20600 Loan Proceeds	0	0		0
20700 Loan Proceeds	0	0		0
33001 Loan Proceeds	806,938	0		0
70001 Loan Proceeds	302,608	0		0
Total Revenues	\$ 1,123,502	0	5,317	5,317
Total Resources	\$ 1,164,994	1,009,141	5,317	1,014,458
EXPENDITURES				
20600 Street Equipment	\$ 0	0		0
20700 Fire Truck	0	0		0
33001 Fire Pumpers	0	806,938	15,062	822,000
70001 PW Patch/Bucket Trucks	0	192,458		192,458
Debt Issuance Cost	4,211	0		0
Total Expenditures	\$ 4,211	999,396	15,062	1,014,458
OTHER FINANCING SOURCES (USES)				
Transfer from Fund 1000 - General Fund	\$ 9,000	0		0
Transfer to fund 1200 - Vehicle Acquisition Fund	(119,150)	0		0
Transfer to Fund 3612 - Equipment Loan DS Fund	(41,492)	0		0
Total Other Financing Sources (Uses)	\$ (151,642)	0	0	0
ENDING BALANCE	\$ 1,009,141	9,745	(9,745)	0



City of Las Cruces
LAS CRUCES FIRE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Robert Tellez, Purchasing Manager

Through: Adolf Zubia, Fire Chief & Andrew Bencomo, Deputy Chief

FROM: A. L. Lujan, Battalion Chief

SUBJECT: Apparatus Purchase

DATE: 04.22.2009

In FY 2007, the Las Cruces Fire Department secured financing for the purchase of two American LaFrance fire department pumping apparatus using a pre-existing pricing agreement through American LaFrance of New Mexico. After the apparatus were ordered, American La France LLC experienced bankruptcy and the manufacture and delivery of the two apparatus was delayed. Subsequently, American La France LLC increased the cost to us by approximately \$40,000 per unit. As a consequence, in collaboration with the City Legal and Purchasing Departments, we cancelled the order for breach of contract.

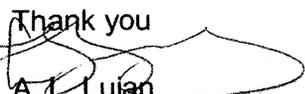
The fire department is now ready to proceed with the acquisition of the needed apparatus from Pierce Manufacturing through their sales dealer, First In INC-Phoenix using the Houston Galveston Area Council (HGAC). The specifications for the apparatus have been reviewed and attached are the required spreadsheet forms for acquisition through HGAC.

The total cost for the two apparatus will be \$861,880.00 and funding of approximately \$822,000.00 is available in 46807010-851200-33001 as a result of the New Mexico Finance Authority loan #NMFA-2102-PP secured in FY 07. The remaining \$39,880.00 will be paid from the fire department's Emergency Services Major Equipment acct# 23807010-851200.

Our sales representative at First In INC is Mr. John Kovach and his contact information is: 623-780-8998 or johnk@firstininc.com.

If you have any questions or require additional information, please feel free to contact me at 528-4175 or at alujan@las-cruces.org.

Thank you


A. L. Lujan
Battalion Chief