

AGENDA



Thursday, April 24, 2008

**Purchasing Office
RECOMMENDATION FOR COUNCIL ACTION****Item No. 58**

Subject: Approve ratification of a contract with EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, L.P., Eastland, TX for emergency rapid response and remediation provided at the Waller Creek fuel oil spill on January 10, 2008, for a total contract amount not to exceed \$174,418.89.

Amount and Source of Funding: Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection & Development Review Department.

Fiscal Note: A fiscal note is attached.

Purchasing Language: Emergency Purchase.

MBE/WBE: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

On January 10, 2008, a below ground tank owned by the Littlefield Building in an alley off 6th Street broke open, spilling oil into a storm drain leading to Waller Creek. The tank contained about 15,000 gallons of fuel oil which if uncontained would have had a devastating impact on the property and environment of landowners, utilities, Waller Creek, and Lady Bird Lake. If the spill had reached Lady Bird Lake, it would have flowed downstream into the Colorado River. The spill had to be rapidly contained to keep the cost of cleanup from rising exponentially.

A purchase order was issued to Eagle Construction & Environmental Services., L.P. on January 10, 2008 so work could be immediately performed. Due to the emergency nature of this situation to preserve property and the environment, and the time involved in advertising for these services, competitive bids were not obtained under the provisions of Local Government Code.