



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting April 20, 2021
Second Reading Ordinance for the City Council Meeting April 27, 2021

DATE: April 20, 2021

TO: Peter Zanoni, City Manager

FROM: Richard Martinez, Director of Public Works
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Mowing Services for Stormwater Group 5B

CAPTION:

Ordinance rejecting the apparent low bid of WLE, LLC. due to refusal to perform on a previous mowing contract providing similar services and authorizing a three-year service agreement for mowing and grounds maintenance of Stormwater Mowing Group 5B for an estimated amount of \$73,740.00 with Juan Antonio Galnarez, dba Tony's Lawn Service of Rockport, Texas for the Department of Public Works, with FY 2021 funding in an amount not to exceed \$10,242.00 available through the Stormwater Fund.

SUMMARY:

This ordinance authorizes a three-year service agreement for the mowing and grounds maintenance of Stormwater Group 5B. These services are necessary to maintain aesthetics in and around the high traffic areas that are highly visible and must always be presentable.

BACKGROUND AND FINDINGS:

Mowing and grounds maintenance ensures that street rights-of-way sites are clean, well-maintained, and presentable at all times. This contract is to maintain rights-of-way and stormwater drainage ditches that comprise Group 5B, which consists of six citywide locations with a total area of 18.68 acres per cycle. The contract stipulates a total of 20 mowing cycles be completed per annum, or a total of 373.60 acres to be mowed per annum. The detail of the tracts included in

Group 5B are listed in Table 1.

Table 1. Stormwater Mowing Group 5B site detail.

**Department of Public Works
SWO Vegetation Management Division
Mowing Services for Stormwater Street Right of Ways for Group 5B
Locations and Acreage**

MOWING GROUP 5B			
R.O.W. STRIP MOWING CONTRACT (IMPROVED) TO DATE			
ID	Area	Location	Acreage
G5B-1	Flour Bluff Exchange	Flour Bluff @ SPID - From Ramp to Ramp along access road	2.70
G5B-2	SPID 1	Airline to Oso turnaround, both sides of SPID	5.27
G5B-3	SPID 2	Flour Bluff to turnaround @ Cayo Del Oso	1.32
G5B-4	Rodd Field Road	SPID to Saratoga, including medians @ Saratoga	8.86
G5B-5	Braeswood Median	Braeswood at Williams	0.10
G5B-6	Nile Median	Nile at SPID	0.43
TOTAL ACRES			18.68

The previous contract for Stormwater Mowing Group 5B was for the same three-year term and conditions for a total cost of \$81,660.00 for 20 annual mowing cycles. Therefore, the department is realizing savings in the amount of \$7,920.00 over the term of the contract as compared to the previous contract.

The lowest bidder for Stormwater Mowing Group 5B solicitation was WLE, LLC.; however, they are not recommended to be awarded this contract due to past performance issues with this firm.

In August 2020, WLE, LLC. was awarded a stormwater mowing contract which included tracts of right-of-way and stormwater ditches located in the North Beach area. When the contractor arrived on site, they called the City's Contract Funds Administrator regarding the mowing contracts in Vegetation Management. In response, City staff drove out to the site at North Beach to meet with WLE, LLC. in person. WLE, LLC. told staff that they bid way too low for the amount of work that was needed to complete the job to contract specifications. Further WLE, LLC. informed City staff that they were not going to acquire the needed equipment and that they would not be fulfilling the terms of this contract. Upon the notice to proceed notification, WLE, LLC. refused to perform the work specified in their contract and subsequently was terminated on the grounds of non-performance.

In view of their non-performance under the aforementioned contractual agreement to provide similar services, WLE, LLC.'s bid for Stormwater Mowing Group 5B was deemed as non-responsible and rejected. The contract is recommended to be awarded to the next lowest bidder, Juan Antonio Galnarez, dba Tony's Lawn Service of Rockport, TX. The difference between the bids received for WLE, LLC. and Tony's Lawn Service for Stormwater Mowing Group 5B was \$2,313.20.

PROCUREMENT DETAIL:

Contracts and Procurement conducted a competitive Request for Bid (RFB) process to obtain bids for new long-term mowing and grounds maintenance contracts. Juan Antonio Galnarez, dba Tony's Lawn Service of Rockport, Texas, was selected for the Stormwater Mowing Group 5B contract in January 2021 under RFB 2643. Eleven bids were received, and the contract is being awarded to the second lowest bidder. The lowest apparent bidder, WLE, LLC., was rejected and deemed as non-responsible due to performance issues on previously awarded mowing contracts of a similar nature and scope with the City. This award will add an additional 373.60 acres to the existing 1,255.36 acres Tony's Lawn Service is under contract to mow annually for the Stormwater's Vegetation Management Division. The difference between the bids received for WLE, LLC. and Tony's Lawn Service for Stormwater Mowing Group 5B was \$2,313.20.

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Contracts and Procurement recommends awarding this contract to the lowest responsive, responsible bidder, Juan Antonio Galnarez, dba Tony's Lawn Service of Rockport, TX.

ALTERNATIVES:

The alternative is to hire City staff and purchase additional equipment to do the work in-house. Currently, Public Works does not have the appropriate staffing levels nor the equipment necessary to provide service to these areas.

FISCAL IMPACT:

The FY 2021 fiscal impact to the Stormwater Fund is an amount not to exceed \$10,242.00, with the remaining balance totaling \$63,498.00 contingent upon City Council's approval of future fiscal years' annual operating budgets.

FUNDING DETAIL:

Fund:	4300 Storm Water
Organization/Activity:	32001 SWO Vegetation Management
Mission Element:	043 Drainage infra-surface/pipes
Project # (CIP Only):	N/A
Account:	530225 Mowing and Grounds Maintenance
Amount:	\$10,242.00

RECOMMENDATION:

Staff recommends approval of this ordinance authorizing a three-year service agreement with Juan Antonio Galnarez, dba Tony's Lawn Service for Stormwater Mowing Group 5B, as

presented.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Bid Tabulation
Service Agreement
Presentation