



Travis County Commissioners Court Agenda Request

Meeting Date: November 7, 2014, 9:00 A.M., Voting Session

Prepared By/Phone Number: John Pena, CPPB, Marvin Brice, CPPB, Purchasing Office, 512-854-9700

Elected/Appointed Official/Dept. Head: Cyd Grimes, Purchasing Agent

Commissioners Court Sponsor: Judge, Samuel T. Biscoe

Agenda Language: CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR WAIVER OF PAYMENT BOND, CONTRACT NO. 4400002251, BLACKWELL-THURMAN CRIMINAL JUSTICE CENTER-SALLY PORT DOOR REPAIR, GREG'S OVERHEAD DOOR SERVICES, INC. (This may be taken into Executive Session)

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- On August 26, 2014, the Commissioners Court approved an Exemption Order to contract for repairs to the Blackwell-Thurman Criminal Justice Center, vehicular Sally Port Doors, due to public health and safety.
- The Court, on October 14, 2014, approved a contract between Travis County and Greg's Overhead Door Services, Inc. in the amount of \$58,245.00 for such repairs. Because of the potential safety hazard with the doors being in disrepair, this project is being expedited. The anticipated project start date is November 17, 2014.
- On October 27, 2014, the Purchasing Office received a letter (copy attached) from the Contractor indicating they recognized the urgency of the project, and as such elected to pay for the materials in full, in order to expedite their ordering and shipment. As a result, the Contractor has requested waiver of the payment bond, due to materials having been paid in full in advance, and the fact no subcontractors will be utilized on the project, as they will be self-performing. The Contractor also informed Purchasing that their bid, and subsequent approved contract amount, did not include the cost of a Payment Bond (Approx. \$1800.00).

- Section 2253.021 of the Government Code states in part that...”a governmental entity that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the governmental entity a payment bond if the contract is in excess of \$25,000. It further states that, “...**the payment bond is solely for the protection and use of payment bond beneficiaries who have direct contractual relations with the prime contractor or a subcontractor to supply public work or material.**”
- The Contractor has provided a signed Affidavit (attached) attesting to the facts that:
 1. Contractor will be self-performing all the work and thus there will not be any subcontractors on the project.
 2. All materials for the job have been purchased and paid for in full (proof of payment attached), and that there will not be any other supplies needed and as such no other material suppliers to be paid.
 3. The Contractor’s bid price and resulting contract amount does not include the cost for a payment bond.

Based on the facts outlined above (and in the attached Affidavit), there are no payment bond beneficiaries who have direct contractual relations with the prime contractor or a subcontractor to supply public work or material, and thus posting a payment bond is not applicable to this project. Therefore, it is Purchasing’s recommendation that the Court waive the requirement for a payment bond for this contract.

REQUESTED ACTION:

_____ Approved

_____ Disapprove

Samuel T. Biscoe, Travis County Judge Date

ATTACHMENT A



4905 CR 467
Elgin, TX 78621

(512) 856-2915

www.GregsOHD.com
info@gregsohd.com

October 27, 2014

Re: Contract No. 4400002251, Blackwell-Thurman Criminal Justice Center (CJC) Sally Port Door Repairs

Travis County Purchasing Office
Cyd V. Grimes, C.P.M., CPPO
Purchasing Agent
700 Lavaca St., Suite 800
Austin, Texas 78701

Dear Ms. Grimes:

We, Greg's Overhead Door Services, Incorporated recognize the urgency of the above referenced project. With this in mind; we have elected to pay for the material in full in order to expedite the process of ordering the necessary materials to complete the repairs for the Blackwell-Thurman Criminal Justice Center (CJC) Sally Port doors. Material shipped on October 27, 2014. We would like to request your consideration for a waiver of the payment bond, due to the fact that the material has been paid in advance and no subcontractors will be utilized on this project. Again, thank you for your consideration in this matter. I can be reached at (512) 856-2915 should you have any questions.

Sincerely,

Modesta Pina

Greg's Overhead Door Services, Inc.



Engineering in motion
Division of Broncho Co.

P.O. Box 126
522 West 27th Street, Hibbing, Minnesota 55746-0126

ATTACHMENT B

INVOICE

Phone 218/263-9366
Toll Free No. 800/346-5760
FAX No. 218-262-6478

An Equal Opportunity Employer

SPECIALISTS IN DESIGN & MANUFACTURING OF ALL TYPES OF INDUSTRIAL, COMMERCIAL AND RESIDENTIAL GATES AND DOORS

SOLD TO Greg's Overhead Door SHIP TO SAME
4905 County Road 467
Attn: Accounts Payable
Elgin TX 78621

INVOICE NO. W014-6320

DATE 10/27/14	YOUR ORDER NO. PO# GP2037	JOB NO. H 82-01&02	TERMS Credit Card	F.O.B. HIBBING, MN	VIA YRC Freight 10/27/14
------------------	------------------------------	-----------------------	----------------------	-----------------------	-----------------------------

ORDERED	SHIPPED	DESCRIPTION	PRICE	EXTENSION
6	6	Jamb Hinges WA1263		
6	6	Folding Hinges SA1130		
12	12	Thrust Bearings 12-5060		
1	1	Hinge Pintle 7/8" x 19'-6"Lg 3691-00		
11	11	Hinge Plate PP1248-10		
1	1	Hinge Pintle Coupler PP1141		
12	12	Jamb Hinges WA1263		
12	12	Folding Hinges SA1130		
24	24	Thrust Bearings 12-5060		
2	2	Hinge Pintle 7/8" x 19'-6"Lg 3691-00		
22	22	Hinge Plate PP1248-10		
2	2	Hinge Pintle Coupler PP1141		
3	3	Hinge Plate (2Rh & 1LH) WA1411		
		YRC Freight 2Pkgs 845Lbs Track# 127-750820-7		
		Subtotal		
		8.25% TX Sales Tax		
		TOTAL AMOUNT DUE THIS INVOICE		
MONTHLY FINANCE CHARGE OF 1.50% ASSESSED AFTER 30 DAYS				

PAID IN FULL

AFFIDAVIT

THE STATE OF TEXAS

§

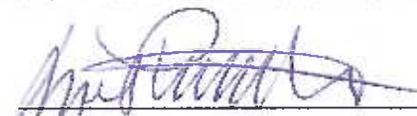
§

COUNTY OF TRAVIS

§

I, Modesta Pina, am the owner of Greg's Overhead Door Services, Inc., a Texas corporation that was recently awarded Travis County Contract No.: 4400002251 (the "Contract") for the Blackwell-Thurman Criminal Justice Center Sally Port Door Repairs (the "Project"), effective October 14, 2014. The Contract required my company, as the Prime and General Contractor on the Project, to post a Payment Bond in the full amount of the Contract Sum, \$58,245.00. However, I have requested that Travis County waive this bond requirement because I am self-performing all of the work on the Project and, therefore, the public purpose of posting a payment bond (protection and use of payment bond beneficiaries who have a direct contractual relationship with the Prime Contractor to supply public work or material) is not applicable to this Project. In support of my request, I make this affidavit and hereby, on oath, state the following:

1. I will self-perform all the work on the Project and will not award or enter into any subcontract for provision of labor, materials or other services to complete the Project.
2. All materials necessary to complete the Project have been paid in full; no additional materials or services suppliers will be needed.
3. The amount of my bid and the Contract Sum, \$58,245.00, did not and does not include the cost to procure a Payment Bond.



Modesta Pina, Owner
Greg's Overhead Door Services, Inc.

BEFORE ME, the undersigned authority, on this day personally appeared Modesta Pina, Owner, Greg's Overhead Door Services, Inc. and on oath stated that the facts set out above are true to the best of her knowledge or belief.

Sworn to and subscribed before me on this 3rd day of November 2014.



Notary Public in and for the State of Texas

