

City of Las Cruces®

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Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 10-209 Council District:

For Meeting of February 16, 2010

TITLE:

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO INCREASE THE CONTRACT WITH BOHANNAN HUSTON, INC. OF LAS CRUCES, NEW MEXICO FOR ADDITIONAL GENERAL ENGINEERING SERVICES FOR THE MAIN STREET PLAZA PHASE II PROJECT BY \$144,835.00 PLUS \$10,772.10 FOR NEW MEXICO GROSS RECEIPTS TAX, FOR A TOTAL CONTRACT INCREASE OF \$155,607.10.

PURPOSE(S) OF ACTION: Change Order to Existing Contract

Name of Drafter: <i>LG</i> Louis Grijalva		Department: Public Works		Phone: 528-3479	
G/L Verification: Amber Vaughn <i>AV</i>		Project Development			
Department	Signature	Phone	Department	Signature	Phone
Public Works	<i>[Signature]</i>	3333	Budget	<i>[Signature]</i>	2300
Utilities	<i>[Signature]</i>	528-3676	Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	541-2129	City Manager	<i>[Signature]</i>	2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On November 23, 2008, the City of Las Cruces contracted with Bohannan Huston, Inc (BHI) for \$712,105.88 under the existing on call General Engineering Services Agreement for the design of the Main Street Plaza Phase II from Lucero Avenue to Las Cruces Avenue and from Griggs Avenue to Amador Avenue Project, Resolution Number 08-09-328A. BHI has completed the tasks contracted to in the aforementioned General Engineering Services Agreement with respect to the North Portion of the Project. In an effort to expedite the completion of the remainder of the Project, BHI has found that additional design elements not included in the original agreement are needed. Among these are the following:

- a. Right-of-Way Plats for both the North and South Portions of the Project and Right-of-Way mapping for the South portion to satisfy the New

(Continue on additional sheets as required)

Mexico Department of Transportation (NMDOT) and Federal requirement.

- b. Historic Building Recording Requirements (North Portion) to conform to New Mexico Regulations and the Historic Cultural Property Inventory (HCPI) requirements.
- c. Lucero Avenue Street and Drainage Re-design (North Portion).
- d. Gas and Water Line Design for Water and Church Streets (North Portion).
- e. Electrical Re-design- expanded (both North and South Portions).
- f. Shade Structure Re-design (North Portion).
- g. Preliminary site investigation for 18 sites within the Project limits as recommended after initial site assessments.

In accordance with Las Cruces Municipal Code 1998, Section 24-99 (b) Authority to Award, any individual contract in excess of \$50,000.00 will be taken to City Council for approval prior to contracting.

Change Order Number One includes additional costs for the increased scope of work needed to expedite the completion of the design work for the Main Street Plaza Phase II Project. These services will increase the contract amount by \$144,835.00 plus \$10,772.10 for New Mexico Gross Receipts Tax, for a total contract increase of \$155,607.10.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Downtown Plaza Improv. 4112-41180040-552003-60813	\$ 137,729.50	\$ 830,000.00
Gas Street Rehab 5250-52528130-854300	\$8,938.80	\$802,340.58
Water Street Rehab 5350-53538280-854300	\$8,938.80	\$1,146,094.48

(Continue on additional sheets as required)

1. Resolution.
2. Letter from Bohannon Huston, Inc., dated December 10, 2009, Attachment "A".
3. Letter from Bohannon Huston, Inc., dated January 22, 2010, Attachment "B".
4. Resolution 08-09-328A, Attachment "C".
5. Change Order Number One, Exhibit "A".

OPTIONS / ALTERNATIVES:

1. Approve Change Order Number One for additional engineering services and increase the existing contract in the amount of \$144,835.00 plus \$10,772.00 for New Mexico Gross Receipts Tax, for a total contract increase of \$155,607.10.
2. Modify the proposed Change Order and instruct staff to seek an alternate action.
3. Reject the proposed Change Order.

(Continue on additional sheets as required)

RESOLUTION NO. 10-209

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO INCREASE THE CONTRACT WITH BOHANNAN HUSTON, INC. OF LAS CRUCES, NEW MEXICO FOR ADDITIONAL GENERAL ENGINEERING SERVICES FOR THE MAIN STREET PLAZA PHASE II PROJECT BY \$144,835.00 PLUS \$10,772.10 FOR NEW MEXICO GROSS RECEIPTS TAX, FOR A TOTAL CONTRACT INCREASE OF \$155,607.10.

The City Council of the City of Las Cruces is informed that:

WHEREAS, the City Council authorized entering into contract with Bohannan Huston, Inc. of Albuquerque, New Mexico(BHI) to provide general engineering services for the design of the Main Street Plaza Phase II Project from Lucero Avenue to Las Cruces Avenue and from Griggs Avenue to Amador Avenue, per Resolution 08-09-328A, and

WHEREAS, BHI has completed the majority of the previously contracted to design work, and

WHEREAS, additional design work is required for the completion of the aforementioned Project, and

WHEREAS, the Project Development Section has reviewed the additional services request by BHI and recommends Change Order Number One to increase the existing contract amount by \$144,835.00 plus \$10,772.10 for New Mexico Gross Receipts Tax, for a total contract increase of \$155,607.10, and

WHEREAS, per Las Cruces Municipal Code 1998, Section 24-99 (b) Authority to Award, any individual contract in excess of \$50,000.00 will be taken to City Council for approval prior to contracting.

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

(I)

THE Change Order Number One in the amount of \$144,835.00 plus \$10,722.10 for New Mexico Gross Receipts Tax, for a total contract increase of \$155,607.10 is hereby authorized and approved.

(II)

THE City Manager is hereby authorized to approve Change Order Number One.

(III)

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

DONE AND APPROVED this 16th day of February, 2010.

APPROVED:

(SEAL)

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____

Mayor Pro-Tem Thomas: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

RECEIVED

DEC 14 2009

 CITY OF LAS CRUCES
 PW/PROJECT DEVELOPMENT

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 88011-8237

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 voice: 505.532.8670
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 toll free: 800.877.5332

December 10, 2009

 Robert E. Ebler, P.E.
 Project Development
 City of Las Cruces Public Works
 575 S Alameda
 Las Cruces, NM 88007

 Re: Additional Services No. 3 (Revised) – Various Additional Engineering Services
 Las Cruces Downtown Revitalization Phase II – North and South Projects
 CLC Project No. 08-09-328A
 BHI Project Nos. 090348 & 090349

Dear Robert:

We have revised the additional services request made on November 17th per our recent discussions. As we presented in an email to you dated September 2, 2009 and subsequent discussions, there are several elements in the design process that are outside the original scope of work for our contract. Some of these have already been incorporated into the final design effort for the north project and some will be a part of the south project. We are submitting this proposal for additional services to address them. The work associated with this proposal includes the following tasks:

A. Right-of-Way Plats:

- i. North Project – The original scope of work for the North Project included boundary surveys, plats of survey, and condition of title reports for three properties. With completion of the 90% design and the modifications associated with the Lucero Ave improvements the need for eight plats of survey have been identified. To prepare these plats we need to add two condition-of-title reports, two boundary surveys, and five plats of survey to the original scope. Only two additional boundary surveys are required since a separate boundary survey is not required for the existing Lucero Ave right-of-way. Five of the eight plats have been completed by BHI. The additional lump sum fee for this work is \$12,500.00.
- ii. South Project – The original scope of work for the South Project included boundary surveys, plats of survey, and condition of title reports for three properties. With completion of the 65% design the need for four plats of survey has been identified. Also, due to the project funding source for the South Project, the City has requested that this work be done in accordance with NMDOT requirements. To satisfy NMDOT requirements the title work will need to be 33-year title searches as opposed to condition-of-title reports. As the vendor doing the title work does not charge additional for 33-year title searches, there is no additional cost for this. There will be the cost of one additional title report along with the additional boundary survey and plat. To satisfy NMDOT requirements for the proposed right-of-way take, a right-of-way map will need to be prepared in addition to the individual plats and legal descriptions. The right-of-way map will be one sheet and will need to be submitted to NMDOT for review. This requires additional effort not included in the original scope. This work will be performed for an additional proposed lump sum fee of \$5,000.00.

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- B. Historic Building Recording Requirements (North Project) – The NMDOT requirements for completing Historic Cultural Property Inventory (HCPI) forms changed significantly from the time that the project was originally scoped to the time that the historical property surveys were completed. As such significantly more effort than was planned by Parametrix was required to complete this work. This work has been completed by Parametrix. The additional lump sum fee for this work is \$4,000.00. No additional markup by BHI is included for this.
- C. Lucero Ave Street and Drainage Design (North Project) – The improvements related to the Lucero Ave cul-de-sac and adjacent properties required additional field survey along the east and north sides of the existing building on the south side of Lucero. This area was not included previously as the cul-de-sac was intended to extend north of Lucero rather than south. Additional design efforts included grading of the proposed parking lot and design of a retaining wall between the existing building and the proposed parking lot. This work has been completed by BHI. The additional lump sum fee for this work is \$13,800.00.
- D. Gas and Water Line Design for Water and Church Streets (North Project) – The addition of gas and water utilities required the design of approximately 350 linear feet of 4-inch gas line within the right-of-way of Water St from Hadley Ave north to a connection point west of the proposed roundabout, and approximately 275 linear feet of 4-inch gas line and 325 linear feet of 10-inch water line from the east construction limit east of the roundabout to the intersection of Church St and Mountain Ave. This work has been completed by BHI. The additional lump sum fee for this work is \$7,200.00.
- E. Electrical Design – The original scope of work included street lighting only. The addition of lighted bollards, electrical receptacles on street lights and bollards, and 240 V power stations have required considerably more effort than originally scoped. This work includes layout of illuminated bollards and wiring, foundation design for bollards and street lights, layout and wiring for electrical receptacles, layout and wiring of 240 V power stations, additional coordination with City and landscape architect, voltage drop calculations for receptacles and illuminated bollards, service panel design and details for electrical other than street lighting, and additional quantity takeoffs and cost estimating. This work has been completed for the north project and will be performed for the south project by BHI. The additional lump sum fees for this work are:
- i. North Project – \$26,000.00
 - ii. South Project – \$13,600.00
- F. Shade Structure Design (North Project) – The original scope of work included conceptual design of awnings which was completed as part of the 65% design. Following review of the 65% design plans by the City the decision was made that awnings would not be used on the project and that free-standing shade structures would be included in the design. Additional work associated with the shade structure design included development of the shade structure design (which was done by Sites Southwest using the original budget for awning design), revising the design from a steel column to a spiral concrete column, foundation and structural design, additional coordination, and additional quantity takeoffs and cost estimating. This work has been performed by BHI. The additional lump sum for this work is \$9,500.00. There will be no additional cost to include the shade structures as designed for the North Project in the South Project plans.
- G. Additional Public Meeting (South Project) – The original scope included two public meetings where both the north and south projects would be presented together. The first public meeting held following completion of the 65% designs did present both projects, however the second public meeting was for the north project only following completion of the 90% design for that project. As the south project is now on a revised schedule we anticipate that a third public meeting will need to be held following completion of the 90% design for that project. We estimate that the cost associated with this meeting will be \$8,000.00. We currently have \$4,750.00 remaining in the time

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and materials phase for public meetings in our original contract (Phase 071). We are not requesting an increase in the not-to-exceed fee for this phase, but we will likely need to limit the # of people from the project team who attend the public meeting in order to stay within the current budget. If during the final design of the south project, we determine that we will need additional budget for this item, we could move some of the construction administration budget at your discretion.

The additional fee, excluding New Mexico Gross Receipts Tax, for the above described services are summarized as follows:

Task	North Project	South Project	Fee Type
A	\$12,500.00	\$5,000.00	Lump sum
B	\$4,000.00	\$0	Lump sum
C	\$13,800.00	\$0	Lump sum
D	\$7,200.00	\$0	Lump sum
E	\$26,000.00	\$13,600.00	Lump sum
F	\$9,500.00	\$0	Lump sum
G	\$0	\$0	Time & materials
Total	\$73,000.00	\$18,600.00	

If you have any questions or need any additional information, please contact me or Gerry Parker. As most of this effort has already been completed, we would appreciate you processing this request at your earliest convenience.

Sincerely,



Robert Richardson, P.E.
 Senior Vice President

RR/dg
 Enclosures

cc: Gerald Parker, BHI

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January 22, 2010

Mr. Robert Ebler
City of Las Cruces
Public Works Department – Project Development
P.O. Box 20000
Las Cruces, NM 88004

Re: Additional Services No. 4 – Preliminary Site Investigation for Hazardous Materials
Las Cruces Downtown Revitalization Phase II
CLC Project No. 08-09-328A, BHI Project No. 090348

Dear Robert:

As we have discussed, the Initial Site Assessment (ISA) prepared by Parametrix, Inc. concluded that a Preliminary Site Investigation (PSI) is recommended for 18 sites within the north and south Main Street project limits. Also, it was recommended that a limited inspection of asbestos and lead based paints in the canopy, planters and benches be conducted. As this work was not included in the original scope of work for our contract, we are submitting this proposal for additional services. The work associated with this proposal includes the following:

A. Preliminary Site Investigation – BHI will contract with Terracon Consultants, Inc. for the performance of the work associated with this task. Terracon will perform a PSI for the 18 sites that were identified in the ISA. They will also conduct a visual inspection for asbestos and lead based paints in the canopy, planters and benches to include minimal sampling if warranted. Refer to the attached proposal dated December 24, 2009 for details of their proposed scope of work.

B. Deliverable – The results of the PSI will be documented in a report and submitted to the City. Up to four (4) copies of the report will be submitted. The north and south project sites will be investigated at the same time and documented in a single report.

The above work will be performed for an additional proposed fee of \$53,235.00, excluding New Mexico Gross Receipts Tax. This fee includes \$50,700.00 for the PSI by Terracon, and a 5% markup for administration and coordination by Bohannon Huston.

If you are in agreement with this request for additional services, please process it at your earliest convenience. If you have any questions or need any additional information, please don't hesitate to contact me or Gerald Parker. Please indicate your acceptance by signing below and returning the original to our office.

Sincerely,



Robert Richardson, P.E.
Senior Vice President

ACCEPTED:

BY _____
(Signature)

(Printed Name)

TITLE _____

DATE _____

Cc: Gerald Parker, BHI

ENGINEERING

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RESOLUTION NO. 08-09-328A

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LAS CRUCES AND BOHANNAN HUSTON, INC. OF ALBUQUERQUE, NEW MEXICO IN AN AMOUNT NOT TO EXCEED \$635,100.00 PLUS \$45,250.88 FOR NEW MEXICO GROSS RECEIPTS TAX AND A CONTINGENCY OF \$31,755.00 FOR A TOTAL OF \$712,105.88 FOR GENERAL ENGINEERING SERVICES FOR THE DESIGN OF MAIN STREET PLAZA PHASE II FROM PICACHO AVENUE TO LAS CRUCES AVENUE AND FROM GRIGGS AVENUE TO AMADOR AVENUE..

The City Council of the City of Las Cruces is informed that:

WHEREAS, the City Council authorized entering into contract with five pre-qualified firms to provide general engineering services on an as needed basis as per Resolution 08-09-328, and

WHEREAS, per Las Cruces Municipal Code 1998, Section 24-99 (b) Authority to Award, any individual contract in excess of \$50,000.00 will be taken to City Council for approval prior to contracting, and

WHEREAS, the Project Development Section has reviewed the cost proposal and recommends award to Bohannan Huston, Inc. of Albuquerque, New Mexico, in the amount of \$635,100.00, and

WHEREAS, the scope of work consists of the engineering design of the roadway, utilities, storm drain, sidewalks, street lighting, landscaping, architectural treatments and other miscellaneous improvements that are consistent with the 2005 Downtown Revitalization Concept Plan prepared by Sites Southwest.

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

(I)

THE contract between the City of Las Cruces and Bohannan Huston, Inc. of Albuquerque, New Mexico, for the Telshor Boulevard/Lohman Avenue

Intersection Improvements Project, is hereby approved in the amount of \$635,100.00 plus \$45,250.88 for New Mexico Gross Receipts Tax.

(II)

THE City Manager is authorized to approve change orders in an amount not to exceed \$31,755.00 for a total contract award in the amount of \$712,105.88.

(III)

THE Purchasing Manager is authorized to contract with Bohannan Huston, Inc. as outlined in the signed Exhibit "A", Purchasing Manager's Request to Contract Form.

(IV)

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 December 2008.

APPROVED:

(SEAL)


Mayor

ATTEST:


City Clerk

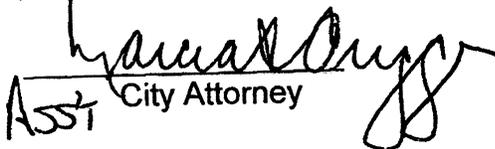
VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Archuleta

Seconded by: Connor

APPROVED AS TO FORM:


Asst City Attorney

CHANGE ORDER NUMBER ONE

THE CITY COUNCIL IS INFORMED OF THE FOLLOWING INFORMATION CONCERNING THIS CHANGE ORDER:

I. PROJECT NAME:

Main Street Plaza Phase II, Project No. 08-09-328A.

II. PROJECT SUMMARY:

Current Contract Amount:	\$635,100.00 plus NMGRT
Change Order #1:	\$144,835.00 plus NMGRT
Revised Project Cost:	\$779,935.00 plus NMGRT
Total Cost Increase:	22.80%

III. DESCRIPTION OF CHANGE:

Additional cost for the time and materials needed to prepare right-of-way plats, historic building recording requirements, Lucero Avenue street re-design, water & gas line design, electrical re-design, shade structure re-design, and preliminary site investigation for 18 sites identified in the initial site assessments.

IV. REASON FOR CHANGE:

The additional design services are necessary to conform to New Mexico regulations and the Historic Cultural Property Inventory (HPCI) requirements, the EPA, and to keep the project moving forward without jeopardizing any funding allocated toward the project.