



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 10-265 Council District: 1

For Meeting of May 3, 2010
(Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO AMENDMENT NUMBER TWO; TO THE CONTRACT WITH JAYNES CORPORATION, INC., OF ALBUQUERQUE, NEW MEXICO (AS ORIGINALLY APPROVED BY COUNCIL VIA RESOLUTION 08-09-504), FOR THE CONSTRUCTION OF THE MAIN STREET IMPROVEMENTS AND TO ESTABLISH A GUARANTEED MAXIMUM PRICE (GMP) OF \$ _____; PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$ _____; FOR A TOTAL CONTRACT AUTHORIZATION OF \$ _____.

PURPOSE(S) OF ACTION:

To authorize a change order to an existing contract to allow the City to proceed with construction of the Main Street Plaza, Phase 2.

Name of Drafter: D. Eric Martin		Department: Project Mgmt.		Phone: 541-2502	
Department	Signature	Phone	Department	Signature	Phone
Facilities		541-2651	Budget		2300
Pubic Works		3333	Assistant City Manager		2271
Legal		541-2128	City Manager		2271

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Main Street Plaza, Phase 1 (approved by City Council via 05-06-295), consisted of the following; upgrade utilities and streetscape, installation of shade structures, and reopening of Main Street to future automobile traffic along a two-block portion of Main Street between Griggs Avenue and Las Cruces Avenue. This phase was completed in the summer of 2007.

City Council approved through Resolution 08-09-504, the pre-construction services contract for the purpose of initiating the construction component of the Main Street Plaza, Phase 2. The scope of work consisted of the engineering design of the roadway, utilities, storm drain, sidewalks, street lighting, landscaping, architectural treatments and other miscellaneous improvement that are consistent with the 2005 Downtown Revitalization Concept Plan prepared by Sites Southwest.

(Continue on additional sheets as required)

Due to the lack of funding available for the Main Street Plaza, Phase 2, City staff has derived three different options for City Council to consider.

Option 1

This option consists of the following improvements: Construction of Main Street from Las Cruces Avenue to just north of Lucero Avenue This is to include utilities, paving, sidewalks, curb and gutter, street lighting. This also includes building of a roundabout, under ground irrigation and electrical conduits for future use. With this option Main Street will be open from Griggs Avenue to Picacho Avenue for vehicular travel and pedestrians. There will not be any street amenities like trees, bushes, bike racks, benches or shade structures.

Option 1 has a guaranteed maximum price (GMP) of \$ _____; plus New Mexico gross receipts tax of \$ _____; for a total contract authorization of \$ _____.

Option 2

This option consists of the following improvements: Construction of Main Street from Hadley Avenue to just north of Lucero Avenue This is to include utilities, paving, sidewalks, curb and gutter, street lighting, landscaping, lighted bollard, and bollards with electrical outlets. This also includes building of a roundabout, but Main Street will not be open until construction of Main Street from Las Cruces Avenue to Hadley Avenue is completed. This option will include street amenities like trees, bushes, bike racks, benches and shade structures.

Option 2 has a guaranteed maximum price (GMP) of \$ _____; plus New Mexico gross receipts tax of \$ _____; for a total contract authorization of \$ _____.

Option 3

This option consists of the following improvements: Construction of Main Street from Las Cruces Avenue to just north of Lucero Avenue This is to include utilities, paving, sidewalks, curb and gutter, street lighting, landscaping, lighted bollard, and bollards with electrical outlets. This also includes building of a roundabout, and Main Street will be open from Griggs Avenue to Picacho Avenue for vehicular travel and pedestrians. This option will include street amenities like trees, bushes, bike racks, benches and shade structures

Option 3 has a guaranteed maximum price (GMP) of \$ _____; plus New Mexico gross receipts tax of \$ _____; for a total contract authorization of \$ _____.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
TBD	\$	\$

1. Resolution
2. Purchasing Manager's Request to Contract, attached as Exhibit "A"
3. Sample Change Order

OPTIONS / ALTERNATIVES:

1. Vote to "AMEND" the Resolution; thereby, providing direction to City staff on either Option 1, 2, or 3; authorizing City staff to execute a change order to an existing contract to allow the City to proceed with construction of the Main Street Plaza, Phase 2.
2. Vote "NO" and not approve the Resolution; thereby, not authorizing City staff to execute a change order to an existing contract to allow the City to proceed with construction of the Main Street Plaza, Phase 2.

(Continue on additional sheets as required)

RESOLUTION NO. 10-265

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO AMENDMENT NUMBER TWO; TO THE CONTRACT WITH JAYNES CORPORATION, INC., OF ALBUQUERQUE, NEW MEXICO (AS ORIGINALLY APPROVED BY COUNCIL VIA RESOLUTION 08-09-504), FOR THE CONSTRUCTION OF THE MAIN STREET IMPROVEMENTS AND TO ESTABLISH A GUARANTEED MAXIMUM PRICE (GMP) OF \$ _____; PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$ _____; FOR A TOTAL CONTRACT AUTHORIZATION OF \$ _____.

The City Council is informed that:

WHEREAS, Main Street Plaza Phase I (approved by City Council via Resolution 05-06-295) reopened a two-block portion of Main Street between Griggs Avenue and Las Cruces Avenue in the summer of 2007, including the upgrade of utilities and streetscape and installation of shade structures, and

WHEREAS, the selection of Jaynes Corporation and related pre-construction services for Phase II was approved by City Council via Resolution 08-09-504, and

WHEREAS, changes in the economic climate and reduced funding from New Mexico State Legislative Appropriations has led to development of potential options to help complete the project in some form, and

WHEREAS, Option 1 includes construction of Main Street from Las Cruces Avenue to just north of Lucero Avenue, and does not include street amenities, Option 2 includes construction of Main Street from Hadley Avenue to just north of Lucero Avenue, and Option 3 includes construction of Main Street from Las Cruces Avenue to just north of Lucero Avenue and includes street amenities.

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

(I)

THAT, City staff is authorized to execute a change order establishing a Guaranteed Maximum Price (GMP) for Option _____ to Jaynes Corporation to construct improvements to Main Street Downtown for a GMP of \$ _____; plus New Mexico Gross Receipts Tax of \$ _____; for a total contract change order authorization of \$ _____.

(II)

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

DONE AND APPROVED this _____ day of _____, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk
(SEAL)

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____ Connor

Seconded by: _____ Small

APPROVED AS TO FORM:

[Signature]

City Attorney

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST FOR CHANGE ORDER

For Meeting of: April 19, 2010

Resolution No.: 09-10-552

Change Order to Existing Contract For CMAR Services For New City Hall

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

BID/RFP SOLICITATION INFORMATION:

- 1. Original Bid/RFP & Due Date: RFP #07-08-033/ December 17, 2007
- 2. Description of Bid/RFP: Main Street Plaza, Phase Two (2)
- 3. Contract Award: Resolution No. 08-09-504/December 15, 2008
- 4. Contract Revision:
 - Previous Contract Award Amount: \$85,860.00
 - Change Order Amount: \$TBD
 - New Contract Amount: \$TBD
- 5. Contractor: Jaynes Corporation, Inc., of Albuquerque, NM
- 6. Using Department: Facilities/Project Management
- 7. Contract Duration: Until Completed

PROCUREMENT CODE COMPLIANCE:

The City of Las Cruces Procurement Code was administered in the conduct of this procurement and approval to change the above contract is hereby requested pursuant to Section 24-228.


14/12/10
 Purchasing Manager Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	TBD
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AIA Document A121 CMC - 2003

Amendment No. 2 - Modification No. 1

to Agreement Between Owner and Construction Manager

Pursuant to Section 2.2 of the Agreement, dated December 18, 2007, between the City of Las Cruces (Owner) and Jaynes Corporation, Inc. (the Construction Manager), for the New City Hall, Project Number 07-08-033A (the Project), the Owner and Construction Manager establish a Guaranteed Maximum Price and Contract Time for the Work, generally described as the New Downtown Roadway and Traffic Circles, as set forth below.

ARTICLE I GUARANTEED MAXIMUM PRICE

The Construction Manager's Guaranteed Maximum Price for the Work, including the estimated Cost of the Work as defined in Article 6 and the Construction Manager's Fee as defined in Article 5, is « » (« »). This Price is for the performance of the Work in accordance with the Contract Documents listed and attached to this Amendment No. 2, and marked Exhibits A through E, as follows:

Exhibit A Drawings, Specifications, addenda and General, Supplementary and other Conditions of the Contract on which the Guaranteed Maximum Price is based, pages « » through « » , dated « » , and sheets _____ through _____ of the _% set of documents dated _____.

Final "Guaranteed Maximum Price" construction documents as prepared by the Engineer and approved for construction use by the Owner, Engineer and the Construction Manager. Such documents shall be in accordance with the value engineering item costs savings and intent as established in Construction Manager's GMP Value Engineering Log, pages ___ through _____, dated _____.

Exhibit B Allowance items as listed in Construction Manager's GMP Value Engineering Log, pages « » through « » , dated « » .

Exhibit C Assumptions and Clarifications, including revisions to the Work, made in preparing the Guaranteed Maximum Price as listed in Construction Manager's GMP Value Engineering Log, pages « » through « » , dated « » .

Exhibit D Completion Schedule, pages « » through « » , dated « » (to be submitted along with this amendment modification after the modification is signed by Construction Manager).

Exhibit E Unit Prices, pages « » through « » , dated « » .

Exhibit F Construction Manager's Certificates of Insurance specifically identifying the scope of work authorized by this amendment modification (to be submitted along with this Amendment Modification after the modification is signed by Construction Manager).

Exhibit G Construction Manager's Certificates of Performance and Payment Bonds specifically identifying the scope of work authorized by this Amendment Modification (to be submitted along with this Amendment Modification after the modification is signed by Construction Manager).

ARTICLE II CONTRACT TIME

The date of Substantial Completion established by this Amendment is: <>

OWNER

CONSTRUCTION MANAGER

(Signature)

(Signature)

(Printed name and title)

(Printed name and title)

Date

Date

Amendment No. 2 – Modification No. 1 to the Agreement between the City of Las Cruces and Jaynes Corp., Inc. (AIA Document A121 CMc-2003) for the New City Hall Project No. 07-08-033A

Approved as to form:

[Handwritten Signature]

City Attorney