



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 10-319 Council District: 5

For Meeting of June 21, 2010
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE WATERFALLS REGIONAL POND CONTRACT, PROJECT NO. 08-09-445, FOR STORM DRAIN WORK AT THE NORTH FORK ARROYO IN THE AMOUNT OF \$124,416.00 AND STORM DRAIN WORK AT THE CHANDLER TANK POND IN THE AMOUNT OF \$82,972.00 FOR A TOTAL OF \$207,388.00 PLUS APPLICABLE GROSS RECEIPTS TAX OF \$15,424.48 AND TO AUTHORIZE THE ADDITION OF 55 WORKING DAYS TO BURN CONSTRUCTION COMPANY.

PURPOSE(S) OF ACTION: TO OBTAIN AUTHORIZATION TO ADDRESS STORM DRAIN INFRASTRUCTURE PROBLEMS AT CHANDLER TANK AND THE NORTHFORK ARROYO PRIOR TO THE START OF THE RAINY SEASON AND APPROVAL TO ADD 55 WORKING DAYS TO THE REFERENCED PROJECT.

Name of Drafter: <i>JC</i> Jonathan Chavez		Department: <i>Public Works</i> Public Works		Phone: (575) 528-3072	
Department	Signature	Phone	Department	Signature	Phone
Originating Department	<i>[Signature]</i>	3333	Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	

BACKGROUND/KEY ISSUES/CONTRIBUTING FACTORS:

On January 5, 2009 the City of Las Cruces, City Council awarded the Waterfalls Regional Pond Project to Burn Construction Company, Inc. in the amount of \$2,969,864.66 plus \$219,027.52 for New Mexico Gross Receipt Tax. The City Manager is authorized to approve change orders in an amount not to exceed \$148,493.23 for a total project authorization in the amount of \$3,337,385.41. The project includes the construction of a new 125-acre detention pond including several storm drain channels and outlet structures.

Due to repetitive erosion of soils in the North Fork Arroyo immediately west of Sonoma Ranch Blvd., the City was forced to lower an existing sewer line and install riprap in this area to protect the utility line and surrounding properties from further erosion and potential damage. This repair and subsequent installation of riprap required the immediate area surrounding the arroyo to be graded which resulted in the clearing of natural vegetation in this area. A portion of the riprap area was left to be finished by City crews, but, because of other obligations, City crews will not be able to perform the installation before the rainy season. Therefore, Public Works is requesting authorization to add the wire-tied riprap work to the referenced contract. The estimated cost of this

work is \$124,416.00, plus New Mexico Gross Receipt Tax in the amount of \$9,253.44 for a total amount of \$133,669.44, and will require 25 working days to complete.

As part of legal settlement between the City of Las Cruces and the Philippou Group, the City has assumed responsibility of the Entrada de Sierra subdivision and its outstanding infrastructure improvements in Chandler Tank Pond. This existing detention pond facility, which lies south of the subdivision, was supposed to be modified to accept storm runoff from the roadways in the subdivision. The concrete rundown improvements that convey this water into the pond, the wire-tied riprap at the base of the rundown, the directional grading of the pond floor, and the new concrete outlet structure have not been completed as per the original subdivision design. The concrete rundown that was constructed has suffered from erosion and is in danger of collapsing. If left unaddressed, the continued erosion will only add to future remediation costs. In addition to this problem, the pond, as it exists, does not drain well. Staff is requesting authorization to complete this work by utilizing the services of Burn Construction who is currently under contract for similar work on the Waterfalls Pond project. The estimated cost of this work is \$82,972.00 plus New Mexico Gross Receipt Tax in the amount of \$6,171.04 for a total of \$89,143.04 and will be paid for using funds obtained through the settlement agreement with the Philippou Group. This requires 30 working days to complete this work.

No budget adjustment required. Allocated funds have been approved and are available in the FY 2010/2011 budget.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Flood Control 4400/44806010-854111-70G02	\$133,669.44	\$300,000.00
Flood Control NMFA 4413/44806030-854111-70420	\$89,143.04	\$450,000.00

1. Resolution
2. Change Order Number One, attached as Exhibit "A"

OPTIONS / ALTERNATIVES:

1. Vote YES on the Resolution authorizing Change Order Number One to increase the contract by \$207,388.00 plus New Mexico Gross Receipt Tax in the amount of \$15,424.48 for a total of \$222,812.48. This will authorize Burn Construction Company Inc. to install the improvements to the North Fork Arroyo and Chandler Tank Pond in the amount of \$207,388.00 plus applicable gross receipt tax and add 55 working days to the contract.
2. Vote NO on the Resolution. Disapproval of Change Order Number One will deny authorization to add North Fork Arroyo and Chandler Tank improvements to the Waterfalls Regional Pond project.

3. Vote to amend the Resolution. This will reject adding the proposed work at the North Fork Arroyo and Chandler Tank pond and approve the increase in contract time for the Waterfalls Regional Pond.
4. Modify the proposed change order and instruct staff to seek an alternative course of action.

RESOLUTION NO. 10 - 319

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE WATERFALLS REGIONAL POND CONTRACT, PROJECT NO. 08-09-445, FOR STORM DRAIN WORK AT THE NORTH FORK ARROYO IN THE AMOUNT OF \$124,416.00 AND STORM DRAIN WORK AT THE CHANDLER TANK POND IN THE AMOUNT OF \$82,972.00 FOR A TOTAL OF \$207,388.00 PLUS APPLICABLE GROSS RECEIPTS TAX OF \$15,424.48 AND TO AUTHORIZE THE ADDITION OF 55 WORKING DAYS TO BURN CONSTRUCTION COMPANY.

The City Council of Las Cruces is informed that:

WHEREAS, on January 5, 2009 the City of Las Cruces, City Council awarded the Waterfalls Regional Pond Project to Burn Construction, Inc. in the amount of \$2,969,864.66 plus \$219,027.52 for New Mexico Gross Receipt Tax. The City Manager is authorized to approve change orders in an amount not to exceed \$148,493.23 for a total project authorization in the amount of \$3,337,385.41, and

WHEREAS, this change order is primarily being presented to complete improvements to the North Fork Arroyo crossing with Sonoma Ranch Blvd. as well as the Chandler Tank Pond.

WHEREAS, the North Fork Arroyo work includes the installation of wire tied rip rap in the area where a sewer line was lowered due to erosion in the arroyo, and

WHEREAS, staff has received an estimated cost in the amount of \$124,416.00 and would require 25 additional working days. The proposed type of work is identical to that previously awarded to Burn Construction as the project's low responsible bidder, and

WHEREAS, the change order also serves to complete improvement to the Chandler Tank Pond that were originally planned to be constructed as a part of the Entrada de Sierra subdivision, and

WHEREAS, the concrete rundown improvements that convey this water into the pond, the wire tied rip rap at the base of the rundown, the directional grading of the pond floor and the new concrete outlet structure have not been completed as per the original subdivision design, and

WHEREAS, staff has received an estimated cost in the amount of \$82,972.00 to complete the improvements and would require an additional 30 working days, and

WHEREAS, Public Works Staff have calculated the cost of the change order to be \$207,388.00.

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

(I)

THAT, Change Order Number One in the amount of \$207,388.00 plus applicable gross receipts tax is hereby authorized and approved.

(II)

THAT, the City Manager is hereby authorized to approve Change Order Number One.

(III)

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

ATTEST:

APPROVED:

City Clerk

Mayor

Moved by: _____

VOTE:

Mayor Ken Miyagishima _____

Councillor Silva _____

Councillor Connor _____

Councillor Pedroza _____

Councillor Small _____

Councillor Sorg _____

Councillor Thomas _____

APPROVED AS TO FORM:

ASK [Signature]
City Attorney

Exhibit "A"**THE CITY COUNCIL IS INFORMED OF THE FOLLOWING INFORMATION CONCERNING THIS CHANGE ORDER:****I. PROJECT NAME: Waterfalls Regional Pond; Project No. 08-09-445****II. PROJECT SUMMARY:**

Award Amount:	<u>\$2,969,864.66</u>	Original Contract Time:	<u>185</u>	Working Days
Change Order #1:	<u>\$207,388.00</u>	Change Order #1 Time:	<u>55</u>	Working Days
Revised Project Cost:	<u>\$3,177,252.66</u>	Revised Contract Time:	<u>240</u>	Working Days
Total Cost Increase:	<u>6.98%</u>	Time Increase:	<u>32.43%</u>	

III. DESCRIPTION OF CHANGE:

Change Order #1 is primarily being presented to complete improvements to the North Fork Arroyo crossing with Sonoma Ranch Blvd. as well as the Chandler Tank Pond. The work includes the installation of wire tied riprap in the North Fork Arroyo, construction of a concrete rundown, concrete outlet structure, wire tied riprap, and directional grading in the Chandler Tank Pond, and the installation of irrigation gates at the Oro Vista Pond and the Waterfalls Regional Pond. The cost to have these improvements is estimated to be \$207,388.00 and would require 55 working days.

IV. REASON FOR CHANGE:

1. Due to repetitive erosion of soils in the North Fork Arroyo immediately west of Sonoma Ranch Blvd. the City was forced to lower an existing sewer line and install riprap in this area to protect the utility line and surrounding properties from further erosion and potential damage. This repair and subsequent installation of riprap required the immediate area surrounding the arroyo to be graded which resulted in the clearing of natural vegetation in this area. A portion of the riprap area was left to be finished by City crews, but because of other obligations City crews will not be able to perform the installation before the rainy season. Therefore, Public Works is requesting authorization to add wire tied riprap and revegetation/seeding work to the referenced contract. The estimated cost of this work is \$124,416.00, plus New Mexico Gross Receipt Tax in the amount of \$9,253.44 for a total amount of \$133,669.44, and will require 25 working days to complete.
2. As part of legal settlement between the City of Las Cruces and the Philippou Group, the City has assumed responsibility of the Entrada de Sierra subdivision and its' outstanding infrastructure improvements in Chandler Tank pond. This existing detention pond facility, which lies south of the subdivision, was supposed to be modified to accept storm runoff from the roadways in the subdivision. The concrete rundown improvements that convey this water into the pond, the wire tied riprap at the base of the rundown, the directional grading of the pond floor and the new concrete outlet structure have not been completed as per the original

subdivision design. The concrete rundown that was constructed has suffered from erosion and is in danger of collapsing. If left unaddressed the continued erosion will only add to future remediation costs. In addition to this problem, the pond as it exists does not drain well

Staff is requesting authorization to complete this work by utilizing the services of Burn Construction Company who is currently under contract for virtually identical work on the Waterfalls Pond project. The estimated cost of this work is \$82,972.00 plus New Mexico Gross Receipt Tax in the amount of \$6,171.04 for a total of \$89,143.04 and will be paid for using funds obtained through the settlement agreement with the Philippou Group. This requires 30 working days to complete this work.

3. Public Works Staff has calculated the cost of Change Order Number One to be \$207,388.00 and require that an additional 55 working days be added to the contract.

V. DETAILED COST OF CHANGE:

See attachment Number One.

Accepted for the Contractor:

Firm: Burn Construction Comapny Inc.

By: [Signature]

Title: PRESIDENT

Date: 6-3-2010

Contracts Administration Section Recommended Approval:

By: [Signature]

Date: 6-4-10

Title: Contracts Administrator

Project Development Section Recommended Approval:

By: [Signature]

Date: June 10, 2010

Title: Project Development Administrator

Public Works Department Recommended Approval:

By: [Signature]

Date: 6.10.10

Title: Public Works Director

Utility Department Recommended Approval:

By: N/A

Date: _____

Title: Utilities Director

City Manager Recommended Approval

By: _____

Date: _____

Attachment #1

NORTH FORK ARROYO IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	ESTIMATED COST
NF2	WIRE ENCLOSED RIP RAP TYPE VL; 18" THICK CIP	SY	1,152	\$ 108.00	\$ 124,416.00

\$ 124,416.00

NORTH FORK ARROYO IMPROVEMENTS TOTAL

CHANDLER TANK POND IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	EST. QTY.	UNIT PRICE	ESTIMATED COST
CT1	EARTHWORK FOR CONCRETE RUNDOWN	LS	1	\$ 1,655.00	\$ 1,655.00
CT2	6" THICK REINFORCED CONCRETE RUNDOWN	SF	2,403	\$ 8.00	\$ 19,224.00
CT3	6" X 1.5' REINFORCED CONCRETE HEADER CURB	LF	240	\$ 13.30	\$ 3,192.00
CT4	WIRE ENCLOSED RIP RAP TYPE VL; 18" THICK CIP	SY	260	\$ 108.00	\$ 28,080.00
CT5	REMOVE/DISPOSE EXISTING OUTLET BOX	EA	1	\$ 3,175.00	\$ 3,175.00
CT6	INSTALL NEW REINFORCED CONCRETE OUTLET BOX	EA	1	\$ 13,500.00	\$ 13,500.00
CT7	GRADING IN POND (NO SCRAPERS)	HR	8	\$ 288.00	\$ 2,304.00
CT8	GRADING IN POND (USING SCRAPERS)	HR	8	\$ 773.00	\$ 6,184.00
CT9	PIPE GATE	EA	3	\$ 1,886.00	\$ 5,658.00

\$ 82,972.00

CHANDLER TANK POND IMPROVEMENTS TOTAL

CHANGE ORDER #1 TOTAL

\$ 207,388.00