



Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 11-133 Council District:

For Meeting of December 6, 2010
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE AMADOR AVENUE REHABILITATION PHASE IIA PROJECT TO INCLUDE ADDITIVE ALTERNATE NO. 2 IN THE AMOUNT OF \$170,272.97 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$12,876.89 FOR A TOTAL OF \$183,149.86 TO BURN CONSTRUCTION FOR ROADWAY RESURFACING FROM PIONEER PLACE TO 17TH STREET AS PART OF PROJECT NUMBER 09-10-529 AND TO AMEND THE FISCAL YEAR 2010/2011 BUDGET.

PURPOSE(S) OF ACTION: TO OBTAIN AUTHORIZATION TO AWARD ADDITIVE ALTERNATE NO. 2 FOR ROADWAY RESURFACING ON AMADOR AVENUE FROM PIONEER PLACE TO 17TH STREET AND APPROVAL TO ADD 15 WORKING DAYS TO THE REFERENCED PROJECT.

Drafter and Staff Contact: Amber Vaughn <i>aw</i>		Department: Public Works		Phone: (575) 528-3228	
Department	Signature	Phone	Department	Signature	Phone
Department Director	<i>[Signature]</i>	528-3333	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 7, 2010 the City of Las Cruces, City Council awarded the Amador Avenue Rehabilitation Phase IIA Bid Award plus Additive Alternate No. 1 to Burn Construction Company, Inc. in the amount of \$747,496.20, plus \$55,595.03 for New Mexico Gross Receipt Tax.

The Rehabilitation of Amador Avenue from Archuleta Road to Seventeenth Street Project (Amador Avenue Rehabilitation Phase IIA) consists of the following improvements:

Base Bid:

Repair and upgrades of sidewalks, driveways, and the storm drain system to meet current standards. The base bid also includes utility work to include replacement of existing waterlines and High Intermediate Pressure (HIP) gas lines.

Additive Alternate No. 1:

Additive Alternate No. 1 provides roadway resurfacing of Amador Avenue from Archuleta Road to Pioneer Place.

Additive Alternate No. 2:

Additive Alternate No. 2 provides roadway resurfacing of Amador Avenue from Pioneer Place to 17th Street.

At the time of the project award the Amador Avenue Improvements Project resurfacing limits were reduced from 'Archuleta Road to Motel Boulevard' to 'Archuleta Road to Pioneer Place', in an effort to match the actual funding that was available.

After the closing process for FY 09-10 Budget it has been determined that the GRT Street Maintenance Fund has a sufficient preliminary fund balance to cover the additional costs for Additive Alternate No. 2.

Staff recommends authorization of Change Order One for inclusion of Additive Alternate No. 2. into the Amador Avenue Rehabilitation Phase IIA Project; 09-10-529.

Inclusion of this work will provide a continuous asphalt installation from Archuleta Avenue to 17th Street which will in turn extend the life cycle of the roadway as well as the newly installed utilities previously approved in the original award. Disapproval of this work will end the new asphalt short of the project limits thereby creating the potential increase in maintenance costs as well as leaving new utilities beneath a sub standard roadway.

Further, as this work was included in the original bid process as an added Alternate No. 2, the City will be using the competitive costs that were awarded to the lowest bidder as part of the Amador Avenue Rehabilitation Phase IIA Project bid.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" Change order Number One
3. Exhibit "B" Budget adjustment

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input checked="" type="checkbox"/>	Proposed funding is from fund balance in the <u>4202</u> Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
GRT Street Maintenance	42806040-854121-70Z01	\$183,149.86	\$184,993** Pending budget adjustment	\$1,843	Materials Testing expenses

OPTIONS / ALTERNATIVES:

1. Vote YES on the Resolution. This will authorize Change Order Number One to the Amador Avenue Rehabilitation Phase IIA Project to include Additive Alternate No. 2

(Continue on additional sheets as required)

in the \$170,272.97 plus New Mexico gross receipts tax of \$12,876.89 for a total of \$183,149.86 to Burn Construction for roadway resurfacing from Pioneer Place to 17th Street as part of the Project Number 09-10-529.

2. Vote NO on the Resolution. This will disapprove Change Order Number One to the Amador Avenue Rehabilitation Phase IIA Project to include Additive Alternate No. 2 in the \$170,272.97 plus New Mexico gross receipts tax of \$12,876.89 for a total of \$183,149.86 to Burn Construction for roadway resurfacing from Pioneer Place to 17th Street as part of the Project Number 09-10-529.
3. Vote to "Amend"; this would modify the Resolution and advise staff of necessary adjustments as deemed necessary.
4. Vote to "Table"; this could cause a delay in the roadway resurfacing and could result in additional costs to the City.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 09-10-529
2. Resolution No. 11-107

RESOLUTION NO. 11-133

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE AMADOR AVENUE REHABILITATION PHASE IIA PROJECT TO INCLUDE ADDITIVE ALTERNATE NO. 2 IN THE AMOUNT OF \$170,272.97 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$12,876.89 FOR A TOTAL OF \$183,149.86 TO BURN CONSTRUCTION FOR ROADWAY RESURFACING FROM PIONEER PLACE TO 17TH STREET AS PART OF PROJECT NUMBER 09-10-529 AND TO AMEND THE FISCAL YEAR 2010/2011 BUDGET.

The City Council is informed that:

WHEREAS, On June 7, 2010 the City of Las Cruces, City Council awarded the Amador Avenue Rehabilitation Phase IIA to Burn Construction Company, Inc. in the amount of \$747,496.20, plus \$55,595.03 for New Mexico Gross Receipt Tax; and

WHEREAS, The Amador Avenue Improvements Project limits were reduced from 'Archuleta Road to Motel Boulevard' to 'Archuleta Road to Seventeenth Street', in an effort to match the actual funding available for the project in June; and

WHEREAS, the Base Bid includes: Repair and upgrades of sidewalks, driveways, and the storm drain system to meet current standards. The base bid also includes utility work to include replacement of existing waterlines and High Intermediate Pressure (HIP) gas lines

WHEREAS, Additive Alternate No. 1 provides roadway resurfacing from Archuleta Road to Pioneer Place; and

WHEREAS, After the closing process for FY 09-10 Budget it has been determined that the GRT Street Maintenance Fund has a sufficient preliminary fund balance to cover the additional costs for Additive Alternate No. 2; and

WHEREAS, Additive Alternate No. 2 provides roadway resurfacing from Pioneer Place to 17th Street; and

WHEREAS, the Public Works Department recommends Additive Alternate No. 2 award to Burn Construction Company, in the amount of \$170,272.97, plus \$12,876.89 for New Mexico Gross Receipts Tax.

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

(I)

THAT Change Order Number One in the amount of \$170,272.97, plus applicable gross receipts tax is hereby authorized and approved.

(II)

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

(III)

THAT the Fiscal Year 2010/2011 Budget is hereby amended as designated in Exhibit "B" attached hereto and made a part of this Resolution.

(IV)

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

DONE AND APPROVED this _____ day of _____, 20_____.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

Exhibit "A"**THE CITY COUNCIL IS INFORMED OF THE FOLLOWING INFORMATION CONCERNING THIS CHANGE ORDER:****I. PROJECT NAME: AMADOR AVENUE REHABILITATION PHASE IIA PROJECT
CLC Project No. 09-10-529****II. PROJECT SUMMARY:**

Award Amount:	<u>\$747,469.20</u>	Original Contract Time:	<u>147</u>	Working Days
Change Order One:	<u>\$170,272.97</u>	Change Order #1 Time:	<u>15</u>	Working Days
Revised Project Cost:	<u>\$917,769.17</u>	Revised Contract Time:	<u>162</u>	Working Days
Total Cost Increase:	<u>36%</u>	Time Increase:	<u>10%</u>	

III. DESCRIPTION OF CHANGE:

Change Order Number One to obtain Council approval for Additive Alternate No. 2 in the amount of \$170,272.97 the Amador Avenue Phase IIA Project providing resurfacing of Amador Avenue from Pioneer Place to 17th Street by \$170,272.97.

IV. REASON FOR CHANGE:

At the time of award the Amador Avenue Improvements Project resurfacing limits were reduced from 'Archuleta Road to Motel Boulevard' to 'Archuleta Road to Seventeenth Street', in an effort to match the actual funding that was available for the project in June.

Since that time City staff has proposed options to acquire additional funds for roadway projects. On November 1, 2010 the City of Las Cruces, City Council approved Resolution 11-107 refinancing payments to the Municipal Gross Receipts Tax Refunding and Improvement Revenue Bonds (Streets Projects), Series 2010A.

Staff recommends authorization of Change Order One for inclusion of Additive Alternate No. 2 into the Amador Avenue Rehabilitation Phase IIA Project; 09-10-529. Inclusion of this work will provide a continuous asphalt installation which will in turn extend the life cycle of the roadway. Disapproval of this work will stop the new asphalt short of the intended project limits thereby creating the potential increase in maintenance costs. Further, as this work is included in the original bid process, the City will be using the competitive costs that were awarded to the lowest bidder as part of the Amador Avenue Rehabilitation Phase IIA Project bid.

V. DETAILED COST OF CHANGE:

See attached #1.

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V. DETAILED COST OF CHANGE:

See attached #1.

Accepted for the Contractor:

Firm: Burn Construction Company, Inc.

By: *Raquel Bortos*

Title: *Executive Vice President*

Date: *11/10/10*

**Contracts Administration Division
Recommended Approval:**

By: *[Signature]*

Title: Contracts Administrator

Date: *11-11-10*

**Project Development Administration
Division Recommended Approval:**

By: *[Signature]*

Title: Project Development Administrator

Date: *Nov 11, 2010*

**Public Works Department
Recommended Approval:**

By: *[Signature]*

Title: Public Works Director

Date: *11-15-10*

**City Manager Recommended
Approval:**

By: *[Signature]*

Title: *City Manager*

Date: *11/20/10*

*approved to form
by [Signature]
Interim city attorney*

**ADDITIVE ALTERNATE #2 BID LOT
ROADWAY RESURFACING FROM PIONEER PL. TO SEVENTEENTH ST.**

BID ITEM NO	ITEM DESCRIPTION	EST. QTY.	UNITS	UNIT PRICE	TOTAL PRICE
R1-A2	TRAFFIC CONTROL PLAN CONTINUED; COMPL.	1	LS	\$ 2,523.06	\$ 2,523.06
R2-A2	SWPPP PLAN & MANAGEMENT CONTINUED; COMPL.	1	LS	\$ 586.75	\$ 586.75
R3-A2	BITUMINOUS COLD MILLING -2-1/2 INCH; COMPL.	8,820	SY	\$ 1.14	\$ 10,054.80
R4-A2	ASPHALT PVG, TYPE SP-III, 2-1/2" OVERLAY; CIP	8,820	SY	\$ 14.87	\$ 131,153.40
R5-A2	TACK COAT; CIP	8,820	SY	\$ 0.39	\$ 3,439.80
R6-A2	4" REFL. PAINTED MARKINGS (STRIPING);CIP	5,260	LF	\$ 0.11	\$ 578.60
R7-A2	PAINT CURB NOSE YELLOW REFLECTORIZED PAINT; CIP	70	LF	\$ 2.35	\$ 164.50
R8-A2	24" REFL. PERF. WHITE 'STOP BAR' 90 MIL; CIP	130	LF	\$ 16.90	\$ 2,197.00
R9-A2	24" REFL. PERF. WHITE 'X-WALK' 90 MIL; CIP	790	LF	\$ 16.90	\$ 13,351.00
R10-A2	REFL. PREF. PAVE. MARKING 'ARROW', 90 MIL; CIP	14	EA	\$ 181.90	\$ 2,546.60
R11-A2	REFL. PREF. PAVE. MARKING WORD 'ONLY', 90 MIL; CIP	1	EA	\$ 269.90	\$ 269.90
R12-A2	REFL. PREF. PAVE. MARKING 'BIKE LANE SYMBOL', 60 MIL; CIP	5	EA	\$ 129.08	\$ 645.40
R13-A2	ADJUST MANHOLE RING AND COVER TO STREET GRADE; COMPL.	6	EA	\$ 460.36	\$ 2,762.16
ADDITIVE ALTERNATE #2 BID LOT TOTAL: R1-A2 THRU R13-A2					\$ 170,272.97

TOTAL ADDITIVE ALTERNATE # 2 BID AMOUNT (PROJECT # 09-10-529)	\$ 170,272.97
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**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2010/2011**

FUND	DIVISION		FUND TYPE	
GRT Street Maintenance Fund 4202	Public Works		Capital Project	
	FY 2009/10 Prelim Actual*	FY 2010/11 Adopted	Adjustment	FY 2010/11 Adjusted
RESOURCES				
Beginning Balance	\$ 341,395	1,981,557	0	1,981,557
REVENUES				
512010 Municipal Gross Receipts	\$ 6,425,142	6,434,000		6,434,000
570010 Interest Income	15,287	8,000		8,000
570015 Net Incr (Decr) Fair Value Investment	11,792	0		0
592001 Other Revenue - GGRT St Maintenance	22,286	350,000		350,000
590020 Sale of Property/Material	18,687	0		0
Total Revenues	\$ 6,493,194	6,792,000	0	6,792,000
Total Resources	\$ 6,834,589	8,773,557	0	8,773,557
EXPENDITURES				
42226020 Contract Services (admin fee for GRT collect.)	\$ 183,045	178,294		178,294
42806090 Equipment Replacement	238,881	0		0
42806090-851200 Paving Maintenance Software	0	250,000		250,000
42806130 ADA Improvements	213,868	250,000		250,000
42806130 Sidewalk Reconstruction - Capital	50,000	100,000		100,000
42806140 Overlay	1,025,363	1,300,000		1,300,000
42806150 Sealing	171,639	1,200,000		1,200,000
60817 Downtown North	0	131,392		131,392
70K02 Del Rey Widening (MAP Match)	61,302	0		0
70M0F Traffic Signal Improvements	0	150,000		150,000
70M30 El Paseo/Idaho Intersection Improvements	0	126,356		126,356
70Q00 Union	(147,229)	0		0
70Q02 Union Avenue/Stern Drive Intersection Imp (Co-op)	0	13,500		13,500
71010 Solano Drive A.D.A. (Spruce/Cactus)	0	25,000		25,000
71040 El Paseo Signal Project	26,578	0		0
70W01 Main Street Rehab STP (MAP)	3,922	0		0
70W03 MAP Project Match (S. Main Reconstruction)	0	76,006		76,006
70Y02 Telshor/Lohman Intersection Improvements	213,248	72,579		72,579
70Z01 MAP Project (Match)	0	128,000	183,150	311,150
Total Expenditures	\$ 2,040,617	4,001,127	183,150	4,184,277
OTHER FINANCING SOURCES (USES)				
Transfer to Fund 1005 - Engineering Services	\$ (760,000)	(1,220,210)		(1,220,210)
Transfer to Fund 2600 - Street Maintenance Operations	(482,386)	(558,851)		(558,851)
Transfer to Fund 3230 - 1999 GRT Bonds	(1,238,840)	(831,937)		(831,937)
Transfer to Fund 3613 - NMFA Street Loans DS	(85,847)	(606,729)		(606,729)
Transfer to Fund 3615 - New Street Projects Loans DS	(203,298)	(1,193,306)		(1,193,306)
Transfer from Fund 4208 - 1991 Improvement District	0	6,358		6,358
Total Other Financing Sources (Uses)	\$ (2,770,371)	(4,404,675)	0	(4,404,675)
Adjustment due to accrual	(42,044)			
ENDING BALANCE	\$ 1,981,557	367,755	(183,150)	184,605

*Preliminary actual as of 11/9/10.