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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 10-11-473 Council District: 5

For Meeting of January 3, 2011
 (Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING USE OF THE NEW MEXICO STATEWIDE PRICE AGREEMENT NUMBER 72-000-00-04019 AWARDED TO EXERPLAY, INC., CEDAR CREST, NEW MEXICO, FOR THE PURCHASE AND INSTALLATION OF PLAY EQUIPMENT AT NORTH LAS CRUCES PARK IN THE AMOUNT OF \$129,430.75, PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$9,788.17, PLUS AUTHORIZING A CONTINGENCY IN THE AMOUNT OF \$13,000.00, FOR A TOTAL AUTHORIZATION OF \$152,218.92.

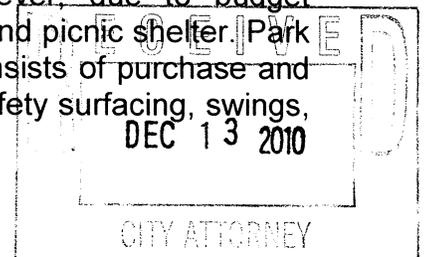
PURPOSE(S) OF ACTION:

Use existing New Mexico State Price Agreement #72-000-00-04019 awarded to Exerplay, Inc. for the purchase and installation for play equipment for the North Las Cruces Park including contingency fund allowance.

Drafter and Staff Contact: Cathy Mathews <i>CM</i>		Department: Facilities		Phone: 541-2592	
Department	Signature	Phone	Department	Signature	Phone
Facilities Director	<i>CM</i>	541-2651	Budget	<i>Richard Mathews</i>	541-2107
Other			Assistant City Manager	<i>Scott Jan</i>	541-2271
Legal	<i>Hy McElmurry</i>	541-2128	City Manager	<i>Scott Jan</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In 1987, the City of Las Cruces obtained Land and Water Conservation Fund allocations to purchase approximately nine (9) acres located on Valley View Drive near Lavender Road in the Elks Club neighborhood. North Las Cruces Park was designed with public input in 2007. Generally, the public wanted a neighborhood park with a turf area for general play, a native vegetation area for wildlife habitat, walking paths, picnic facilities, and play equipment. Implementation of Phase I occurred in 2008; however, due to budget constraints, construction consisted of only a turf area, walking path and picnic shelter. Park Impact Fees are now available for completion of Phase II which consists of purchase and installation of play equipment for the neighborhood park including safety surfacing, swings, spring riders, and a custom play element.



Exerplay, Inc. is included in the Statewide Price Agreement Number 72-000-00-04019, for the purposes of providing play equipment and installation services. Staff requested that the proposed vendor design a custom play element and make a proposal for purchase and installation of all the play equipment. The quote received is for purchase and installation of a Play Booster configuration, swings, spring riders, and a custom designed scorpion play element. Wood mulch safety surfacing will also be installed.

Award of this contract represents progress toward completion of a project listed on the FY2011 Parks ICIP.

SUPPORT INFORMATION:

1. Resolution
2. Exhibit "A" - Purchasing Manager's Request to Contract
3. Exhibit "B" - Exerplay, Inc. Quotation

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input 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 type="checkbox"/>		Proposed funding is from fund balance in the ____ 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
Park Management General	41125000 854222	\$152,218.92	\$634,388.00	\$482,169.08	Completion of other FY2011 Parks ICIP projects.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will award a contract with Exerplay, Inc., for the purchase and installation of play equipment at North Las Cruces Park and allow the project to proceed in a timely manner.
2. Vote "No"; this will reject a contract with Exerplay, Inc., and staff will not proceed with the project at this time. This may deter completion of a planned project on the Parks ICIP.
3. Vote to "Amend"; and provide direction to staff on how to proceed.
4. Vote to "Table"; this could delay purchase and installation of play equipment at North Las Cruces Park. Direction will need to be provided to staff on how to proceed.

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. 07-08-114

RESOLUTION NO. 10-11-473

A RESOLUTION AUTHORIZING USE OF THE NEW MEXICO STATEWIDE PRICE AGREEMENT NUMBER 72-000-00-04019 AWARDED TO EXERPLAY, INC., CEDAR CREST, NEW MEXICO, FOR THE PURCHASE AND INSTALLATION OF PLAY EQUIPMENT AT NORTH LAS CRUCES PARK IN THE AMOUNT OF \$129,430.75, PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$9,788.17, PLUS AUTHORIZING A CONTINGENCY IN THE AMOUNT OF \$13,000.00, FOR A TOTAL AUTHORIZATION OF \$152,218.92.

The City Council is informed that:

WHEREAS, North Las Cruces Park was designed with public input in 2007; and

WHEREAS, Phase I implementation took place in 2008 which included construction of a turf area, walking path and picnic facilities; and

WHEREAS, Phase I did not include all amenities designed and desired by the public for inclusion in the park such as play equipment and swings; and

WHEREAS, Exerplay, Inc., a vendor included on the Statewide Price Agreement for play equipment, provided a design and quote for the desired play equipment.

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

(I)

THAT the contract for North Las Cruces Park play equipment purchase and installation is hereby awarded to Exerplay, Inc., Cedar Crest, New Mexico, in the amount of \$129,430.75, plus New Mexico Gross Receipts Tax of \$9,788.17 and a City Manager Contingency of \$13,000.00, for a total contract authorization of \$152,218.92

(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 _____ 20____.

APPROVED:

(SEAL)

Mayor

ATTEST:

City Clerk

VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

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CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: January 3, 2011

Resolution No.:10-11-473

**Existing Contract Purchase For
NORTH LAS CRUCES PARK PLAY EQUIPMENT & INSTALLATION**

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

RFP/BID SOLICITATION INFORMATION:

- 1. Existing Contract Issuer **NM State Price Agreement**
 - 2. Contract Number: 72-000-00-04019
 - 3. Contract Expiration Date: **September 5, 2011**
 - 4. Description: **Athletic & Recreational Equipment**
 - 5. Using Department: **Project Management**
 - 6. Current Award Recommendation To: **Exerplay, Inc.**
 - 7. Award Amount (includes any tax and contingency): **\$152,218.92**
 - 8. Contract Duration: **One time**
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PROCUREMENT CODE COMPLIANCE:

The City of Las Cruces Procurement Code was administered in the conduct of this procurement and approval to purchase is hereby requested pursuant to **Section 24-316**.


Purchasing Manager

1/21/2011
Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	11102026
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EXHIBIT B

466



Providing the very best for
exercise and play!

PO Box 1160
Cedar Crest, NM 87008-1160
Phone: (505) 281-0151
Fax: (505) 281-0155
Toll Free (800) 457-5444
Email: gail@exerplay.com
Visit www.exerplay.com

QUOTATION

DATE	NUMBER
12/7/2010	GG120710-2

NAME / ADDRESS	PURCHASE ORDER TO BE ISSUED TO
City of Las Cruces Attn: Cathy Matthews cmathews@las-cruces.org	ExerPlay, Inc. PO Box 1160 Cedar Crest, NM 87008-1160 Please fax a copy to ExerPlay at 505-281-0155

SHIPPED VIA	TERMS	REP	FOB	EST. SHIP DATE
Common Carrier	Progress ...	NT	Las Cruces, NM	2-3 weeks ARO

PLEASE MAKE PURCHASE ORDER TO EXERPLAY, INC. - SEE ABOVE

ITEM	DESCRIPTION	QTY	COST	TOTAL
	North LC Park - Revised Date			
PlayBooster	Per Drawing # 45166-1-2, 6375 lbs.	1	36,217.00	36,217.00T
LSI 100050C	Arch Belt Swing, 2 - Place, Uncoated Chain, 2 Seat Belts, 220 lbs	1	2,215.00	2,215.00T
LSI 111579C	Additional Bay for Arch Belt Swing, Uncoated Chain, 2 Full Bucket Seats, 152 lbs.	1	1,693.00	1,693.00T
LSI Custom	Custom Jack Rabbit Rider, 82 lbs.	1	1,190.00	1,190.00T
LSI Custom	Custom Roadrunner Rider, 82 lbs.	1	1,190.00	1,190.00T
LSI Custom	Custom Rattle Snake Rider, 82 lbs.	1	1,580.00	1,580.00T
LSI Custom	Custom Scorpion, 3418 lbs.	1	48,900.00	48,900.00T
	Sub-Total			92,985.00
NM DISC	NM State Contract Discount for PA# 72-000-00-04019 @ 4%.		-4.00%	-3,719.40
Wood Mulch	Playground Quality Wood Mulch, per Cubic Yard, Based on 7170 sf.	359	16.00	5,744.00T
Freight	Freight/Shipping Charges for LSI Equipment (150-378-10).		4,180.00	4,180.00T
Freight	Freight/Shipping Charges for Wood Mulch (239768).	4	231.00	924.00T
Install	Installation of Playground Equipment listed above.	1	23,079.75	23,079.75T
Install	Installation of Wood Mulch. (359 cy)	1	5,612.00	5,612.00T
Install	Off Load at site.	1	625.00	625.00T

IF YOU ARE TAX-EXEMPT, PLEASE PROVIDE A TAX-EXEMPT CERTIFICATE ADDRESSED TO EXERPLAY, INC.

<i>Gail Garcia</i>	Page 1	TOTAL
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PO Box 1160
 Cedar Crest, NM 87008-1160
 Phone: (505) 281-0151
 Fax: (505) 281-0155
 Toll Free (800) 457-5444
 Email: gail@exerplay.com
 Visit www.exerplay.com



QUOTATION

DATE	NUMBER
12/7/2010	GG120710-2

NAME / ADDRESS	PURCHASE ORDER TO BE ISSUED TO
City of Las Cruces Attn: Cathy Matthews cmathews@las-cruces.org	ExerPlay, Inc. PO Box 1160 Cedar Crest, NM 87008-1160 Please fax a copy to ExerPlay at 505-281-0155

SHIPPED VIA	TERMS	REP	FOB	EST. SHIP DATE
Common Carrier	Progress ...	NT	Las Cruces, NM	2-3 weeks ARO

PLEASE MAKE PURCHASE ORDER TO EXERPLAY, INC. - SEE ABOVE

ITEM	DESCRIPTION	QTY	COST	TOTAL
Notes I	<p>Pricing is for the above listed equipment and installation only and does not include additional insured addendum, off loading, site preparation, security fencing, or any applicable taxes, bonds or permits. To obtain a performance/payment bond, please add 3.5% of the total to this quote.</p> <p>Pricing is good for 30 days.</p> <p>**PLEASE SEE ADDENDUM**</p> <p>** Owner is responsible for concrete curb surrounding play area. Owner is responsible for excavating dirt down 12" from top of surrounding sidewalk.*</p> <p>NMGRT - Las Cruces (07-105)</p>			0.00T
			7.5625%	9,788.17

IF YOU ARE TAX-EXEMPT, PLEASE PROVIDE A TAX-EXEMPT CERTIFICATE ADDRESSED TO EXERPLAY, INC.

<i>Gail Garcia</i>	Page 2	TOTAL	\$139,218.52
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P O Box 1160 • Cedar Crest, NM 87008
 800-457-5444 • 505-281-0151 • Fax 505-281-0155
 email: info@exerplay.com • website: www.exerplay.com

Quotation Addendum Installation Option

Installation

If the installation option is chosen, the following guidelines must be followed:

1. The installation price is based on normal soil conditions. Unusual soil conditions that require the use of a jack hammer, or other such equipment, will incur additional charges.
2. The installation price does not include removal of sand, or anything else, which may hinder installation of equipment unless otherwise arranged.
3. The installer is not responsible for vandalism, security fencing, theft of equipment or subsequent repairs or replacement.
4. The owner is responsible for blue-staking the job site and staking out any underground utilities prior to installation. The owner is responsible should damage occur.
5. The job site must be ready, and area leveled, when the installer arrives to begin the job. Any downtime will incur additional fees.
6. Vehicle access must be provided to the jobsite. Heavy equipment access to the jobsite may be required.
7. Installer will take all precautions to see that landscaping is not damaged during installation, but will not be responsible should such damage occur.

Taxes

1. State and Local taxes will be added, if applicable.

Insurance, Permits or Bonds

1. The project does not include any additional insurance, performance bonds or permits. If these are required, additional charges will apply.

I have read, understand and agree to the above conditions of installation. I have had the installation area checked for underground utilities and they have been staked if they exist. I (we) will be responsible for any additional charges incurred to repair damages to any underground utilities.

Signed _____ Title _____

Business _____

Address _____

City _____ State _____ Zip _____

Date _____

