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City of Las Cruces[®]
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Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 12-156

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of March 5, 2012
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND WOOTEN CONSTRUCTION, INC., OF LAS CRUCES, NEW MEXICO, FOR THE CONSTRUCTION OF THE MUSEUM OF NATURE AND SCIENCE TO CHANGE THE CONTRACT FROM \$821,487.08 TO A NEW CONTRACT AMOUNT OF \$2,683,735.00 (AN INCREASE OF \$1,862,247.92); PLUS AN OWNER CONTINGENCY OF \$100,000.00; FOR A TOTAL REVISED AUTHORIZATION OF \$2,783,735.00.

PURPOSE(S) OF ACTION:

Authorization of a change order for construction contract.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Tomas Mendez	<u>Department/Section:</u> Public Works/Facilities Management	<u>Phone:</u> 541-2583
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On January 18, 2011, the Las Cruces City Council authorized award of a contract to Wooten Construction, Inc., of Las Cruces, N.M., in the amount of \$821,487.08, for construction services for the Museum of Nature and Science. This was for the first phase of work including pre-construction services, demolition, and the renewable energy components. In addition, the authorized services provide for the contractor to work with the City's consulting architect and to engage in the value engineering process to reconcile the scope of the project with the established budget. At that time, staff indicated to Council that once the pre-construction services were complete and a project cost had been proposed by the contractor, a final stipulated lump sum would be brought to the Council in the form of a Change Order to the contract for authorization prior to commencing construction; referred to as Phase Two.

Design of the new museum facility; and the renewable energy component, as well as the subsequent value-engineering processes, has all been completed. Wooten Construction, Inc., has submitted for consideration a stipulated lump sum of \$2,683,735.00; an amount that includes New Mexico Gross Receipts Tax, a contractor contingency (or allowance), and the

Phase One contract amount. The total project authorization of \$2,783,735.00 includes the amount shown above plus an owner contingency. These separate allowances and contingencies allow staff flexibility to complete the project in a timely manner and to address potential changes that may occur during construction.

Staff has reviewed the contractor's cost proposal and the construction documents and finds that the proposed cost of construction is acceptable and consistent with a project of this type and size. Construction is expected to commence in March 2012, with completion scheduled for September 30, 2012. The scope of work includes the complete renovation of a former bank building for use as the Museum of Nature and Science; the construction consists of building an area to house the Trackways Exhibit, a new entrance lobby/gathering space, live animal care areas, a discovery classroom, and support spaces. Exterior work includes landscaping, parking lot re-surfacing, and ADA accessibility improvements. The new museum will also feature a photovoltaic array and wind turbines for on-site generation of electricity and to support the educational mission of the museum.

SUPPORT INFORMATION:

1. Resolution.
2. Attachment "A", "Draft" Change Order number one to contract between the City and Wooten Construction, Inc.

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:
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

City Council authorized the expenditure of \$821,487.08 for the initial phase of construction services for the Museum of Nature and Science; the attached resolution authorizes the contract sum to be increased by \$1,862,247.92; plus an owner contingency of \$100,000.00. The initial contract award authorization and the change order to the contract are funded with a HUD loan, HUD-BEDI grant and an ARRA Stimulus grant for a revised total of \$2,783,735.00. The following summary only itemizes the funding source and its assignment to the increase in contract authorization referring to Phase Two.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
<i>W</i> HUD Loan	40803200-852100-63406	\$ 776,052.58	\$776,052.58	\$ 0.00	N/A
BEDI Grant (Building Imp)	40803190-852100-63405	\$ 655,681.44	\$655,681.44	\$ 0.00	N/A
DOE ARRA Stimulus	49205010-852100-63404	\$ 87,202.16	\$ 87,202.16	\$ 0.00	N/A
HUD-BEDI Grant (Furnishings)	20184310-722190-12008	\$ 443,311.74	\$500,000.00	\$ 56,688.26	Site Furnishing & Exhibits

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution, authorizing change order number one to the contract for the construction of the Museum of Nature and Science between the City and Wooten Construction, Inc.
2. Vote "No"; this will not approve the Resolution. Therefore, staff will be required to pursue other options to increase the contract amount necessary to add the renovation work to the contract.
3. Vote to "Table"; the Resolution and provide staff with further direction.

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. 10-11-427

RESOLUTION NO. 12-156

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND WOOTEN CONSTRUCTION, INC., OF LAS CRUCES, NEW MEXICO, FOR THE CONSTRUCTION OF THE MUSEUM OF NATURE AND SCIENCE TO CHANGE THE CONTRACT FROM \$821,487.08 TO A NEW CONTRACT AMOUNT OF \$2,683,735.00 (AN INCREASE OF \$1,862,247.92); PLUS AN OWNER CONTINGENCY OF \$100,000.00; FOR A TOTAL REVISED AUTHORIZATION OF \$2,783,735.00.

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

WHEREAS, on January 18, 2011, the Las Cruces City Council authorized an agreement between Wooten Construction, Inc., of Las Cruces, N.M., and the City of Las Cruces for construction services for the Museum of Nature and Science; and

WHEREAS, the authorized contract included the first phase of work consisting of pre-construction services, demolition, and the renewable energy project for an initial project authorization of \$821,487.08; and

WHEREAS, now that pre-construction services have been completed and a stipulated lump sum has been proposed by the contractor; a change order to the contract is necessary to increase the contract amount prior to commencing the construction work; and

WHEREAS, Wooten Construction, Inc., has submitted for consideration a stipulated lump sum of \$2,683,735.00; an amount that includes New Mexico Gross Receipts Tax, a contractor contingency, and the Phase One contract amount plus an owner contingency of \$100,000.00; for a total revised authorization of \$2,783,735.00; and

WHEREAS, staff has reviewed the contractor's cost proposal and the construction documents and finds that the proposed cost of construction is acceptable and consistent with a project of this type and size.

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

(I)

THAT Change Order number one to the contract for the construction of the Museum of Nature and Science between the City and Wooten Construction, Inc., is authorized.

(II)

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

DONE and APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

DRAFT AIA® Document G701™ - 2001

Change Order

PROJECT (Name and address):
 Museum of Nature & Science
 411 North Main Street
 Las Cruces, New Mexico

CHANGE ORDER NUMBER: 001
DATE: March 5, 2012

TO CONTRACTOR (Name and address):
 Wooten Construction, Inc.
 1851 Copper Loop
 Las Cruces, NM 88001

ARCHITECT'S PROJECT NUMBER: tbd
CONTRACT DATE: January 31, 2011
CONTRACT FOR: General Construction

OWNER:
 ARCHITECT:
 CONTRACTOR:
 FIELD:
 OTHER:

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Expansion of scope of work as described in construction documents prepared and amended by ASA Architects, the project architect; and as approved for use by the City of Las Cruces, the owner.

The original Contract Sum was
 The net change by previously authorized Change Orders
 The Contract Sum prior to this Change Order was
 The Contract Sum will be increased by this Change Order in the amount of
 The new Contract Sum including this Change Order will be

\$	821,487.08
\$	0.00
\$	821,487.08
\$	1,862,247.92
\$	2,683,735.00

The Contract Time will be unchanged by Zero (0) days.
 The date of Substantial Completion as of the date of this Change Order therefore is September 30, 2012

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ASA Architects
ARCHITECT (Firm name)
 201 N. Alameda
 Las Cruces, NM 88001
ADDRESS

BY (Signature)

 (Typed name)

DATE

Wooten Construction, Inc.
CONTRACTOR (Firm name)
 1851 Copper Loop
 Las Cruces, NM 88001
ADDRESS

BY (Signature)

 (Typed name)

DATE

City of Las Cruces
OWNER (Firm name)
 700 North Main
 Las Cruces, NM 88001
ADDRESS

BY (Signature)

 (Typed name)

DATE