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

Item# 13 Ordinance/Resolution# 09-304 Council District: 4

For Meeting of June 15, 2009

(Adoption Date)

TITLE:

A RESOLUTION APPROVING AN INCREASE TO THE CONTRACT WITH SITES SOUTHWEST, LLC, FOR ADDITIONAL DESIGN SERVICES FOR THE BURN LAKE LANDSCAPE IMPROVEMENTS PHASE ONE PROJECT, IN THE AMOUNT OF \$4,080.00, PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$300.90, FOR A TOTAL INCREASE OF \$4,380.90.

PURPOSE(S) OF ACTION:

To approve an increase to the design contract with Sites Southwest, LLC, for additional design services for the Burn Lake Landscape Improvements Phase One Project.

Name of Drafter: Cathy Mathews <i>CM</i>		Department: Facilities		Phone: 541-2592	
Department	Signature	Phone	Department	Signature	Phone
Facilities Department	<i>[Signature]</i>	541-2651	Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

At the April 2, 2007, City Council Meeting, Council awarded a design contract to Sites Southwest, LLC, for Landscape Architectural Services for Burn Lake Landscape Improvements Phase I, in the amount not to exceed \$81,450.00, plus \$5,803.00 for New Mexico Gross Receipts Tax (NMGRT), and a contingency of \$4,073.00, for a total of \$91,326.00. The work covered under this contract includes design and engineering of a new parking area and roadway, new sidewalks and pathways, new picnic facilities, new landscape irrigation and planting, and new stormwater runoff control. Construction administration is also covered under this contract.

The design contract commenced and is currently on-going. Change Orders have been issued for this contract in the amounts of \$2,945.94 and \$1,071.25, for a total amount of \$4,017.19. These change orders covered additional design work for a ramp to the new restroom and additional payments for printing of extra plan sets during the bidding process. Additional design work is now required due to site conditions that were

(Continue on additional sheets as required)

discovered as construction progressed. Design of the ramp and walk at the new restroom requires adjustment to differing elevations and the addition of a concrete apron around the restroom.

Change Order No. 3 is requested in the amount of \$4,380.90 (including NMGR), for additional design work and reimbursable expenses.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
4012 State Capital Funds 40803010-854222-60302	\$4,380.90	\$43,139.00

1. Resolution
2. Change Order No. 3

OPTIONS / ALTERNATIVES:

1. Vote "Yes" and approve Change Order No. 3 for the contract between the City of Las Cruces and Sites Southwest, LLC, in the amount of \$4,380.90, for additional design services required to address undiscovered site conditions.
2. Vote "No" and not approve Change Order No. 3 for the contract between the City of Las Cruces and Sites Southwest, LLC, in the amount of \$4,380.90, for additional design services required to address undiscovered site conditions.
3. Vote "Amend" and direct staff to re-scope the project.

(Continue on additional sheets as required)

RESOLUTION NO. 09-304

A RESOLUTION APPROVING AN INCREASE TO THE CONTRACT WITH SITES SOUTHWEST, LLC, FOR ADDITIONAL DESIGN SERVICES FOR THE BURN LAKE LANDSCAPE IMPROVEMENTS PHASE ONE PROJECT, IN THE AMOUNT OF \$4,080.00, PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$300.90, FOR A TOTAL INCREASE OF \$4,380.90.

The City Council is informed that:

WHEREAS, at the April 2, 2007, City Council Meeting, Council awarded a design contract to Sites Southwest, LLC, for Landscape Architectural Services for Burn Lake Landscape Improvements Phase I, and

WHEREAS, the contract was awarded for a fee in the amount not to exceed \$81,450.00, plus \$5,803.00 for New Mexico Gross Receipts Tax and a contingency of \$4,073.00 for a total amount of \$91,326.00, and

WHEREAS, previous change orders have been approved and issued for this contract in the amounts of \$2,945.94 and \$1,071.25, and

WHEREAS, due to undiscovered site conditions which vary from those used to form the original design, additional design work is required, and

WHEREAS, Change Order No. 3 is requested in the amount of \$4,380.90, for additional design work and additional reimbursable expenses.

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

(I)

THAT the Change Order No. 3 to the contract with Sites Southwest, LLC, for the design of Burn Lake Phase One, is hereby approved in the amount of \$4,380.90, including NMGRS.

(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 _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk
(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima:	_____
Councilor Silva:	_____
Councilor Connor:	_____
Councillor Archuleta:	_____
Councilor Small:	_____
Councilor Jones:	_____
Councilor Thomas:	_____

APPROVED AS TO FORM:



City Attorney

CHANGE ORDER

OWNER

ARCHITECT

CONTRACTOR

FIELD

OTHER

PROJECT: (name, address)	Burn Lake Landscape Improvements Proj. No.: 05-06-356A P.O. Box 20000 Las Cruces, NM 88004	CHANGE ORDER NUMBER: Three (3)
		DATE: June 15, 2009
TO CONTRACTOR:	Sites Southwest 121 Tijeras NE Suite 3100 Albuquerque, NM 87102	ARCHITECT'S PROJECT NO.: CONTRACT DATE:
		CONTRACT FOR: Design and Contract Admin

The Contract is changed as follows:

Per attached drawings and/or cost proposal, provide the following for Project:

1. Re-grading around the new Burn Lake restroom. Work will include relocation of the ADA access ramp and grading around the new electrical box. All survey data to be provided by the City.
2. Assist the City in evaluating final constructed elevations and help identifying any issues related to the survey data. Add \$ 3,080.00
3. Increase the reimbursable expenses allowed by the contract by \$1,000 to cover expenses incurred during the construction administration phase of the project. Add \$ 1,000.00
4. New Mexico Gross Receipts Tax Add \$ 300.90

Total Change to Contract Sum (Includes NMGRT) \$ 4,380.90

Not valid until signed by the Architect, Contractor, and Owner

The original Contract Sum was \$ 91,326.00

Net change by previously authorized Change Orders \$ 4,016.79

The Contract Sum prior to this Change Order was \$ 95,342.79

The Contract Sum will be (increased) (~~decreased~~) (~~unchanged~~) by this Change Order in the amount of \$ 4,380.90

The new Contract including this Change Order will be \$ 99,723.69

The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is:

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time, or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Sites Southwest, LLC CONTRACTOR 121 Tijeras NE, Suite 3100 Address Albuquerque, NM 87102	City of Las Cruces FACILITIES/PROJECT MGMT. P.O. Box 20000 Address Las Cruces, NM 88004	City of Las Cruces OWNER P.O. Box 200000 Address Las Cruces, NM 88004
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BY _____ BY _____ BY _____

DATE _____ DATE _____ DATE _____