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

Item # 19 Ordinance/Resolution# 07-08-125A Council District:

For Meeting of June 15, 2009

TITLE:

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO INCREASE THE CONTRACT WITH ZIA ENGINEERING & ENVIRONMENTAL CONSULTANTS, LLC OF LAS CRUCES, NEW MEXICO FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE ARCHIVAL DOCUMENTATION ON THE ARTIFACTS FOUND AT THE 125 ACRE WATERFALLS PONDING FACILITY BY \$52,770.53 PLUS \$3,891.83 FOR NEW MEXICO GROSS RECEIPTS TAX.

PURPOSE(S) OF ACTION: Change Order to Existing Contract

Name of Drafter: Louis Grijalva		Department: Public Works Project Development		Phone: 528-3479	
Department	Signature	Phone	Department	Signature	Phone
Public Works		3333	Budget		2300
			Assistant City Manager		2271
Legal		311-2128	City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On October 23, 2007 the City of Las Cruces contracted with Zia Engineering and Environmental Consultants, Inc (Zia) for \$13,800.00 under the existing on call Environmental Engineering Services Agreement. They conducted a Natural and Cultural Resources field study and an Environmental Assessment for the Mine House Arroyo Project (125 acre Waterfalls Ponding Facility) to meet the requirements of the State of New Mexico Grant easement of the ponding facility. Zia also surveyed the Project area for Cultural Properties in conformance with New Mexico Regulations and Section 106 of the National Historic Preservation Act (NHPA). Two previously recorded sites (LA 30753 and LA 54074) were documented within the Project area.

On September 26, 2008 the City added additional work to the contract in the amount of \$28,709.50 to develop an Archaeological Site Data Recovery Plan (ASDRP) for the two previously documented sites (LA 30753 and LA 54074) within the proposed Project site. During the development of the ASDRP, it was discovered that surface collection, test excavation, trenches, surfacing stripping, surveying and historical archival research were needed to complete the process.

(Continue on additional sheets as required)

Costs related to the ASDRP are addressed on a time and materials needed basis. The ASDRP requires approval by the New Mexico State Land Office, State Historical Preservation Office and Cultural Properties Review Committee before the City can proceed with the project.

In accordance with Las Cruces Municipal Code 1998, Section 24-99 (b) Authority to Award, any individual contract in excess of \$50,000.00 will be taken to City Council for approval prior to contracting.

Change Order Number One includes additional costs for time and materials needed to conduct the surface collection, test excavation, trenching, surface stripping, surveying and historical archival research. These services will increase the contract amount by \$52,770.53 plus \$3,891.83 for New Mexico Gross Receipts Tax.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
East Mesa Flood Control 44806030-854111-70H01	\$56,662.36	\$633,904.00

1. Resolution.
2. Letter and Invoice # 3258 from Zia Engineering, dated April 30, 2009, Attachment "A".
3. Invoice #3283 from Zia Engineering, dated May 15, 2009, Attachment "B".
4. Change Order Number One, Exhibit "A".

OPTIONS / ALTERNATIVES:

1. Approve Change Order Number One for additional environmental services and increase the existing contract in the amount of \$52,770.53 plus \$3,891.83 for New Mexico Gross Receipts Tax.
2. Modify the proposed Change Order and instruct staff to seek an alternate action.
3. Reject the proposed Change Order.

RESOLUTION NO. 07-08-125A

A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO INCREASE THE CONTRACT WITH ZIA ENGINEERING & ENVIRONMENTAL CONSULTANTS, LLC OF LAS CRUCES, NEW MEXICO FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE ARCHIVAL DOCUMENTATION ON THE ARTIFACTS FOUND AT THE 125 ACRE WATERFALLS PONDING FACILITY BY \$52,770.53 PLUS \$3,891.83 FOR NEW MEXICO GROSS RECEIPTS TAX.

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

WHEREAS, the City of Las Cruces (City) entered into a contract with Zia Engineering & Environmental Consultants, LLC (ZIA) on October 23, 2007 for environmental engineering services for the Natural and Cultural Resources Field Study and Environmental Assessment for the Mine House Arroyo Project (125 acre Waterfalls Ponding Facility) in the amount of \$13,800.00 plus New Mexico Gross Receipts Tax, and

WHEREAS, On September 26, 2008, the City added additional work to the contract in the amount of \$ 28,709.50 to develop an Archeological Site Data Recovery Plan for the two documented sites (LA 30753 and LA 54074) within the Project area, and

WHEREAS, Change Order Number One is being presented to authorize the surface collection, test excavation, trenching, surface stripping, surveying and historical archival research for two previously recorded sites (LA 30753 and LA 54074) documented within the Project area, and

WHEREAS, the cost for said additional services is \$52,770.53, plus \$3,891.83 for New Mexico Gross Receipts Tax.

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

(I)

THE Change Order Number One in the amount of \$52,770.53 plus \$3,891.83 for New Mexico Gross Receipts Tax is hereby authorized and approved.

(II)

THE City Manager is hereby authorized to approve Change Order Number One.

(III)

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

DONE AND APPROVED this 15th day of June, 2009.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Archuleta: _____

Councillor Small: _____

Councillor Jones: _____

Councillor Thomas: _____

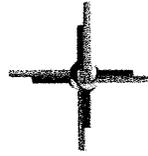
Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Ky...lennely

City Attorney



**zia engineering
& environmental
consultants, llc.**

April 30, 2009

Louis Grijalva
Project Development Administrator
City of Las Cruces
575 S. Alameda Blvd., Room 215
Las Cruces, NM 88004

505-528-3497

Dear Louis:

In accordance with our conversation in March, I have attached the invoice for the T&M portions of the Mine House Arroyo cultural data recovery effort. I have also attached a brief summary of the effort and rationale for the costs.

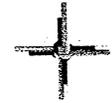
If I can provide any additional information or answer any questions, please let me know.

Sincerely,
Zia Engineering and Environmental Consultants, LLC.

Fenton R. Kay, Ph.D.
Associate Scientist/NEPA Coordinator

Attachments (2)

cc: Victor Gibbs
A.K.Khera
William McKinney



Summary of Effort Associated with the Mine House Arroyo Cultural Excavation Costs

Preliminary planning for the land survey to set datums and to grid and stake the site occurred during January 2009. Site gridding and staking work was conducted between February 1 and 5, 2009. Archaeological excavation work (data recovery) was conducted between February 17 and March 12, 2009. Because of a limited supply of local archaeologists, qualified excavation personnel had to be brought in from other areas which made it necessary to provide lodging and per diem for the non-local personnel.

Because of the erosional activity that has occurred over time on the southern half of the prehistoric site (LA 30753), little soil depth remains. On the basis of the condition of the site it appeared that the Mine House Arroyo, located just to the east of the site, had overflowed its banks, and the site had suffered substantial sheet wash erosion. Because of the erosion we anticipated that the site would not have much depth. The site was much as was expected in terms of the excavation effort required. The site yielded little information.

The historic structure site (LA 54074) yielded more cultural resource data than was expected on the basis of the surface context. A mound of caliche was present on the surface of the site, but no adobe wall stubs or other indications of structural buildings were present. That there had been a structure of some sort there was suggested by surface debris. An aerial photograph of the area from 1935 indicated that a building had existed on the site. During the excavation, a two room adobe house structure and a small outbuilding or barn were identified. It was clear that in only 75 years since the location was occupied, based on the 1935 aerial photograph, the structures were almost completely reclaimed by the processes of wind, water, and revegetation. Because of the identification of this structure, additional effort was required to excavate, document, and collect the assemblage from the structure in order to meet state requirements for cultural remains data recovery.

The artifacts from the excavation of both sites are being prepared for curation and a report of the findings is being prepared. As originally contracted, these activities are being conducted under the fixed fee portion of the contract. The excavation effort, which included the land surveying, was originally proposed as a time and materials effort separate from the planning, permitting, curation, and reporting effort, which was proposed as a fixed fee effort.

Invoice

To: Public Works Department City Center Office
575 Alameda Boulevard, Room 215
Las Cruces NM 88004
Attention: Louis Grijalva, Project Development Admins

Project: LCS-09-003 Minehouse Arroyo Mitigation Plan

Manager: Fenton R. Kay *FRK*

Professional Services for the Period: 1/25/2009 to 4/26/2009

Billing Group: 0002 Cost Plus

Contract #: Resolution No. 07-08-125
Mitigation

Professional Services

		<u>Work Hours</u>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Administration II 2007	ACCOUNTING & BOOKKEEPING	0.25	0.25	52.00	13.00
Administration 2007	ACCOUNTING & BOOKKEEPING	1.00	1.00	40.00	40.00
Associate Scientist-2007	QA/QC REVIEW	3.00	3.00	93.00	279.00
Associate Scientist-2007	PROJECT MANAGEMENT	5.75	5.75	93.00	534.75
Environmental Tech I-2007	ARCH DATA RECOVERY	116.00	116.00	46.00	5,336.00
Environmental Tech II 2007	ARCH DATA RECOVERY	357.25	357.25	51.00	18,219.75
Environmental Technician I-2007	ARCH DATA RECOVERY	15.00	15.00	46.00	690.00
Project Scientist-2007	ARCH SURVEY	5.00	5.00	74.00	370.00
Project Scientist-2007	GIS MAPPING	7.00	7.00	74.00	518.00
Project Scientist-2007	RESEARCH	1.00	1.00	74.00	74.00
Project Scientist-2007	REPORT WRITING	1.00	1.00	74.00	74.00
Principal Scientist-2007	PROJECT MANAGEMENT	2.25	2.25	105.00	236.25
Senior Scientist-2007	ARCH SURVEY	23.50	23.50	83.00	1,950.50
Senior Scientist-2007	REPORT WRITING	4.00	4.00	83.00	332.00
Senior Scientist-2007	PROJECT MANAGEMENT	23.00	23.00	83.00	1,909.00
Staff Scientist-2007	ARCH DATA RECOVERY	97.50	97.50	62.00	6,045.00
Professional Services Totals					\$36,621.25

Reimbursables

	<u>Bill Units</u>	<u>Cost</u>	<u>Markup</u>	<u>Charge</u>
Fuel	1.00	5.05	0.51	5.56
Fuel	1.00	26.41	2.64	29.05
Fuel	1.00	107.50	10.75	118.25
Mileage	1,772.00	1,036.62	114.12	1,150.74
Mileage	10.00	390.00	42.90	432.90
Project supplies	1.00	10.73	1.07	11.80
Small Equipment	1.00	350.00	35.00	385.00
Travel Expense - Car Rental	1.00	104.95	10.50	115.45

Project: LCS-09-003 Billing Group: 0002

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Reimbursables Continued...

	Bill Units	Cost	Markup	Charge
Travel Expense - Car Rental	1.00	435.03	43.50	478.53
Travel Expense - Meals	1.00	6.44	0.64	7.08
Travel Expense - Meals	50.00	1,950.00	195.00	2,145.00
Travel Expense - Meals	1.00	50.40	5.04	55.44
Travel Expenses - Hotel	1.00	1,398.96	139.90	1,538.86
Travel Expenses - Hotel	1.00	1,832.04	183.20	2,015.24
Reimbursables Totals	1,843.00	7,704.13		\$8,488.90

Billing Group 0002 Totals:

Billing Group Subtotal:	\$45,110.15
NM Gross Receipts Tax:	\$3,326.87
Billing Group Total:	\$48,437.02

Billing Group: 0003 Cost Plus

Contract #: Resolution No. 07-08-125
Survey

Professional Services

	Work Hours	Bill Hours	Bill Rate	Charge
Associate Scientist-2007 PROJECT MANAGEMENT	1.00	1.00	93.00	93.00
Party Chief 2-2007 TOPOGRAPHIC SURVEY	21.50	21.50	155.00	3,332.50
Project Surveyor-2007 SURVEY COMPUTATIONS	9.00	9.00	74.00	666.00
Project Surveyor-2007 PROJECT MANAGEMENT	2.00	2.00	74.00	148.00
Staff Survey-2007 TOPOGRAPHIC SURVEY	2.00	2.00	62.00	124.00
Staff Survey-2007 RESEARCH	8.00	8.00	62.00	496.00
Survey 2-Person Crew-2007 TOPOGRAPHIC SURVEY	27.00	27.00	0.00	0.00
Survey Tech 1 2007 TOPOGRAPHIC SURVEY	10.00	10.00	46.00	460.00
Survey Tech 1 2007 SURVEY COMPUTATIONS	3.00	3.00	46.00	138.00
Survey Tech 2 2007 CADD	4.00	4.00	51.00	204.00
Survey Tech 2 2007 TOPOGRAPHIC SURVEY	20.00	20.00	51.00	1,020.00
Survey Tech 2 2007 SURVEY COMPUTATIONS	3.00	3.00	51.00	153.00
Professional Services Totals				\$6,834.50

Reimbursables

	Bill Units	Cost	Markup	Charge
Mileage	46.00	26.91	2.97	29.88
Reimbursables Totals	46.00	26.91		\$29.88

Billing Group 0003 Totals:

Billing Group Subtotal:	\$6,864.38
NM Gross Receipts Tax:	\$506.25
Billing Group Total:	\$7,370.63

Project Totals:

Project Subtotal:	\$51,974.53
NMGRT:	\$3,833.12

Billing Total: \$55,807.65

Total Project Invoice Amount \$55,807.65

Aged Receivables:

<u>Current</u>	<u>31-60 Days</u>	<u>61-90 Days</u>	<u>91-120 Days</u>	<u>> 120 Days</u>
\$63,365.97	\$0.00	\$0.00	\$0.00	\$0.00

All invoices are due upon receipt. A late charge of 1.5% per month will be added to any unpaid balance after 30 days.

Zia Engr. & Env. Consultants, LLC 415

755 South Telshor Boulevard
 Suite F201
 Las Cruces NM 88011
 Phone: 575/532-1526
 Fax: 575/532-1587

Attachment "B"

Invoice Number: 3283
 Invoice Date: May 15, 2009

Invoice

To: Public Works Department City Center Office
 575 Alameda Boulevard, Room 215
 Las Cruces NM 88004
 Attention: Louis Grijalva, Project Development Admins

Project: LCS-09-003 Minehouse Arroyo Mitigation Plan

Manager: Fenton R. Kay

Professional Services for the Period: 4/27/2009 to 5/10/2009

Billing Group: 0002 Cost Plus

Contract #: Resolution No. 07-08-125
 Mitigation

Professional Services

		<u>Work Hours</u>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Administration II 2007	ACCOUNTING & BOOKKEEPING	0.25	0.25	52.00	13.00
Administration 2007	ACCOUNTING & BOOKKEEPING	0.50	0.50	40.00	20.00
Professional Services Totals					\$33.00

Outside Services

	<u>Bill Units</u>	<u>Cost</u>	<u>Markup</u>	<u>Charge</u>
Outside Services	1.00	693.64	69.36	763.00
Outside Services Totals	1.00	693.64		\$763.00

Project Totals:

Project Subtotal: \$796.00
NMGRT: \$58.71
Billing Total: \$854.71

Total Project Invoice Amount \$854.71

Aged Receivables:				
<u>Current</u>	<u>31-60 Days</u>	<u>61-90 Days</u>	<u>91-120 Days</u>	<u>> 120 Days</u>
\$64,220.68	\$0.00	\$0.00	\$0.00	\$0.00

All invoices are due upon receipt. A late charge of 1.5% per month will be added to any unpaid balance after 30 days.

RECEIVED

MAY 15 2009

CITY OF LAS CRUCES
 PW/PROJECT DEVELOPMENT

Smail

CHANGE ORDER NUMBER ONE

THE CITY COUNCIL IS INFORMED OF THE FOLLOWING INFORMATION CONCERNING THIS CHANGE ORDER:

I. PROJECT NAME:

Environmental Services for the Cultural Properties Data Recovery Plan for the Mine House Arroyo project (Waterfalls Ponding Facility), Project No. 07-08-125A.

II. PROJECT SUMMARY:

Current Contract Amount:	\$42,509.50 plus NMGRT
Change Order #1:	\$52,770.53 plus NMGRT
Revised Project Cost:	\$95,280.03 plus NMGRT
Total Cost Increase:	124.14%

III. DESCRIPTION OF CHANGE:

Additional cost for the time and materials needed to conduct the surface collection, test excavation, surface stripping, surveying and the historical archival research.

IV. REASON FOR CHANGE:

The additional environmental services was necessary to meet in conformance with the New Mexico regulations and section 106 of the National Historic preservation Act (NHPA), so the city could start the excavation of 125 acre Waterfalls ponding facility