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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

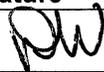
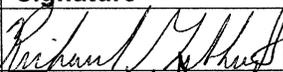
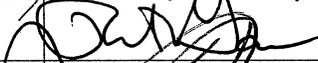
Item # 30 Ordinance/Resolution# 08-09-586 Council District: 4

For Meeting of June 15, 2009

(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BETWEEN THE CITY OF LAS CRUCES AND THE GREENHOUSE, INC. OF LAS CRUCES, NM FOR THE FYI TRANSITIONAL HOUSING FACILITY (08-09-586) FOR A TOTAL PROJECT COST OF \$2,157,700.00 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$159,131.00, FOR A TOTAL PROJECT COST OF \$2,316,861.00.

PURPOSE(S) OF ACTION: To authorize the execution of a construction contract between the City and The Greenhouse, Inc. for the use of HOME funds and State Legislative appropriations to construct a transitional living facility at 1089 W. Amador Avenue.

Name of Drafter: David  Dollahon		Department: Community Development		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Community Development		528-3067	Budget		541-2281
Facilities Department		541-2651	Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The City's Community Development Department's Neighborhood Services Section, in cooperation with the Facilities Departments, are utilizing Home Investments Partnership Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) and State of New Mexico Capital Outlay funding to construct a transitional living facility for youth and young adults at 1089 W. Amador Avenue for Resources for Children and Youth, Inc. (RCYI – property owner) and Families and Youth, Incorporated (FYI – project operator, local non-profit organization).

HOME funds and state capital outlay appropriations have been made and are intended to provide decent, safe, sanitary, and affordable housing to low- and moderate-income residents, whether used for owner- or renter-occupied housing.

The City's Purchasing Section issued a bid (Bid No. 08-09-586) for the project on March 2, 2009, with a bid closing date of March 24, 2009 at 11:00 am. The Purchasing Section received seven (7) bids by the closing date and time. The first, apparent lowest bid from Pavillion Construction was determined to be non-compliant. The second lowest bid received from The Greenhouse, Inc. was compliant and was within the project's total budget. The Purchasing Manager's Request to Contract is attached to the Resolution as Exhibit "A."

The Community Development and Facilities Departments have started preliminary contract negotiations with The Greenhouse, Inc. The project total cost is \$2,157,700.00, which includes the base bid #1 plus two additive alternatives and base bid #2 without any additive alternatives, along with applicable NM Gross Receipts Tax of \$159,131.00. With the base bid, all alternatives, and NM Gross Receipts Tax, the total project cost is \$2,316,816.00.

Due to budget constraints and similar to what was done with La Casa and their recent expansion, City staff are seeking authorization for the full contract amount. Once the budget issues are resolved (we are awaiting notification of FY2010 state appropriations), the City may need to execute a separate agreement with RCI or FYI for any differences between funds available to the City and the final construction contract amount. Such agreement would be brought forward to the City Council as a resolution for their review and approval. RCI or FYI has funding sources that are directly appropriated to them for this project's construction.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Fund 2000/ 20184170-722190-11402	\$375,000	\$375,000
Fund 2755/ 27203030-722190-16001	\$148,500	\$ 0
Fund 2755/ 27203030-722190-16002	\$321,750	\$309,109
Fund 2755/ 27203030-722190-16003	\$358,380	\$358,380
Fund 2755/ 27203030-722190-16004	\$445,500	\$445,500
Fund 2755/ TBD-722190-TBD (FY2010 State Capital Outlay)	\$250,000 to \$500,000 (estimated)	\$250,000 to \$500,000 (estimated)
TOTAL (estimated)	\$1,899,130 to \$2,149,130	\$1,737,989 to \$1,987,988

1. Resolution
2. Exhibit "A" – Purchasing Manager's Recommendation to Contract
3. Attachment "B" – Resolution 09-185 related to HOME funding
4. Attachment "C" – Resolution 09-235 related to state capital outlay funding

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution authorizing the execution of a construction contract between the City and The Greenhouse, Inc. of Las Cruces, NM for the construction of a transitional living facility at 1089 W. Amador Avenue for a total project cost of \$2,316,831.00, which includes the base bid, bid alternatives, and NM gross receipts tax.
2. Vote NO and deny the Resolution to authorizing the execution of a construction contract between the City and The Greenhouse, Inc. to complete the transitional living facility at 1089 W. Amador Ave.
3. Modify the Resolution and vote YES to approve the modified Resolution.
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 08-09-586

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT BETWEEN THE CITY OF LAS CRUCES AND THE GREENHOUSE, INC. OF LAS CRUCES, NM FOR THE FYI TRANSITIONAL HOUSING FACILITY (08-09-586) FOR A TOTAL PROJECT COST OF \$2,157,700.00 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$159,131.00, FOR A TOTAL PROJECT COST OF \$2,316,861.00.

The City Council is informed that:

WHEREAS, the City of Las Cruces Purchasing Section issued Bid No. 08-09-586 for the construction of a youth transitional living facility to be built at 1089 W. Amador Avenue for property owned by Resources for Children and Youth, Inc. (RCYI) that is to be operated by Families and Youth, Inc. (FYI); and

WHEREAS, seven bids were received by the bid closing date and time (March 24, 2009 at 11:00 am) and The Greenhouse, Inc. of Las Cruces, NM, is the compliant low-bidder; and

WHEREAS, the City has received state appropriations for the capital improvements and the City has taken the necessary steps to use the appropriations to develop the project in accordance with the State's Affordable Housing Act and the City's Affordable Housing General Oversight Ordinance; and

WHEREAS, the City has also dedicated a portion of its Program Year 2007 Home Investment Partnership (HOME) program funds to this project and have taken the necessary steps to comply with the HOME regulations to dedicate this project; and

WHEREAS, in order to commence construction of this project, the City Council must authorize the execution of a construction contract between the City and the Greenhouse, Inc. of Las Cruces, NM under Bid No. 08-09-586 for a total project cost of \$2,157,700.00 plus NM GRT for \$159,131.00 for a total project cost of \$2,316,831.00.

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

(I)

THAT the Purchasing Manager's Request to Contract, as shown in Exhibit "A," attached hereto and made a part of this Resolution, is hereby approved.

(II)

THAT the City staff are hereby authorized to execute a construction contract between the City of Las Cruces and The Greenhouse, Inc. of Las Cruces, NM, and all necessary support documentation, for an amount of \$2,157,700 plus New Mexico Gross Receipts Tax (GRT) of \$159,131.00, for a total project cost of \$2,316,831.00, not including any contingency.

(III)

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

DONE AND APPROVED this _____ day of _____, 2009.

(SEAL)

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

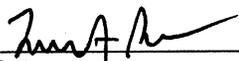
APPROVED:

Mayor

VOTE:

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

APPROVED AS TO FORM:



City Attorney

CITY OF LAS CRUCES**PURCHASING MANAGER'S REQUEST TO CONTRACT**

For Meeting of: June 15, 2009

Resolution No.: 08-09-586

**Contract Purchase For
FYI TRANSITIONAL HOUSING FACILITY**

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

BID SOLICITATION INFORMATION:

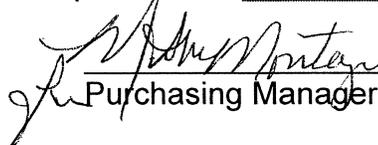
1. Bid Due Date: **March 24, 2009**
2. Description: **FYI Transitional Housing Facility**
3. Using Department: **Community Development**
4. Number of Responses Received: **Seven (7)**
5. Recommended Award(s) To: **The Greenhouse, Inc., of Las Cruces, NM**
6. Total Award Amount (includes any tax and contingency): **\$2,316,861.00**
7. Contract Duration: **270 Calendar Days**

LOCAL PREFERENCE FACTOR

Local Preference Factor Applied Per LCMC §24-100	No	<input checked="" type="checkbox"/>	LCMC §24-100 not applicable to this solicitation
	Yes	<input type="checkbox"/>	Made A Difference To Bid Awards(s)
		<input type="checkbox"/>	Made No Difference To Bid Award(s)

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 24-91**.


Purchasing Manager

15/29/09
Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION or PURCHASE ORDER NUMBER:	REQ. 91004357
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RESOLUTION NO. 09-185

A RESOLUTION APPROVING A HOME GRANT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND RESOURCES FOR CHILDREN & YOUTH INCORPORATED AND FAMILIES AND YOUTH INCORPORATED FOR THE DEVELOPMENT AND CONSTRUCTION OF EL CRUCERO, A TRANSITIONAL LIVING COMPLEX.

The City Council is informed that:

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act (NAHA) of 1990 created the HOME Investment Partnerships Program (HOME) for the purpose of providing decent affordable housing to lower-income households; and

WHEREAS, the City of Las Cruces, as a recipient of HOME funding, desires to provide funds in accordance with the goals of the City's 2006-2010 Consolidated Plan which outlines affordable housing and community development; and

WHEREAS, the 2007 Acton Plan, approved May 7, 2007 by Resolution No. 07-340, allocated \$375,000.00 of Program Year 2007 HOME funds for the construction of the Transitional Living Complex; and

WHEREAS, in order to comply with the regulatory requirements of the HOME Investment Partnerships Program (HOME), the City must execute an agreement with Resources for Children and Youth Incorporated and Families and Youth Incorporated.

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

(I)

THAT the Grant Agreement between the City of Las Cruces and Resources for Children and Youth Incorporated and Families and Youth Incorporated as shown in Exhibit "A," attached hereto and made part of this resolution, is hereby approved.

(II)

THAT the City Manager, as the official representative of the City, is hereby authorized to sign the Agreement on the City's behalf.

(III)

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

DONE and APPROVED this 17th day of February, 2009.

(SEAL)

APPROVED:



Mayor

ATTEST:



City Clerk

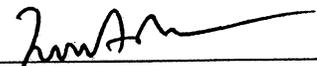
VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Connor _____

Seconded by: Silva _____

APPROVED AS TO FORM:



City Attorney

RESOLUTION NO. 09-235

A RESOLUTION APPROVING AN AFFORDABLE HOUSING GRANT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND RESOURCES FOR CHILDREN & YOUTH INCORPORATED AND FAMILIES & YOUTH INCORPORATED FOR THE USE OF STATE LEGISLATIVE FUNDS FOR DEVELOPMENT AND CONSTRUCTION OF EL CRUCERO, A TRANSITIONAL LIVING COMPLEX.

The City Council is informed that:

WHEREAS, the state legislature appropriated funding totaling \$1,524,130.00 to Dona Ana County to purchase, plan, design, equip, and furnish a Transitional Living Facility for young adults in Dona Ana County; and

WHEREAS, the Las Cruces City Council approved through Resolution #09-154 an inter-governmental agreement between Dona Ana County and the City of Las Cruces for state legislature appropriated funding to purchase, plan, and design a transitional living facility for young adults in Dona Ana County; and

WHEREAS, in order to comply with the State of New Mexico Affordable Housing Act requirements and the City of Las Cruces Affordable Housing General Oversight Ordinance to secure and expend funding towards the project, an Affordable Housing Grant Agreement must be executed.

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

(I)

THAT the Affordable Housing Grant Agreement between the City of Las Cruces and Resources for Children & Youth Incorporated and Families & Youth Incorporated as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved.

(II)

THAT the City Manager, as the official representative of the City, is hereby authorized to sign the Agreement on the City's behalf.

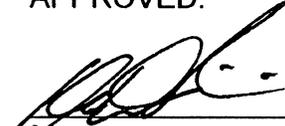
(III)

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

DONE and APPROVED this 20th day of April, 2009.

(SEAL)

APPROVED:



Mayor

ATTEST:



City Clerk

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Connor

Seconded by: Silva

APPROVED AS TO FORM:



City Attorney