

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution#12-13-327

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of November 5, 2012
(Adoption Date)

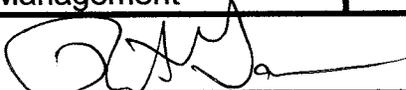
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AWARDING A CONTRACT TO LANDSCAPE AND DESIGN CENTER, INC., OF LAS CRUCES, NM FOR CONSTRUCTION OF PASEO DE OÑATE NEIGHBORHOOD PARK, IN THE AMOUNT OF \$178,661.45 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$13,511.27 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$17,866.20 FOR A TOTAL AUTHORIZATION OF \$210,038.92.

PURPOSE(S) OF ACTION:

To approve a contract.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Cathy Mathews <i>CM</i>	<u>Department/Section:</u> Public Works/Facilities Management	<u>Phone:</u> 541-2592
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

For the Las Alamedas subdivision, the nearest park available at this time for residents to use is located approximately 2.84 miles away. To comply with the standard level of service for parks as outlined in the Parks and Recreation Master Plan (2005), a neighborhood park at or near the Paseo de Oñate location is recommended. In April 2010, the Facilities Department conducted a public meeting resulting in substantial resident support for a park. The location discussed and approved by the residents is a parcel containing 10.08 acres located on Paseo de Oñate.

Doña Ana County preserved and maintained the subject property as a cemetery under a patent from the U. S. Bureau of Land Management (BLM). Doña Ana County and City staff pursued approval of transfer of the property by BLM. On June 20, 2012, BLM issued a Certificate of Transfer and Change of Use (Certificate No. 30-50), transferring the Recreation and Public Purposes Lease on the property from Doña Ana County to the City for purposes of providing a park.

The City of Las Cruces Landscape Architect and the Design and Construction Services component of Public Works/Facilities Management provided the design services. Plans call for amenities such as: a concrete walkway, play equipment and safety surfacing, benches, shade structure, landscape planting, and native grass seeding. The final plan for the park was presented to the public at a meeting on June 27, 2012. Funding for construction of the park is budgeted through Park Impact Fees (PIF). The Paseo de Oñate Neighborhood Park Project is included in the Infrastructure and Capital Improvement Plan for FY2013.

On July 26, 2012, bids for this construction project were opened. All bids received exceeded the project budget, necessitating changes to the bid package and initiation of a re-bid process. On August 30, 2012, bids for the re-bid of this construction project were opened. The lowest bid received was from Landscape and Design Center, Inc., in the amount of \$178,661.45 for the first three bid lots, which consist of general construction and hardscape, irrigation system and planting, and site furnishings.

The Resolution calls for the contract for the Paseo de Oñate Neighborhood Park construction project to be awarded to Landscape and Design Center, Inc., of Las Cruces, NM in the amount of \$178,661.45 and that the City Manager is authorized to approve change orders in an amount not to exceed \$17,866.20. With the addition of a project contingency in the amount of \$17,866.20 and an allowance for New Mexico Gross Receipts tax in the amount of \$13,511.27, this results in a total requested project authorization of \$210,038.92.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request to Contract Form.
3. Exhibit "B", Bid Tabulation Sheet.
4. Attachment "A", BLM Letter dated June 20, 2012.

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 \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

The project is in the FY12 ICIP. The funding is from the Park Impact Fees for Parks Management Area 3. These funds must be spent within Parks Management Area 3. Paseo de Oñate Park is located within Parks Management Area 3.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Parks Management Area 3	4106-41803100-854222	\$210,038.92	\$237,470.79	\$27,431.87	Will be spent on installation of previously purchased play equip. for this park

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution for the construction contract with Landscape and Design Center, Inc., for construction of the Paseo de Oñate Neighborhood Park. This will allow for timely expenditure of PIF funds on this project.
2. Vote "No"; this will not approve the Resolution for the construction contract with Landscape and Design Center, Inc., for construction of the Paseo de Oñate Neighborhood Park. This does not allow for timely expenditure of PIF funds.
3. Vote to "Amend"; the Resolution and provide staff with further direction.
4. 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 12-032.
2. Resolution 12-036.

RESOLUTION NO. 12-13-327

A RESOLUTION AWARDING A CONTRACT TO LANDSCAPE AND DESIGN CENTER, INC., OF LAS CRUCES, NM FOR CONSTRUCTION OF PASEO DE OÑATE NEIGHBORHOOD PARK, IN THE AMOUNT OF \$178,661.45 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$13,511.27 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$17,866.20 FOR A TOTAL AUTHORIZATION OF \$210,038.92.

The City Council is informed that:

WHEREAS, for the Las Alamedas subdivision the nearest park is a distance of 2.84 miles away, and a park is needed to meet the recreational requirements of the residents; and

WHEREAS, City staff conducted a public meeting in April 2010 resulting in resident support for a neighborhood park; and the location discussed and approved by the residents is a parcel containing 10.08 acres that is located on Paseo de Oñate; and

WHEREAS, the U. S. Bureau of Land Management (BLM) issued a Certificate of Transfer and Change of Use for the land, transferring it from Doña Ana County to the City for the purpose of providing a park; and

WHEREAS, on July 27, 2012, bids for this construction project were opened and all bids exceeded the project budget necessitating a re-bid process; and

WHEREAS, on August 30, 2012, bids for the re-bid of this construction project were opened and the lowest cumulative bid received for the bid lots that fit within the project budget was from Landscape and Design Center, Inc., as shown in Exhibit "B", attached hereto, in the amount of \$178,661.45.

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

(I)

THAT the contract for the Paseo de Oñate Neighborhood Park construction project is hereby awarded to Landscape and Design Center, Inc., of Las Cruces, NM in the amount of \$178,661.45 and that the City Manager is authorized to approve change orders in an amount not to exceed \$17,866.20.

(II)

THAT the contingency fund in the amount of \$17,866.20 and an allowance for New Mexico Gross Receipts tax in the amount of \$13,511.27 results in a total project authorization of \$210,038.92.

(III)

THAT the Purchasing Manager is authorized to contract with Landscape and Design Center, Inc. as outlined in the signed Exhibit "A", Purchasing Manager's Request to Contract Form attached hereto.

(IV)

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:

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

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: November 5, 2012

Resolution No.: 12-13-327

**Contract Purchase For
Paseo de Oñate Neighborhood Park**

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

BID SOLICITATION INFORMATION:

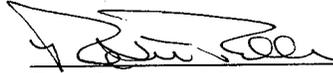
- 1. Bid Due Date: **August 30, 2012**
- 2. Description: **Paseo de Oñate Neighborhood Park**
- 3. Using Department: **Public Works**
- 4. Number of Responses Solicited: **Ninety-eight (98)**
- 5. Number of Responses Received and Accepted: **Two (2)**
- 6. Recommended Award To: **Landscape and Design Center Inc. of Las Cruces, NM**
- 7. Total Award Amount (includes any tax and contingency): **\$210,038.92**
- 8. Contract Duration: **150 working days**

LOCAL PREFERENCE FACTOR

Local Preference	No		LCMC §24-100 not applicable to this solicitation
Factor Applied Per	Yes	X	Made A Difference To Bid Awards(s)
LCMC §24-100			X 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

11/05/12
 Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION or PURCHASE ORDER NUMBER:	REQ 13101207
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PROJECT: Paseo de Oñate Neighborhood Park - Construction: Project
CLC PROJECT NO.: 12-13-327
BID OPENING DATE: 8/30/2012
CONTRACT DATE: N/A
Engineer's Estimate: \$210,000.00

Item No.	Description	Est. Qty.	Units	Landscape and Design Center		Recon	
				Unit Price	Total Cost	Unit Price	Total Cost
Base Bid							
1*	General Construction and Hardscape	1	LS	\$99,230.36	\$ 99,230.36	\$83,515.25	\$ 83,515.25
2*	Irrigation System and Planting	1	LS	\$49,246.26	\$ 49,246.26	\$64,657.25	\$ 64,657.25
3*	Site Furnishings	1	LS	\$30,184.83	\$ 30,184.83	\$39,075.00	\$ 39,075.00
4	Play Equipment and Safety Surfacing	1	LS	\$67,117.68	\$ 67,117.68	\$84,980.00	\$ 84,980.00
5	Monument Park Sign	1	LS	\$7,500.00	\$ 7,500.00	\$4,695.00	\$ 4,695.00
Project Total					\$253,279.13		\$276,922.50
NMGRT (7.5625%)					\$19,154.23		\$20,942.26
					\$272,433.36		\$297,864.76
Bid Alts							
Bid Alt 01 CIP Exterior Painting, All CMU Surfaces at Cemetery,							
		1	LS	\$2,450.00	\$ 2,450.00	\$3,990.00	\$ 3,990.00
Bid Alt 02 Cemetery Interior Area Only: CIP Remove Existing Weeds, Spray Herbicide,							
		1	LS	\$1,398.53	\$ 1,398.53	\$3,680.00	\$ 3,680.00
					\$ 3,848.53		\$ 7,670.00
NMGRT (7.5625%)					\$291.05		\$580.04
					\$4,139.58		\$8,250.04

PREPARED BY: Cathy Mathews

VERIFIED BY: _____

* These three Bid Items used for purposes of determining low bidder and contract award amount.



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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
www.blm.gov/nm

ATTACHMENT "A"



In Reply Refer To:

NMNM 018266 02
2740 (L0310)

JUN 20 2012

Mr. Robert L. Garza
City Manager
City of Las Cruces
P.O. Box 20000
Las Cruces, NM 88004

Dear Mr. Garza:

Enclosed is the Certificate of Approval of Transfer and Change of Use (Certificate No. 30-50) from Dona Ana County to the City of Las Cruces for a cemetery and park located near the Las Alamedas/Canyon Point Subdivision, which has been approved under the Recreation & Public Purposes Act (R&PP) by the Bureau of Land Management.

This Certificate of Approval should be recorded in the local courthouse by the transferee, Dona Ana County. If you have any questions, please contact Frances Martinez, Realty Specialist, at (575) 525-4385.

Sincerely,

Edward Seum
Supervisory Multi-Resources Specialist
Division of Multi-Resources

2 Enclosures:

- 1 - Certificate of Approval
- 2 - Map

cc:

Mr. Brian D. Haines

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial No. NMNM 182660Certificate No. 30-50

APPROVAL OF TRANSFER AND CHANGE OF USE (Additional Use)

(Act of June 14, 1926; 44 Stat. 741;
43 U.S.C. 869 et seq., as amended)

Pursuant to the authority delegated by BLM Manual 1203, and pursuant to the Act of June 14, 1926, amended, and the regulations in 43 CFR, Part 2740, I hereby approve the transfer as set forth below:

Patentee: Dona Ana County

Patent No. and Date: 30-76-0006, August 28, 1975

Approved Transferee: City of Las Cruces
P.O. Box 2000
Las Cruces, NM 88004

Approved Permitted Use: Cemetery and Park (additional use)

Lands Affected by This Approval: T. 23 S., R. 2 E., Section 10, Lot 36.
New Mexico Principal Meridian,
Dona Ana County, New Mexico
Containing 10.08 acres

Termination Date of Reversionary Clause: None

6/4/12
Date

(Signature)
Jesse J. Juen, State Director

Appendix A



BLM GIS
Las Cruces District Office



0 380 760 1,520 Feet
0 100 200 400 Meters

NMNM 018266 02
April 2012

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information is subject to change without notification.

Legend

R&PP Patent

 Patented 10-Acre Parcel

Surface Ownership

 Bureau of Land Management

 Private