City of Las Cruces®

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Council Action and Executive Summary

Item # 7 **Ordinance/Resolution#** 09-10-423A

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of June 17, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: **A RESOLUTION AUTHORIZING AMENDMENT #2 TO THE CONTRACT FOR DESIGN SERVICES FOR THE INTERMODAL TRANSIT FACILITY BETWEEN THE CITY OF LAS CRUCES AND HUITT-ZOLLARS, INC., AUTHORIZING COMPENSATION OF $11,028.50, PLUS NEW MEXICO GROSS RECEIPTS TAX OF $834.03 FOR ADDITIONAL SERVICES, AND A PROJECT CONTINGENCY OF $6,771.39 FOR REIMBURSABLES; FOR A TOTAL CHANGE ORDER AUTHORIZATION OF $18,633.92.**

PURPOSE(S) OF ACTION:

Authorize an amendment to an existing contract.

COUNCIL DISTRICT: ALL		
Drafter/Staff Contact: Tomás Méndez	**Department/Section:** Public Works/Facilities Management	Phone: 541-2583
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Huitt-Zollars, Inc. is the architect under contract for the design of the new Intermodal Transit Facility. As such, the contract can be amended to provide additional design services whenever the scope of the construction work merits it. This contract Amendment #2 focuses on work that will allow the Leadership in Energy and Environmental Design (LEED) certification of the new facility. Commissioning of the project is a minimum requirement to achieve LEED certification and now that the building is well under construction, a commissioning agent and their services are required to be integrated into the project team. The fees of $11,028.50 for the additional services are a stipulated amount based on the scope of work required by the building's size and complexity. A project contingency of $6,771.39 is required for reimbursables.

Funding for this amendment will be provided through the current grant funds appropriated for the project that, at present, are unencumbered. This will allow continuation of various project components and move the City closer toward the project's successful completion. City staff recommends that the City's best interests will be served by proceeding with this contract amendment to incorporate commissioning services into the design services contract. Facilities Management (Design and Construction Services) is administering the construction services contract with the collaboration of the City of Las Cruces Transportation Department – RoadRunner Transit Section.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request to Contract.
3. Attachment "A", Draft Contract Amendment #2.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☒	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: _____ in the amount of ___for FY___.
	No	☒	There is no new revenue generated by this action.

BUDGET NARRATIVE

City Council has previously authorized the expenditure of $412,544.38 for the Las Cruces Intermodal Transit Facility design services contract. The attached resolution authorizes additional services and the compensation of $11,028.50, plus NM gross receipts tax, for those services, and a project contingency of $6,771.39 for reimbursables. The initial contract award authorization and a previous amendment to the contract have been funded with Federal Transit Administration grants and City of Las Cruces matching funds. The following summary only itemizes the current funding source and its assignment to the increase in contract authorization referring to contract Amendment #2.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
FTA – Transit Intermodal Center	59323050-852100-61L50	$ 18,633.92	$ 119,746.15	$ 101,112.23	Fixtures, furnishings and equipment.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution, authorizing Amendment #2 to the contract between the City and Huitt-Zollars, Inc.
2. Vote "No"; this will not approve the Resolution, authorizing Amendment #2 to the contract between the City and Huitt-Zollars, Inc.
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 ordinances(s) listed below are only for reference and are not included as attachments or exhibits:

1. Resolution 09-10-423.

RESOLUTION NO. 09-10-423A

A RESOLUTION AUTHORIZING AMENDMENT #2 TO THE CONTRACT FOR DESIGN SERVICES FOR THE INTERMODAL TRANSIT FACILITY BETWEEN THE CITY OF LAS CRUCES AND HUITT-ZOLLARS, INC., AUTHORIZING COMPENSATION OF $11,028.50, PLUS NEW MEXICO GROSS RECEIPTS TAX OF $834.03 FOR ADDITIONAL SERVICES, AND A PROJECT CONTINGENCY OF $6,771.39 FOR REIMBURSABLES; FOR A TOTAL CHANGE ORDER AUTHORIZATION OF $18,633.92.

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

WHEREAS, City Council authorized a contract with Huitt-Zollars, Inc., for the design of the new Intermodal Transit Facility; and

WHEREAS, commissioning of the project is a minimum requirement to achieve Leadership in Energy and Environmental Design (LEED) certification and a commissioning agent and their services are required to be integrated into the project team; and

WHEREAS, the fees of $11,028.50 for additional services are based on the scope of work required by the building's size and complexity. A project contingency of $6,771.39 is required for reimbursables; and

WHEREAS, the proposed contract Amendment #2 will authorize compensation to the architect for the owner-requested commissioning services; and

WHEREAS, staff reviewed the architect's fee proposal and the associated work and found that the cost is acceptable and consistent with the type and complexity of the work.

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

(I)

THAT Amendment #2 to the contract between the City and Huitt-Zollars, Inc, authorizing compensation of $11,028.50, plus New Mexico gross receipts tax of $834.03, and a project contingency of $6,771.39 is authorized for a total contract authorization of $18,633.92.

(II)

THAT the Purchasing Manager is authorized to contract with Huitt-Zollars, Inc., of Las Cruces, New Mexico, as outlined in the signed Exhibit "A", Purchasing Manager's Request to Contract Form.

(III)

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 _____, 2013.

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:

Deputy City Attorney

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST FOR CHANGE ORDER

For Meeting of: June 17, 2013

Resolution No.: 09-10-423A

Change Order to Existing Contract For
Design Services for the Intermodal Transit Facility

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

BID/RFP SOLICITATION INFORMATION:

1. Original RFP & Due Date: **RFP # 09-10-423 / January 7, 2010**
2. Description of Bid/RFP: **Design Services for the Intermodal Transit Facility**
3. Contract Award: **Resolution No. 09-10-423 / May 17, 2010**
4. Contract Authorization:
   Previous Contract Authorization: **$412,544.38**
   Increase Requested: **$18,663.92**
   New Contract Authorization: **$431,208.30**
5. Contractor: **Huitt Zollars, Inc. of Las Cruces, NM**
6. Using Department: **Public Works**
7. Contract Duration: **Until Completed**

PROCUREMENT CODE COMPLIANCE:

The City of Las Cruces Procurement Code was administered in the conduct of this procurement and approval to change the above contract is hereby requested pursuant to **Section 24-228.**

Purchasing Manager / 5/31/13 Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	**13200598**

ATTACHMENT "A"

DRAFT AIA® Document G802™ - 2007

Amendment to the Professional Services Agreement

Amendment Number: 002

TO: Tomás Méndez, Architect / City of Las Cruces Public Works Dept. - Facilities Management
(Owner or Owner's Representative)

In accordance with the Agreement dated: July 21, 2010

BETWEEN the Owner:
(Name and address)
City of Las Cruces / 700 N. Main [mail: P.O. Box 20000] / Las Cruces, New Mexico 88004

and the Architect:
(Name and address)
Huitt-Zollars, Inc. / 6501 Americas Pkwy, NE, Suite 550 / Albuquerque, NM 87110

for the Project:
(Name and address)
Las Cruces Intermodal Transit Facility
CLC RFP-Contract No. 09-10-423

Authorization is requested
☒ to proceed with Additional Services.
☐ to incur additional Reimbursable Expenses.

As Follows:
Commissioning Services; as described in accompanying proposals from Huitt-Zollars, Inc. and Halcom Consulting, dated February 18, 2013 and February 8, 2013, respectively.

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:
In accordance with Section 11.2 of the Agreement between the City of Las Cruces and Huitt-Zollars; the Owner shall compensate the Architect the Negotiated Fee of $11,028.50 (not including NM gross receipts tax of $834.03).

Time:
1. No change in contract time since proposed services will be delivered simultaneously with current construction contract administrations services.

SUBMITTED BY:	**AGREED TO:**
(Signature)	*(Signature)*
John L. Jarrard, Vice President	City of Las Cruces
Huitt Zollars, Inc.	Purchasing Manager
(Printed name and title)	*(Printed name and title)*
(Date)	*(Date)*

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User Notes:
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