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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 13-14-331

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of September 16, 2013
 (Adoption Date)

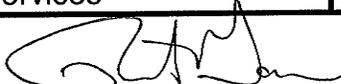
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AWARDING A CONTRACT TO SMITH AND AGUIRRE CONSTRUCTION COMPANY OF LAS CRUCES, NM FOR CONSTRUCTION OF THE ALAMEDA ARROYO RECREATION TRAIL IN THE AMOUNT OF \$326,500.00 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$24,691.56 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$70,238.31, FOR A TOTAL AUTHORIZATION OF \$421,429.87.

PURPOSE(S) OF ACTION:

To award a contract.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On November 6, 2006, the City Council approved an agreement with the Alameda Property Group (APG) to construct Rinconada Boulevard and portions of Sonoma Ranch Boulevard and Lohman Avenue. This included landscape improvements in the medians. Some of the landscape work involved properties not adjacent to those parcels owned by APG. Therefore, APG agreed to complete these additional improvements, if the City was willing to either reimburse them in the amount of \$125,115.40, or construct the Alameda Arroyo Trail at a cost meeting or exceeding the value noted.

At the City Council meeting of January 4, 2010, the Council agreed to support the Alameda Arroyo Recreational Trail Project. The City then applied for and was awarded a Recreational Trails Program (RTP) Grant in the amount of \$266,330.00. As part of the grant agreement, the City proposed a match of \$166,316.00 (which included \$41,201.00 of in-kind services). In addition, the City added \$125,001.00 to ensure the project could be completed as intended. Therefore, the total amount allocated to the project for design and construction is \$557,647.00. Funding for this project comes from Park Impact Fees, Streets Maintenance/Flood Control, RTP

Grant, and in-kind services. This project is included under the FY2014 Infrastructure Capital Improvement Program (ICIP).

Planning and design for the project were completed. On September 6, 2013, bids for this construction project were opened. Seven bids were received with one being non-responsive. The lowest bid received was from Smith and Aguirre Construction Company in the amount of \$326,500.00.

The Resolution calls for the contract for the Alameda Arroyo Recreational Trail Project to be awarded to Smith and Aguirre Construction Company of Las Cruces, NM in the amount of \$326,500.00 plus an allowance for New Mexico Gross Receipts Tax in the amount of \$24,691.56. The City Manager is authorized to approve change orders in an amount not to exceed \$70,238.31 which results in a total project authorization of \$421,429.87.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request to Contract Form.
3. Attachment "A", Bid Tabulation Sheet.

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 construction contract amount of \$326,500.00 plus an allowance for New Mexico Gross Receipts Tax in the amount of \$24,691.56 and City Manager's authorization to approve change orders in an amount not to exceed \$70,238.31 resulted in a total project authorization of \$421,429.87. The fund expenditure summary below illustrates how the total project authorization is being funded by the grant and available City match in cash for the project.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Fund 4112 - Park/Land Improvements State Grants	41803060-854222-62010	\$ 242,193.25	\$242,193.25	\$ 0	N/A
Fund 4106 - Park Impact Fees	41803070-854222-62010	\$ 89,618.31	\$112,455.59	\$ 22,837.28	Planning and design - final invoicing.
Fund 4400 - Flood Control	44806010-854222-62010	\$ 89,618.31	\$125,116.00	\$ 35,497.69	Remaining funds to revert back to Flood Control Fund balance.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to award a contract to Smith and Aguirre Construction Company for construction of the Alameda Arroyo Recreational Trail in the amount of \$326,500.00, plus New Mexico Gross Receipts Tax of \$24,691.56, and authorizing the City Manager to approve change orders in an amount up to \$70,238.31, for a total project authorization of \$421,429.87.
2. Vote "No"; this will deny the Resolution and will not approve the construction contract with Smith and Aguirre Construction Company for construction of Alameda Arroyo Recreational Trail.
3. Vote to "Amend"; this would require additional direction to staff to modify the Resolution.
4. Vote to "Table"; this could delay the construction process and might result in expiration of the Park Impact Fee funds and loss of RTP grant funds.

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 10-186
2. Resolution 11-140

RESOLUTION NO. 13-14-331

A RESOLUTION AWARDED A CONTRACT TO SMITH AND AGUIRRE CONSTRUCTION COMPANY OF LAS CRUCES, NM FOR CONSTRUCTION OF THE ALAMEDA ARROYO RECREATION TRAIL IN THE AMOUNT OF \$326,500.00 PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$24,691.56 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$70,238.31, FOR A TOTAL AUTHORIZATION OF \$421,429.87.

The City Council is informed that:

WHEREAS, at the November 6, 2006, the City Council approved an agreement with Alameda Property Group (APG) to address landscape median infrastructure as part of the construction of Rinconada Boulevard and portions of Sonoma Ranch Boulevard and Lohman Avenue; and

WHEREAS, this involved properties not adjacent to APG parcels for which they agreed to construct the improvements if the City would either reimburse them in the amount of \$125,115.40 or construct the Alameda Arroyo Trail; and

WHEREAS, on January 4, 2010, the City Council agreed to proceed with the Alameda Arroyo Trail Project; and

WHEREAS, funding for this project comes from a Recreational Trails Program Grant, Park Impact Fees, Streets Maintenance/Flood Control funds, and in-kind services; and

WHEREAS, on September 6, 2013 bids for this construction project were opened. The lowest cumulative bid received for the bid lots that fit within the project budget was from Smith and Aguirre Construction Company in the amount of \$326,500.00.

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

(I)

THAT the contract for the Alameda Arroyo Recreational Trail Project is hereby awarded to Smith and Aguirre Construction Company of Las Cruces, NM in the amount of \$326,500.00 plus New Mexico Gross Receipts tax in the amount of \$24,691.56 and authorizing the City Manager to approve change orders in an amount not to exceed \$70,238.31, resulting in a total project authorization of \$421,429.87.

(II)

THAT the Purchasing Manager is authorized to contract with Smith and Aguirre Construction Company of Las Cruces, NM as outlined in the signed Exhibit "A", Purchasing Manager's Request to Contract Form attached hereto and made part of this Resolution.

(III)

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: **September 16, 2013**

Resolution No.: **13-14-331**

**Contract Purchase For
Alameda Arroyo Recreational Trail**

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

BID SOLICITATION INFORMATION:

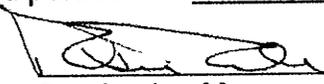
- 1. Bid Due Date: **September 6, 2013**
- 2. Description: **Alameda Arroyo Recreational Trail**
- 3. Using Department: **Public Works**
- 4. Number of Responses Solicited: **134**
- 5. Number of Responses Received and Accepted: **Six (6)**
- 6. Recommended Award(s) To: **Smith and Aguirre Construction of Las Cruces, NM**
- 7. Total Award Amount (includes any tax and contingency): **\$421,429.87**
- 8. Contract Duration: **50 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

19/6/13
 Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION or PURCHASE ORDER NUMBER:	TBD
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PROJECT: Alameda Arroyo Rec Trail - Construction Proj.
 CLC PROJECT NO.: 13-14-331
 BID OPENING DATE: 9/6/2013
 CONTRACT DATE: N/A

Engineer's Estimate: \$366,869.00

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Item No.	Description	Est. Qty.	Units	Burn Construction		Vendor Name	
				Unit Price	Total Cost	Unit Price	Total Cost
Base	Base Bid	1	LS	\$399,600.00	\$ 399,600.00	\$350,600.00	\$350,600.00
	Bid Total					\$399,600.00	\$350,600.00

Add Alt1 Civil Alternate, slope protection
 Add Alt02 All Signage Alternate

1	LS	\$55,975.00	\$ 55,975.00	\$27,800.00	\$ 27,800.00
1	LS	\$8,705.00	\$ 8,705.00	\$8,600.00	\$ 8,600.00
			\$ 64,680.00		\$ 36,400.00
			\$64,680.00		\$36,400.00

PREPARED BY: Cathy Mathews

VERIFIED BY: *P. Wilson*

PROJECT: Alameda Arroyo Rec Trail - Construction Proj.
 CLC PROJECT NO.: 13-14-331
 BID OPENING DATE: 9/6/2013
 CONTRACT DATE: N/A

BID ITEMS				Vendor Name J Carrizal		
Item No.	Description	Est. Qty.	Units	Unit Price	Total Cost	
Base	Base Bid	1	LS	\$1,630,839.00	\$ 1,630,839.00	
Bid Total						\$1,630,839.00
AddAlt01 Civil Alternate, slope protection						
AddAlt02 All Signage Alternate						
**No federal provisions included						
1	LS			\$58,509.51	\$ 58,509.51	
1	LS			\$5,500.00	\$ 5,500.00	
Bid Total						\$64,009.51
						\$16,999.01

PREPARED BY: Cathy Mathews

VERIFIED BY: R. Wilson

PROJECT: Alameda Arroyo Rec Trail - Construction Proj.
 CLC PROJECT NO.: 13-14-331
 BID OPENING DATE: 9/6/2013
 CONTRACT DATE: N/A

BID ITEMS				Morrow Enterprises			Renegade Construction		
Item No.	Description	Est. Qty.	Units	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
	Base Bid								
	Base Bid	1	LS	\$324,620.00	\$ 324,620.00	\$384,290.29	\$ 384,290.29		
	Bid Total				\$324,620.00				\$384,290.29
					\$324,620.00				
									\$384,290.29
Add Alt1 Civil Alternate, slope protection							\$35,767.00	\$ 35,767.00	
Add Alt2 All Signage Alternate							\$12,692.71	\$ 12,692.71	
									\$ 48,459.71
									\$48,459.71

PREPARED BY: Cathy Mathews

VERIFIED BY: *F. Wilson*

PROJECT: Alameda Arroyo Rec Trail - Construction Proj.
CLC PROJECT NO.: 13-14-331
BID OPENING DATE: 9/6/2013
CONTRACT DATE: N/A

Vendor Name

Item No.	Description	Est. Qty.	Units	Smith and Aguire Construction	
				Unit Price	Total Cost
Base	Base Bid	1	LS	\$293,750.00	\$ 293,750.00
Bid Total					\$293,750.00

\$293,750.00

Add Alts
 AddAlt01 Civil Alternate, slope protection
 AddAlt02 All Signage Alternate

1	LS	\$26,500.00	\$ 26,500.00
1	LS	\$6,250.00	\$ 6,250.00

\$

32,750.00

\$32,750.00

PREPARED BY: Cathy Mathews

VERIFIED BY: 