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

Item # 6 Ordinance/Resolution# 13-14-351

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of November 4, 2013
 (Adoption Date)

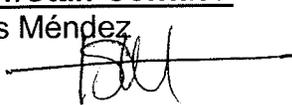
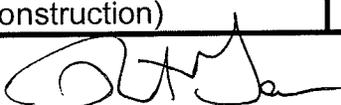
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING A FINAL CHANGE ORDER NUMBER SIX (6) TO THE CONTRACT BETWEEN THE CITY OF LAS CRUCES AND JAYNES CORPORATION, INC. FOR CONSTRUCTION OF THE LAS CRUCES REGIONAL AQUATIC CENTER; TO INCREASE THE CONTRACT SUM BY THE AMOUNT OF \$27,940.00.

PURPOSE(S) OF ACTION:

Authorize a change order.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Tomás Méndez 	<u>Department/Section:</u> Public Works/Facilities Management (Design & Construction)	<u>Phone:</u> 541-2583
<u>City Manager Signature:</u> 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City Council authorized Resolution No. 07-08-024A awarding the contract for the construction of the Las Cruces Regional Aquatic Center to Jaynes Corporation, Inc. (Jaynes) in the amount of \$11,162,445.00. Previously authorized change orders have resulted in a current contract sum of \$11,752,260.00, which includes New Mexico Gross Receipts Tax.

The State of New Mexico Department of Finance and Administration re-authorized funding that had previously been rescinded. These funds were used to pay for the build-out of the second floor fitness spaces. The proposed Change Order Number Six (6) to the contract increases the contract amount from the current sum of \$11,752,260.00 to \$11,780,200.00 for a net increase of \$27,940.00 for compensation to the contractor for the owner requested removal of a previously completed soffit. Compensation had not been previously made because the contract was not closed out in case additional work was required to be undertaken during fiscal year 2012-2013. With the close out of the fiscal year complete, this contingency is no longer needed.

City staff recommends that the City's best interests are served by proceeding with this change order to make a final payment to the contractor and to close out the construction contract. Facilities Management (Design and Construction Services) is administering the construction services contract with the collaboration of the Parks and Recreation Department.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request to Contract Form.
3. Attachment "A", Change Order Number Six (6).

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

City Council previously authorized the expenditure of \$11,752,260.00 for construction services at the Las Cruces Regional Aquatic Center. The attached Resolution authorizes the increase of the contract sum to \$11,780,200.00. The initial contract award and change orders have been funded with New Mexico state legislative appropriations. The following summary only itemizes the current funding source and its assignment to increase the contract via Change Order Number Six (6).

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Infrastructure and Rehabilitation	40806060-852100	\$ 27,940.00	\$2,183,353.95	\$2,155,413.95	To be used to fund other infrastructure and rehabilitation projects.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution, authorizing Change Order Number Six (6) to the contract between the City and Jaynes to increase the contract sum by \$27,940.00 (from \$11,752,260.00 to \$11,780,200.00) which includes New Mexico Gross Receipts Tax.
2. Vote "No"; this will not approve the Resolution. Staff will be required to pursue other options to compensate the contractor prior to closing out the construction services contract.
3. Vote to "Amend"; this will direct staff to proceed as amended by City Council. This may delay closing out the contract and compensating the contractor for the construction services.
4. Vote to "Table"; City Council could provide staff with further direction. This would delay compensating the contractor for the construction services and the closing out of the contract.

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 07-08-024A
2. Resolution 07-08-024A(1)

RESOLUTION NO. 13-14-351

A RESOLUTION AUTHORIZING A FINAL CHANGE ORDER NUMBER SIX (6) TO THE CONTRACT BETWEEN THE CITY OF LAS CRUCES AND JAYNES CORPORATION, INC. FOR CONSTRUCTION OF THE LAS CRUCES REGIONAL AQUATIC CENTER; TO INCREASE THE CONTRACT SUM BY THE AMOUNT OF \$27,940.00.

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

WHEREAS, City Council authorized Resolution No. 07-08-024A awarding the contract for the construction of the Las Cruces Regional Aquatic Center to Jaynes Corporation, Inc.; and

WHEREAS, previously authorized change orders resulted in increasing the original contract sum of \$11,162,445.00 to the current contract sum of \$11,752,260.00 including New Mexico Gross Receipts Tax; and

WHEREAS, the proposed Change Order Number Six (6) increases the contract amount from the current sum of \$11,752,260.00 to \$11,780,200.00 for a net increase of \$27,940.00; and

WHEREAS, the proposed Change Order Number Six (6) will authorize compensation to the contractor for the owner requested removal of an existing soffit completed prior to the build-out of the second floor; and

WHEREAS, staff has reviewed the contractor's cost proposals and the associated work and find 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 Change Order Number Six (6) to the contract between the City and Jaynes Corporation, Inc. increases the contract amount by \$27,940.00 and is hereby authorized which increases the total contract sum to \$11,780,200.00, an amount that includes New Mexico Gross Receipts Tax.

(II)

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 _____, 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 FOR CHANGE ORDER

For Meeting of: October 21, 2013

Resolution No.: 13-14-351

Change Order to Existing Contract For Construction Manager at Risk for Aquatic Center

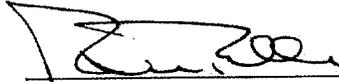
The Las Cruces City Council is provided the following information concerning this request:

BID/RFP SOLICITATION INFORMATION:

- | | | |
|----|---------------------------------|---|
| 1. | Original Bid/RFP & Due Date: | RFP No. 07-08-024 / July 31, 2007 |
| 2. | Description of Bid/RFP: | Aquatic Center CMAR |
| 3. | Contract Award: | Resolution No. 07-08-024A / December 17, 2007 |
| 4. | Contract Revision: | |
| | Previous Contract Award Amount: | \$11,752,260.00 |
| | Change Order Amount: | <u>\$27,940.00</u> |
| | New Contract Amount: | \$11,780,200.00 |
| 5. | Contractor: | Jaynes Corporation |
| 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

/ 10/14/13

Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	TBD
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DRAFT AIA® Document G701™ - 2001

Change Order

PROJECT (Name and address): **CHANGE ORDER NUMBER:** 006 to Amendment No. 1
 Regional Recreation & Aquatic Center **DATE:** September 9, 2013
 1401 East Hadley
 Las Cruces, New Mexico

TO CONTRACTOR (Name and address): **ARCHITECT'S PROJECT NUMBER:** 07-08-024A
 Jaynes Corporation **CONTRACT DATE:**
 2906 Broadway NE **CONTRACT FOR:** Construction Management -
 Albuquerque, New Mexico 87107 General Contractor Services

OWNER:

ARCHITECT:

CONTRACTOR:

FIELD:

OTHER:

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)
 The Guaranteed Maximum Price, as stipulated in Article I of Amendment No. 1 To Agreement Between Owner and Construction Manager between the City of Las Cruces and Jaynes Corporation, is adjusted to recognize the changes to the Work as follows:

CO6-01.: Add to the Work the demolition and removal of the soffit over the central stair per the attached cost proposal from Jaynes Corp. dated July 6, 2012. The Work of this Change Order No. 6 includes adjustments to the fire suppression system, removal of light fixtures, installation of new carpeting, and painting

\$30,350.00

CO6-02.: Owner's share of savings to be credited to guaranteed maximum price

\$ 2,410.00

Cost of the Work of this Change Order No. 6:

\$27,940.00

The original Guaranteed Maximum Price was
 The net change by previously authorized Change Orders
 The Guaranteed Maximum Price prior to this Change Order was
 The Guaranteed Maximum Price will be increased by this Change Order in the amount of
 The new Guaranteed Maximum Price including this Change Order will be

\$ 11,162,445.00
 \$ 589,815.00
 \$ 11,752,260.00
 \$ 27,940.00
 \$ 11,780,200.00

The Contract Time will be unchanged by () days.
 The date of Substantial Completion as of the date of this Change Order therefore is July 31, 2012.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

City of Las Cruces Architect
ARCHITECT (Firm name)
 700 N Main St.
 Las Cruces, NM 88005
ADDRESS

BY (Signature)
 Tomas Mendez, AIA
 (Typed name)
 _____ (Change Order No. 6)
DATE

Jaynes Corp. General Contractors
CONTRACTOR (Firm name)
 2906 Broadway NE
 Albuquerque, NM 87125
ADDRESS

BY (Signature)
 _____ (Typed name)
 _____ (Change Order No. 6)
DATE

City of Las Cruces
OWNER (Firm name)
 P.O. Box 20000
 Las Cruces, New Mexico 88004
ADDRESS

BY (Signature)
 Robert Telles, Purchasing Manager
 (Typed name)
 _____ (Change Order No. 6)
DATE