

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 2

Ordinance/Resolution# 13-14-326

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of February 18, 2014  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

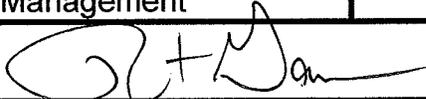
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING A CONTRACT WITH DIAMOND CONSTRUCTION INC., OF LAS CRUCES, NM FOR THE CONSTRUCTION OF BURN LAKE PHASE II LANDSCAPE IMPROVEMENTS PROJECT FOR THE BASE BID PLUS ADDITIVE ALTERNATES NUMBER ONE, TWO, AND THREE IN THE AMOUNT OF \$263,433.82, PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$19,922.18, AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$26,343.38 FOR A TOTAL AUTHORIZATION OF \$309,699.38.

**PURPOSE(S) OF ACTION:**

Approve a construction contract.

<b>COUNCIL DISTRICT: 4</b>		
<b><u>Drafter/Staff Contact:</u></b> Soo Gyu Lee	<b><u>Department/Section:</u></b> Public Works/Facilities Management	<b><u>Phone:</u></b> 541-2905
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The City Council approved the Conceptual Master Plan for the Burn Lake and Esslinger property in 2004. The plan outlined several new amenities including pathways, parking facilities, picnic facilities, and landscape plantings. Other features included lake-side erosion control, specialty gardens, and additional sports and recreation facilities.

Phase I landscape improvements are complete. These included the west side parking lot, restrooms, and ultimately the replacement lighting at the soccer fields. For Phase II, the scope of work includes a new ADA compliant ramp to a lake overlook point, south side parking lot with permeable asphalt millings, picnic facilities, retaining walls, walkway/path, slope protection and erosion control, shade trees, and a turf play area. This project is included in the Infrastructure and Capital Improvement Plan (ICIP) for FY 2013-2014.

Planning and design for the project have been completed. On September 18, 2013, bids for this construction project were opened. Nine (9) bids were received. One (1) bid was deemed non-responsive. The low, responsive bid was from Diamond Construction, Inc., in the amount of \$263,433.82. Public Works/Facilities Management has reviewed the bids and recommends that

City Council award the Burn Lake Phase II Landscape Improvements Project to Diamond Construction, Inc., for the base bid plus additive alternates one, two, and three in the amount of \$263,433.82 plus New Mexico Gross Receipts Tax of \$19,922.18, and authorizing the City Manager to approve change orders in the amount of \$26,343.38 for a total authorization of \$309,699.38.

**SUPPORT INFORMATION:**

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

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	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.
<b>Does this action create any revenue?</b>	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**

This project will drawdown the remaining funds from Fund 4021, 2003 GRT Bond Facilities/Parks, and the balance will be taken from Fund 4023, 2005 GRT Bond Public Improvements.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
2003 GRT Bond Facilities/Park	40803240-854222-61R01	\$24,597.00	\$24,597.00	\$ 0.00	N/A
2005 GRT Bond Public Improvements	40803250-854222-61R02	\$285,102.38	\$390,225.27	\$105,122.89	Additional improvements at Burn Lake.

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Resolution, and authorize the contract with Diamond Construction, Inc., of Las Cruces, NM for Burn Lake Phase II Landscape Improvements Project for the base bid plus additive alternates number one, two, and three in the amount of \$263,433.82 plus New Mexico Gross Receipts Tax of \$19,922.18, and authorizing the City Manager to approve change orders in the amount of \$26,343.38 for a total authorization of \$309,699.38.
2. Vote "No"; this will not approve the Resolution, and will not approve the contract with Diamond Construction, Inc., of Las Cruces, NM for the Burn Lake Phase II Landscape Improvements Project.
3. Vote to "Amend"; this will direct staff to proceed as amended by City Council. This may require additional direction to staff to modify the Resolution.
4. Vote to "Table"; City Council could provide staff with further direction. This could delay the construction process and may result in expiration of the 2003 and 2005 bond funds.

**REFERENCE INFORMATION:**

1. N/A

**RESOLUTION NO. 13-14-326**

**A RESOLUTION APPROVING A CONTRACT WITH DIAMOND CONSTRUCTION INC., OF LAS CRUCES, NM FOR THE CONSTRUCTION OF BURN LAKE PHASE II LANDSCAPE IMPROVEMENTS PROJECT FOR THE BASE BID PLUS ADDITIVE ALTERNATES NUMBER ONE, TWO, AND THREE IN THE AMOUNT OF \$263,433.82, PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$19,922.18, AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$26,343.38 FOR A TOTAL AUTHORIZATION OF \$309,699.38.**

The City Council is informed that:

**WHEREAS**, in 2004 the City Council approved the Conceptual Master Plan for Burn Lake and the Esslinger property; and

**WHEREAS**, Phase I has been completed; and

**WHEREAS**, the scope of work for Phase II includes a new ADA compliant ramp to a lake overlook point, south side parking lot with permeable asphalt millings, picnic facilities, retaining walls, walkway/path, slope protection and erosion control, shade trees, and a turf play area; and

**WHEREAS**, nine (9) bids were received for the construction of the Burn Lake Phase II Landscape Improvements Project; and

**WHEREAS**, the Public Works/Facilities Management Section reviewed the bids and the low, responsible, responsive base bid plus additive alternates one, two, and three was from Diamond Construction, Inc., of Las Cruces, NM which was \$263,433.82; and

**WHEREAS**, the Public Works/Facilities Management Section recommends that the Burn Lake Phase II Landscape Improvements Project be awarded to Diamond Construction, Inc., for the base bid plus additive alternates one, two, and three in the amount of \$263,433.82 plus \$19,922.18 for New Mexico Gross Receipts Tax, and a change order contingency in the amount of \$26,343.38, for a total amount of

\$309,699.38.

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

**(I)**

**THAT** the contract for the base bid plus additive alternates one, two, and three for the Burn Lake Phase II Landscape Improvements Project is hereby awarded to Diamond Construction, Inc., of Las Cruces, NM in the amount of \$263,433.82 plus \$19,922.18 for New Mexico Gross Receipts Tax, and the City Manager is authorized to approve change orders in an amount not to exceed \$26,343.38 for a total project authorization of \$309,699.38.

**(II)**

**THAT** the Purchasing Manager is authorized to contract with Diamond Construction, Inc., 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 necessary in the accomplishment of the herein above.

**DONE AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)



# CITY OF LAS CRUCES

## PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: February 4, 2014

Resolution No.: 13-14-326

### Contract Purchase For Burn Lake Phase II Landscape Improvements

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

**BID SOLICITATION INFORMATION:**

- 1. Bid Due Date: September 18, 2013
- 2. Description: Burn Lake Phase II Landscape Improvements
- 3. Using Department: Public Works
- 4. Number of Responses Solicited: One hundred twenty-two (122)
- 5. Number of Responses Received and Accepted: Nine (9)
- 6. Recommended Award(s) To: Diamond Construction, Inc. of Las Cruces, NM
- 7. Total Award Amount (includes any tax and contingency): \$309,699.38
- 8. Contract Duration: 180 working days

**LOCAL PREFERENCE FACTOR**

Local Preference Factor Applied Per LCMC §24-100	No		LCMC §24-100 not applicable to this solicitation
	Yes	X	Made A Difference To Bid Awards(s)
			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 1/21/14  
Date

**CONFIRMATION OF FUND ENCUMBRANCE:**

REQUISITION or PURCHASE ORDER NUMBER:	14101798
---------------------------------------	----------

PROJECT: Barr Lake Phase II Landscape Improvements- Construction Proj.  
 CLC PROJECT NO: 13-14-326  
 BID OPENING DATE: 9/18/2013  
 CONTRACT DATE: N/A  
 Engineer's Estimate: \$40,000.00

Item No.	Description	Est. Qty	Units	Vendor Name	
				Account Landscap**	Account Landscap**
				Unit Price	Total Cost
Base Bid					
Alt 01	Alternate 01 - Ped Ramp/Overlook	1	LS	\$351,388.41	\$ 351,388.41
Alt 02	Alternate 02 - Native Grass Revg	1	LS	\$38,259.30	\$ 38,259.30
Alt 03	Alternate 03 - Turf Grass Sod	1	LS	\$14,794.50	\$ 14,794.50
Bid Total				\$7,580.80	\$ 7,580.80

Vendor Name		Vendor Name	
C and E Industrial Services		Denning Excavating	
Unit Price	Total Cost	Unit Price	Total Cost
\$38,259.30	\$ 38,259.30	\$307,465.80	\$ 307,465.80
\$12,932.17	\$ 12,932.17	\$36,655.00	\$ 36,655.00
\$10,906.98	\$ 10,806.90	\$13,326.00	\$ 13,326.00
		\$5,588.00	\$ 5,588.00
	\$399,129.36		\$363,034.80

PREPARED BY: Catherine Burr Mathews, RLA  
 VERIFIED BY: *Catherine Burr Mathews*

\* Unit Price addition corrected  
 \*\* No Proof of Insurance submitted





PROJECT: Santa Fe de France N Landscape Improvements - Construction  
 CLC PROJECT NO.: 12-14-228  
 BID OPENING DATE: 9/18/2013  
 CONTRACT DATE: N/A

Item No.	Description	Qty	Units	Vendor Name: Landscape and Design Center	
				Unit Price	Total Cost
Base Bid		1	LS	\$201,182.84	\$ 201,182.84
Alt 01	Advance 01 - Ford Range Overlook	1	LS	\$27,400.55	\$ 27,400.55
Alt 02	Advance 02 - Natives Great River	1	LS	\$15,990.00	\$ 15,990.00
Alt 03	Advance 03 - Tree Planting	1	LS	\$7,611.50	\$ 7,611.50
<b>GRAND TOTAL</b>				<b>\$352,184.89</b>	<b>\$352,184.89</b>

Vendor Name: Smith and Aquino Construction	
Unit Price	Total Cost
\$28,031.63	\$ 28,031.63
\$32,679.20	\$ 32,679.20
\$27,505.89	\$ 27,505.89
\$9,119.00	\$ 9,119.00
<b>\$137,335.72</b>	<b>\$137,335.72</b>

Vendor Name: Wharton Construction	
Unit Price	Total Cost
\$324,195.23	\$ 324,195.23
\$28,540.33	\$ 28,540.33
\$20,216.23	\$ 20,216.23
\$8,027.70	\$ 8,027.70
<b>\$380,979.49</b>	<b>\$380,979.49</b>

FORWARDED BY: Catherine Barr Matthews, RLA

VERIFIED BY: *Catherine Barr Matthews*

Unit Price addition assumed  
 No Proof of Insurance submitted



11/2/13