

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 13-14-416

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

For Meeting of May 19, 2014  
(Adoption Date)

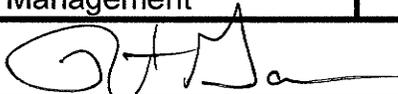
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPROVING A CONTRACT WITH LANDSCAPE AND DESIGN CENTER, INC., OF LAS CRUCES, NEW MEXICO FOR THE SONOMA RANCH BOULEVARD MEDIAN LANDSCAPE PROJECT IN THE AMOUNT OF \$71,419.72 PLUS \$5,401.11 FOR NEW MEXICO GROSS RECEIPTS TAX AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$7,142.00 FOR A TOTAL AUTHORIZATION OF \$83,962.83.

### PURPOSE(S) OF ACTION:

Approve a construction contract.

|   |   |                                  |
|---|---|----------------------------------|
| <b>COUNCIL DISTRICT: 5</b>                            |   |                                  |
| <b><u>Drafter/Staff Contact:</u></b><br>Marco Marquez | <b><u>Department/Section:</u></b><br>Public Works/Facilities<br>Management          | <b><u>Phone:</u></b><br>541-2906 |
| <b><u>City Manager Signature:</u></b>                 |  |                                  |

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

As part of the FY14 budget, discretionary funding was approved to landscape medians along Sonoma Ranch Boulevard.

The overall scope of work includes clearing and grading the median, placing concrete paving, adding an irrigation system, and spreading gravel mulch. Other improvements and activities include installing shrubs, trees, and boulders; and applying a pre-emergent herbicide to the improved areas.

Planning and design for the project has been completed. Landscape and Design Center, Inc., of Las Cruces, New Mexico, a local Cooperative Educational Services Job Order contractor, has been selected. Public Works/Facilities Management has reviewed the cost proposal and recommends the Las Cruces City Council award the Sonoma Ranch Boulevard Median Landscape Project to Landscape and Design Center, Inc., in the amount of \$71,419.72 plus \$5,401.11 for New Mexico Gross Receipts Tax and authorizing the City Manager to approve change orders in the amount of \$7,142.00 for the total authorization of \$83,962.83.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request to Contract Form.
3. Attachment "A", Draft Contract between Landscape and Design Center, Inc., and the City of Las Cruces.

**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 draw down 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    |
|---|-----------------------|----------------------|--|-----------------|--------------------------------|
| Fund 1000-General Fund-FY14 Council Discretionary Funds | 10226010-354222-18000 | \$83,962.84          | \$102,038.08                           | \$18,075.24     | Complete other median projects |

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Resolution, and authorize the contract with Landscape and Design Center, Inc., of Las Cruces, New Mexico for the Sonoma Ranch Boulevard Median Landscape Project for the amount of \$71,419.72 plus \$5,401.11 for New Mexico Gross Receipts Tax and authorize the City Manager to approve change orders in the amount of \$7,142.00 for a total authorization of \$83,962.83

2. Vote "No"; this will not approve the Resolution, and will not approve the contract with Landscape and Design Center, Inc., of Las Cruces, NM for the Sonoma Ranch Boulevard Median Landscape 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 FY14 Capitol Account Council Discretionary fund #1000.

**REFERENCE INFORMATION:**

1. N/A

**RESOLUTION NO. 13-14-416**

**A RESOLUTION APPROVING A CONTRACT WITH LANDSCAPE AND DESIGN CENTER, INC., OF LAS CRUCES, NEW MEXICO FOR THE SONOMA RANCH BOULEVARD MEDIAN LANDSCAPE PROJECT IN THE AMOUNT OF \$71,419.72 PLUS \$5,401.11 FOR NEW MEXICO GROSS RECEIPTS TAX AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO \$7,142.00 FOR A TOTAL AUTHORIZATION OF \$83,962.83.**

The City Council is informed that:

**WHEREAS**, members of the Las Cruces City Council were allocated capital funding to address projects in their respective Districts; and

**WHEREAS**, Councillor Gill M. Sorg selected certain areas on three medians of which the first two, Elks Drive and Del Rey Boulevard, have been completed with available funding; and

**WHEREAS**, Sonoma Ranch Boulevard is the third median slated for improvement; and

**WHEREAS**, the overall scope of work includes clearing and grading the median, placing concrete paving, adding an irrigation system, and spreading gravel mulch, as well as installing shrubs, trees, and boulders; and applying a pre-emergent herbicide to the improved area; and

**WHEREAS**, planning and design for the project has been completed; and

**WHEREAS**, a cost proposal from Landscape and Design Center, Inc., the Cooperative Educational Services Job Order Contractor was received and reviewed for the Sonoma Ranch Boulevard Median Landscape Project; and

**WHEREAS**, the Public Works/Facilities Management Section recommends that the Sonoma Ranch Boulevard Median Landscape Project be awarded to Landscape and Design Center, Inc., for the bid of \$71,419.72 plus \$5,401.11 for New Mexico Gross

Receipts Tax and a change order contingency in the amount of \$7,142.00 for a total amount of \$83,962.83.

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

**(I)**

**THAT** the contract for the Sonoma Ranch Boulevard Median Landscape Project is hereby awarded to Landscape And Design Center, Inc., of Las Cruces, New Mexico in the amount of \$71,419.72 plus \$5,401.11 for New Mexico Gross Receipts Tax, and the City Manager is authorized to approve change orders in an amount not to exceed \$7,142.00 for a total project authorization of \$83,962.83.

**(II)**

**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 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 Levatino: | _____ |

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

# CITY OF LAS CRUCES

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## PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: May 19, 2014

Resolution No.: 13-14-416

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### Existing Contract Purchase For Sonoma Ranch Boulevard Median Landscape Project

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

#### RFP/BID SOLICITATION INFORMATION:

- |   |  |
|---|--|
| 1. Existing Contract Issuer                         | <b>Cooperative Educational Services</b>                        |
| 2. Contract Number:                                 | <b>2013-027 914-358 LDC</b>                                    |
| 3. Contract Expiration Date:                        | <b>November 30, 2014</b>                                       |
| 4. Description:                                     | <b>Landscaping Products and Services</b>                       |
| 5. Using Department:                                | <b>Public Works</b>  |
| 6. Current Award Recommendation To:                 | <b>Landscape and Design Center, Inc.<br/>of Las Cruces, NM</b> |
| 7. Award Amount (includes any tax and contingency): | <b>\$83,962.83</b>   |
| 8. Projected Completion Date:                       | <b>TBD</b>   |
- 

#### 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 24-316**.

*Karen Medina* / *5/1/14*  
 Purchasing Manager Date

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#### CONFIRMATION OF FUND ENCUMBRANCE:

|  |                 |
|--|-----------------|
| REQUISITION OR PURCHASE ORDER<br>NUMBER: | <b>14102052</b> |
|--|-----------------|

**EXISTING CONTRACT AGREEMENT  
PURCHASE  
COOPERATIVE EDUCATION SERVICES  
Contract No. 2013-027 914-358 LDC RFP C – RS Means – JOC Landscaping  
Products and Agricultural Products and Services Region 8  
Sonoma Ranch Blvd Median Landscape**

Pursuant to terms and conditions of CES Contract No. 2013-027 914-358 LDC RFP C – RS Means JOC Landscaping and Agricultural Products and Services Region 8, dated January 14, 2014 between the Cooperative Education Services (CES), Landscape and Design Center, Inc. (Contractor), and City of Las Cruces (City), as amended and incorporated herein by reference, the City and Contractor hereby agree on this 19th day of May, 2014 as follows:

1. In a satisfactory and proper manner, the CONTRACTOR shall perform SERVICES as proposed in response to the CES and City's Scope of Work incorporated herein by reference and as set forth in Exhibit A, attached hereto and made a part of this Contract. That the entire Contract Documents, including Request for Proposal, Proposal response, Contract, Construction Bonds, Special Conditions, General Conditions, and Technical Specifications, and drawings (if applicable), are hereby made a part of this Agreement.
2. The estimated completion date is 40 days after a Notice to Proceed is issued by the City.
3. In consideration for the satisfactory completion of the scope of work agreed to herein, CES shall be compensated \$71,419.72 plus NMGR. Invoices issued by the Contractor shall be made according to proposal and/or completion of project with payment by the City being made to CES within 30 days upon receipt of undisputed invoice.

CITY OF LAS CRUCES

By: \_\_\_\_\_  
Karen Medina  
Purchasing Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Landscape & Design Center, Inc.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

Requisition No. 14102052