



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5Ordinance/Resolution# 12-13-301AFor Meeting of _____
(Ordinance First Reading Date)For Meeting of August 4, 2014
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING AMENDMENT NUMBER FOUR TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND WILLIAMS DESIGN GROUP, INC., OF LAS CRUCES, NEW MEXICO FOR THE DESIGN OF THE EAST MESA PUBLIC SAFETY COMPLEX AUTHORIZING AN INCREASE OF \$35,000.00 IN THE FEE AMOUNT FROM \$882,868.90 TO \$917,868.90, PLUS AN ALLOWANCE OF \$2,778.13 FOR NEW MEXICO GROSS RECEIPTS TAX, AND A CONTINGENCY OF \$37,000.00; FOR A TOTAL AMENDMENT AUTHORIZATION OF \$74,778.13.

PURPOSE(S) OF ACTION:

Authorize an amendment to an architectural services contract.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Tomas Mendez	<u>Department/Section:</u> Public Works/Facilities Management	<u>Phone:</u> 541-2583
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In an effort to plan for the future development of additional facilities at the proposed East Mesa Public Safety Complex (EMPSC), the City of Las Cruces (City) has requested additional services from the architect currently working on the complex's design. The infrastructure needed for future development of the surrounding site consists of the construction of a roadway (extension of Camino Coyote) from Sonoma Ranch Blvd. onto the site to include street lighting, sidewalks, curb and gutter, and the following utilities: sanitary sewer, stormwater management, domestic water, gas, and reclaimed water.

The original design contract provides for the design of utilities connections from existing utilities already in Sonoma Ranch Blvd. to the new building; it does not provide for the design of a roadway and utilities from Sonoma Ranch Blvd. to the new complex, and ultimately to the future alignment of Mesa Grande Dr. Upon authorization of the proposed amendment, the project architect and their consulting engineers will design the roadway and utilities from Sonoma Ranch Blvd. into the site. The EMPSC, roadway, and associated utilities will be designed at the same time to assure consistency and that all of the elements of this complex properly tie together. The roadway will be designed and built to City of Las Cruces development standards for streets.

The architect has submitted a cost proposal in response to a request from City staff for the additional services. The proposed fee of \$35,000.00 has been reviewed and found to be consistent with the scope and complexity of the construction work associated with the proposed roadway.

Another aspect of this Resolution is to authorize an additional \$37,000.00 to the contingency for the design contract. The additional contingency will allow staff to address unknown conditions as they relate to the proposed routing of the roadway or if the utilities require re-design. This will result in a total contract contingency to date of \$87,000.00.

The contract between Williams Design Group, Inc., and the City was authorized on February 4, 2013 via Resolution 12-13-301 for the initial contract amount of \$837,550.00 and a New Mexico Gross Receipts Tax (NMGRT) allowance of \$63,339.72. Contract Amendment No. 1 for \$20,989.75 (includes NMGRT) provided topographical surveying services. Contract Amendment No. 2 for \$22,727.85 (includes NMGRT) provided an environmental site assessment, a biological resources survey, and a cultural resources survey. Contract Amendment No. 3 for \$5,028.55 (includes NMGRT) provided the conceptual design of infrastructure needed to establish scope for infrastructure design and construction requirements. This amendment increases the fee amount by \$35,000.00 from \$882,868.90 to \$917,868.90, plus an allowance of \$2,778.13 for NMGRT, and a contingency of \$37,000.00; for a total amendment authorization of \$74,778.13

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Purchasing Manager's Request for Change Order Form.
3. Exhibit "B", DRAFT Amendment.

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

This is a change order to address street design adjacent to the facility. The balance of funds in this account are intended to be used for the remainder of the design (carryover PO in process) and for construction.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Fund 4012 Facilities State Grant	40806090- 852100- 61B70	\$74,778.13	\$948,220.00	\$873,441.87	To finish out the Design and Construction of the East Mesa Public Safety Complex.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution, and authorize amendment number four to the agreement between the City of Las Cruces and Williams Design Group, Inc., for the design of the East Mesa Public Safety Complex to increase the fee by \$35,000 from \$882,868.90 to \$917,868.90; and authorize an increase in the contingency.
2. Vote "No"; this will not approve the Resolution, and will not authorize amendment number four to the agreement between the City of Las Cruces and Williams Design Group, Inc.
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 would delay the design of the roadway and potentially delay putting into operation the new public safety facility currently in design phase.

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 12-13-301.

RESOLUTION NO. 12-13-301A

A RESOLUTION AUTHORIZING AMENDMENT NUMBER FOUR TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND WILLIAMS DESIGN GROUP, INC., OF LAS CRUCES, NEW MEXICO FOR THE DESIGN OF THE EAST MESA PUBLIC SAFETY COMPLEX AUTHORIZING AN INCREASE OF \$35,000.00 IN THE FEE AMOUNT FROM \$882,868.90 TO \$917,868.90, PLUS AN ALLOWANCE OF \$2,778.13 FOR NEW MEXICO GROSS RECEIPTS TAX, AND A CONTINGENCY OF \$37,000.00; FOR A TOTAL AMENDMENT AUTHORIZATION OF \$74,778.13.

The City Council is informed that:

WHEREAS, in an effort to plan ahead for the future development of additional facilities at the proposed East Mesa Public Safety Complex (EMPSC) along with a roadway that will connect to the future alignment of Mesa Grande Dr., the City of Las Cruces (City) has requested additional services from the architect currently working on the complex's design; and

WHEREAS, the infrastructure needed for future development of the surrounding site consists of the construction of a roadway to include street lighting, sidewalks, curb and gutter, and the following utilities: sanitary sewer, stormwater management, domestic water, gas, and reclaimed water; and

WHEREAS, the design contract does not provide for the design of a new roadway and utilities from Sonoma Ranch Blvd. to the new facility; and

WHEREAS, the proposed amendment (Exhibit B) allows the project architect to design the roadway and the utilities extending from Sonoma Ranch Blvd. into the EMPSC; and

WHEREAS, the architect has submitted a cost proposal in response to a request for a fee proposal from City staff for the additional services; and

WHEREAS, the proposed fee of \$35,000.00 has been reviewed by City staff and found to be consistent with the scope and complexity of the construction work

associated with the proposed roadway; and

WHEREAS, the resolution authorizes an additional \$37,000.00 to the contingency for the design contract to allow staff to address additional changes in case the proposed routing of the service road or the utilities require re-design.

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

(I)

THAT amendment number four to the agreement between the City of Las Cruces and Williams Design Group, Inc., for the design of the East Mesa Public Safety Complex to increase the fee by \$35,000 from \$882,868.90 to \$917,868.90 plus an allowance of \$2,778.13 for New Mexico Gross Receipts Tax, and a design services contingency of \$37,000.00 is hereby authorized.

(II)

THAT the Purchasing Manager is authorized to sign the amendment as outlined in the signed Exhibit "A", Purchasing Manager's Request for Change Order 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____.

ATTEST:

APPROVED:

City Clerk

Mayor

(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

PURCHASING MANAGER'S REQUEST FOR CHANGE ORDER

For Meeting of: August 4, 2014

Resolution No.: 12-13-301A

Amendment to Existing Contract For Public Safety Facility Architectural Services

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

BID/RFP SOLICITATION INFORMATION:

- 1. Original Bid/RFP & Due Date: RFP #12-13-301 / July 26, 2012
- 2. Description of Bid/RFP: Public Safety Facility Architectural Services
- 3. Contract Award: City Council Resolution / February 4, 2013
- 4. Contract Revision:

Previous Contract Award Amount	\$882,868.90
Amendment Amount:	\$ 74,778.13
New Contract Amount:	<u>\$ 957,647.03</u>
- 5. Contractor: Williams Design Group, Inc. of Las Cruces, NM
- 6. Using Department: Public Works
- 7. Contract Duration: TBD

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.


7/18/14
 Purchasing Manager Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	PO 14200554
---------------------------------------	-------------

DRAFT AIA® Document G802™ - 2007

Amendment to the Professional Services Agreement

Amendment Number: 004

TO: Gary Williams, AIA c/o Williams Design Group, Inc. (Architect)

(Owner or Owner's Representative)

In accordance with the Agreement dated: February 5, 2013

BETWEEN the Owner:

(Name and address)

City of Las Cruces // 700 North Main St. (mail: P. O. Box 20000) // Las Cruces, NM 88001 (mail: 88004)

and the Architect:

(Name and address)

Williams Design Group, Inc. // 1014 South Main // Las Cruces, NM 88005

for the Project:

(Name and address)

East Mesa Public Safety Facility / RFP No. & CLC Project No. 12-13-301

Authorization is requested

to proceed with Additional Services.

to incur additional Reimbursable Expenses.

As follows:

Design Services for "Infrastructure Related to new Public Safety Building" as proposed by Williams Design Group, Inc. in proposal dated May 19, 2014. Initial phase consisting of conceptual design of roadway and utility extensions having been completed; this amendment provides for the design services and construction documents for the following: utilities (water, gas, sanitary sewer, storm water drainage, reclaimed water) and roadway/sidewalk; all in conformance with City of Las Cruces design standards.

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:

\$35,000.00 not including NM gross receipts tax or reimbursable expenses per agreement.

Time:

No change in contract time; subject to review and revision at a later date.

SUBMITTED BY:

AGREED TO:

(Signature)

City of Las Cruces / Karen Medina
Purchasing Manager

(Printed name and title)

(Signature)

Williams Design Group / Gary Williams, AIA
President

(Printed name and title)

(Date)

(Date)