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

Item # 19 Ordinance/Resolution # 10-143 Council District: 1

For Meeting of November 16, 2009

(Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE CONTRACT BETWEEN THE CITY OF LAS CRUCES AND JAYNES, INC., OF ALBUQUERQUE, NEW MEXICO, FOR THE CONSTRUCTION OF THE NEW CITY HALL COMPLEX AS APPROVED BY CITY COUNCIL UNDER RESOLUTION NUMBER 08-220, AUTHORIZING AN INCREASE OF \$450,000.00, PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$46,778.00, FOR A TOTAL CHANGE ORDER AUTHORIZATION OF \$496,778.00; AND EXTENDING THE PROJECT SUBSTANTIAL COMPLETION DATE TO FEBRUARY 16, 2010.

PURPOSE(S) OF ACTION: The purpose of this Resolution is to implement a change order to an existing contract and authorizing an extension of time to complete the project.

| | | | | | |
|--|--------------------|----------------------------------|------------------------|---------------------------|--------------|
| Name of Drafter: D. Eric Martin <i>DEM</i> | | Department: Facilities | | Phone: 541-2616 | |
| Department | Signature | Phone | Department | Signature | Phone |
| Facilities Department | <i>[Signature]</i> | 541-2651 | Budget | <i>[Signature]</i> | 2300 |
| | | | Assistant City Manager | <i>[Signature]</i> | 2271 |
| Legal | <i>[Signature]</i> | 2128 | City Manager | <i>[Signature]</i> | 2076 |

BACKGROUND/KEY ISSUES/CONTRIBUTING FACTORS:

The New City Hall project has moved forward in an expeditious manner and is nearing conclusion. Although the project is constructed under a GMP (Guaranteed Maximum Price) Contract, the established amount is for the project as-designed and value-engineered at the outset. The first three change orders for this project have been brought forth at the request of City Council, Administration, and/or staff to address various items.

This particular change order focuses primarily on key items that will allow the Public Information Office (PIO) to fully implement audio and video support throughout the building, including Council Chambers. In addition, it addresses move and installation/configuration services from the old building to the new building. Future expansion capabilities will be supported as well. Features of the system will include enhanced video display options at the dais, wide-screen viewing in the lobby, additional cameras and microphones, and support equipment for Channel 20. Procurement of these services and equipment will be provided by local subcontractors to the New City Hall project.

An additional component of this change order is to address Gross Receipts Taxes. These were increases that occurred after the original contract award. A tax increase to support the Spaceport occurred January 1, 2009, and a special tax increase to support the Dona Ana County Detention Facilities went into effect July 1, 2009. Funding for this item will come from existing budgeted Facilities Department funds.

Funding for the PIO component of this change order comes from a budgeted allocation in the Capital Improvement Reserve, specifically set aside for IT and PIO initiatives. This allocation totaled \$900,000; of which \$450,000 was moved into the project on a previous change order, and now the remaining \$450,000 is being moved into the project via this change order.

The extension of contract time requested in this change order reflects comments made by Facilities Director, Brian Denmark, during the City Hall Update at the City Council Meeting of October 19, 2009. Authorizing this time will allow for additional preparation for transition and move, extra time for the IT Department to implement their new and improved services, and to allow for further coordination with the Downtown Main Street project.

In summary, Change Order No. 1 authorized site preparation, parking deck, landscaping, and the various parking lots; Change Order No. 2 addressed ADA, safety considerations, electrical/data items, and building exterior; and Change Order No. 3 allowed for implementation of various IT initiatives.

SUPPORT INFORMATION:

| Fund Name / Account Number | Amount of Expenditure | Budget Amount |
|--|-----------------------|---------------|
| 4001-Capital Improvement Resrv. 40803020-852100 | \$496,778.00 | \$496,778.00 |

1. Resolution
2. Change Order No. 4 - Draft

OPTIONS/ALTERNATIVES:

1. Vote "Yes" and approve the change order request. This will allow for Public Information Office (PIO) to fully implement audio and video support throughout the building, and allow an extension of time to complete the construction contract and allow the City to take possession of the building in a timely manner.
2. Vote "No" and not approve the change order request. This may result in a building that will not qualify for a "Certificate of Occupancy," thus delaying use of the building and grounds indefinitely.
3. Vote "Amend" and direct staff to pursue other options associated with the change order request. This would further delay completion of the project.

(Continue on additional sheets as required)

RESOLUTION NO. 10-143

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE CONTRACT BETWEEN THE CITY OF LAS CRUCES AND JAYNES, INC., OF ALBUQUERQUE, NEW MEXICO, FOR THE CONSTRUCTION OF THE NEW CITY HALL COMPLEX AS APPROVED BY CITY COUNCIL UNDER RESOLUTION NUMBER 08-220, AUTHORIZING AN INCREASE OF \$450,000.00, PLUS NEW MEXICO GROSS RECEIPTS TAX OF \$46,778.00, FOR A TOTAL CHANGE ORDER AUTHORIZATION OF \$496,778.00; AND EXTENDING THE PROJECT SUBSTANTIAL COMPLETION DATE TO FEBRUARY 16, 2010.

The City Council is informed that:

WHEREAS, the New City Hall project has moved forward in an expeditious manner and is nearing conclusion, and

WHEREAS, this change order focuses primarily on key items that will allow the Public Information Office (PIO) to fully implement audio and video support throughout the building including move and installation/configuration services from the old building to the new building and support for future expansion, and

WHEREAS, an additional component of this change order is to address Gross Receipts Taxes. These were increases that occurred after the original contract award, and

WHEREAS, funding for the above items will come from existing budget allocations set aside for PIO purposes as well as existing City Council approved budget, and

WHEREAS, the extension of contract time will allow for additional preparation for transition and move, extra time for IT to implement their new and improved services, and to allow for further coordination with the Downtown Main Street project.

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

Resolution No. 10-143
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(I)

THAT, City staff is authorized to execute Change Order No. 4 to the contract between the City of Las Cruces and Jaynes, Inc., of Albuquerque, New Mexico, for the construction of the New City Hall, as approved by City Council under Resolution Number 08-220.

(II)

THAT, City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____
Councillor Silva _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

DRAFT AIA® Document G701™ - 2001

Change Order

PROJECT (Name and address):

New City Hall
700 North Main Street
Las Cruces, New Mexico

CHANGE ORDER NUMBER: 004 to Amendment No. 1

DATE: October 29, 2009

TO CONTRACTOR (Name and address):

Jaynes Corporation
2906 Broadway NE
Albuquerque, New Mexico 87107

ARCHITECT'S PROJECT NUMBER: 07-08-033A

CONTRACT DATE: December 18, 2007

CONTRACT FOR: Construction Management / General Contractor Services

| | |
|-------------|-------------------------------------|
| OWNER: | <input type="checkbox"/> |
| ARCHITECT: | <input type="checkbox"/> |
| CONTRACTOR: | <input checked="" type="checkbox"/> |
| FIELD: | <input type="checkbox"/> |
| OTHER: | <input type="checkbox"/> |

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

CO4-01 Changes and Additions to City Council chambers and PIO production areas consisting of providing Audio-Visual equipment and its installation; amount includes Contractor's fee, bonds, insurance, and NM gross receipts tax applicable to this item (CO4-01) of Change Order No. 4:

\$450,000.00

CO4-02 Increase in contract amount to compensate Contractor for legally authorized increase in NM gross receipts applicable to payment application no. 8:

\$42,524.00

CO4-03 Increase in contract amount to compensate Contractor for legally authorized increase in NM gross receipts applicable to payment application no. 15:

\$4,254.00

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

| | |
|----|---------------|
| \$ | 26,426,163.00 |
| \$ | 6,303,488.25 |
| \$ | 32,729,651.25 |
| \$ | 496,778.00 |
| \$ | 33,226,429.25 |

The Contract Time will be changed by this change order by one hundred four consecutive calendar (104) days.

The date of Substantial Completion as of the date of this Change Order therefore is tentatively February 15, 2010.

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.

Studio Southwest Architects

ARCHITECT (Firm name)

2101 Mountain Road NW
Albuquerque, NM 87104

ADDRESS

BY (Signature)

David Dekker, AIA

(Typed name)

DATE

Jaynes Corp. General Contractors

CONTRACTOR (Firm name)

2906 Broadway NE
Albuquerque, NM 87125

ADDRESS

BY (Signature)

(Typed name)

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)

DATE