

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 09-10-397 Council District: 1

For Meeting of November 16, 2009

(Adoption Date)

TITLE:

A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE ENTRADA DEL SOL GATEWAY, PROJECT NUMBER 09-10-379, TO G. SANDOVAL CONSTRUCTION, IN THE AMOUNT OF \$145,246.31; PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$10,802.69; PLUS AUTHORIZING A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,262.32; FOR A TOTAL AUTHORIZATION OF \$163,311.32.

PURPOSE(S) OF ACTION:

To award a construction contract

Name of Drafter: Cathy Mathews		Department: Facilities/Project Mgmt.		Phone: 541-2592	
Department	Signature	Phone	Department	Signature	Phone
Facilities Department		541-2651	Budget		2300
			Assistant City Manager		2271
Legal			City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Mesquite Historic District Neighborhood Design Plan, as approved by City Council in December 2004, calls for the construction of gateways in the Mesquite Historic District. The plan notes that gateways "will increase awareness of and interest in the historic district and can create a renewed sense of pride for residents of (the district)." With this in mind the members of Las Esperanzas, a neighborhood advocacy group, sought and received state legislative funding to plan, design and construct a gateway in the neighborhood. A similar gateway, Jardin de Mesquite, near the north end of the Mesquite Historic District was constructed in 2005 at the intersection of Spruce Avenue and Tornillo Drive.

The intersection of Hadley Avenue and Manzanita Drive was identified as a suitable location for the east gateway into the historic district. The property is City-owned and approximately 0.11 acres in size. It is located near the eastern most edge of the Mesquite Historic District.

The design process started in early 2009 with Consensus Planning serving as the landscape architect and Glenn Schwaiger of Las Cruces providing the artwork design and

consultation. A schematic design was presented at a public input meeting held at the East Side Community Center on July 21, 2009. Construction documents were completed in August 2009.

On October 20, 2009, construction bids for this project were opened. The lowest base bid received was from G. Sandoval Construction, in the amount of \$107,492.81. The base bid covers construction of an irrigation system, installation of trees, shrubs, plants, concrete planters, boulders, gravel mulch, construction of a patio and gateway arch, lighting, and installation of basic site furnishings. The additive alternates selected to complete this project include colored concrete sidewalks and header curb, installation of a drinking fountain, concrete bancos, artistic ceramic tile work on the arch and concrete planters.

The Board of Las Esperanzas supports this project and supports the award of the construction contract to the low bidder, G. Sandoval Construction. Members of the board were in attendance at the bid opening and agree that the base bid and the designated additive alternates should be awarded.

Contract award is contingent upon available funding, due to the recent freeze on all Legislative Capital Outlay Funds.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
60F03	\$656	\$656
60F04	\$11,868	\$11,868
60F05	\$133,864	\$133,864
60F06	\$18,000	\$18,000

1. Resolution
2. Exhibit A – Purchasing Manager’s Request to Contract Form
3. Bid documents submitted by G. Sandoval Construction
4. Bid Tabulation for 09-10-379
5. Site Plan for Entrada del Sol Gateway

OPTIONS / ALTERNATIVES:

1. Vote “YES” on the Resolution; thereby, authorizing staff to contract with G. Sandoval Construction. Approval will allow the construction to begin and be completed within FY09/10.
2. Vote “NO” on the Resolution; thereby, directing staff not to contract with G. Sandoval Construction. Such action will result in delay of construction, possibly beyond FY09/10, and could result in the return of some funding to the State of New Mexico.
3. Vote “AMEND” on the Resolution; thereby, providing direction to staff on how to proceed with this project.

RESOLUTION NO. 09-10-397

A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE ENTRADA DEL SOL GATEWAY, PROJECT NUMBER 09-10-379, TO G. SANDOVAL CONSTRUCTION, IN THE AMOUNT OF \$145,246.31; PLUS NEW MEXICO GROSS RECEIPTS TAX IN THE AMOUNT OF \$10,802.69; PLUS AUTHORIZING A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,262.32; FOR A TOTAL AUTHORIZATION OF \$163,311.32.

The City Council is informed that:

WHEREAS, the Mesquite Historic District Neighborhood Design Plan, dated December 2004, calls for the construction of gateways in the Mesquite Historic District; and

WHEREAS, members of Las Esperanzas, a neighborhood advocacy group, sought and received state legislative funding to plan, design and construct a gateway in the neighborhood; and

WHEREAS, the intersection of Hadley Avenue and Manzanita Drive was identified as a suitable location for the east gateway into the historic district; and

WHEREAS, the total bid amount from G. Sandoval Construction, including four of the additive alternates, was \$145,246.31, plus New Mexico Gross Receipts Tax of \$10,802.69, and City Manager Contingency of \$7,262.32, for a total contract authorization of \$163,311.32; and

WHEREAS, contract award is contingent upon available funding, due to the recent freeze on all Legislative Capital Outlay Funds.

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

(I)

THAT the contract for the Entrada del Sol Gateway construction project is hereby awarded to G. Sandoval Construction, of Las Cruces, NM, in the amount of \$145,246.31, plus New Mexico Gross Receipts Tax of \$10,802.69, and City Manager Contingency of \$7,262.32, for a total contract authorization of \$163,311.32.

(II)

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

Resolution No. 09-10-397, cont'd.
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DONE and APPROVED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk
(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

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

APPROVED AS TO FORM:

City Attorney

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CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: November 16, 2009

Resolution No.: 09-10-379

**Contract Purchase For
ENTRADA DEL SOL GATEWAY**

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

BID SOLICITATION INFORMATION:

- 1. Bid Due Date: **October 20, 2009**
- 2. Description: **Entrada Del Sol Gateway**
- 3. Using Department: **Facilities/Project Management**
- 4. Number of Responses Received: **Two (2)**
- 5. Recommended Award(s) To: **G. Sandoval Construction, Inc. of Las Cruces, NM**
- 6. Total Award Amount (includes any tax and contingency): **\$163,311.32**
- 7. Contract Duration: **120 Calendar Days**

LOCAL PREFERENCE FACTOR

Local Preference Factor Applied Per LCMC §24-100	No	<input checked="" type="checkbox"/>	LCMC §24-100 not applicable to this solicitation	
	Yes			Made A Difference To Bid Awards(s)
				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 / 10 | 30 | 09
Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION or PURCHASE ORDER NUMBER:	REQ. 10101843
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SANDOLA

LANDSCAPE BID LOT

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNITS	UNIT PRICE	TOTAL PRICE
BASE BID					
L1	Mobilization	1	LS	\$ 1,125 ⁰⁰	\$ 1,125 ⁰⁰
L2	Traffic Control	1	LS	\$ 13,800 ⁰⁰	\$ 13,800 ⁰⁰
L3	Construction Staking	1	LS	\$ 900 ⁰⁰	\$ 900 ⁰⁰
L4	Temporary Construction Fencing	1	LS	\$ 1,700 ⁰⁰	\$ 1,700 ⁰⁰
L5	Clear & Grub	1	LS	\$ 1,682 ⁰⁰	\$ 1,682 ⁰⁰
L6	Earthwork	1	LS	\$ 1,819 ⁰⁰	\$ 1,819 ⁰⁰
L7	Irrigation System	1	LS	\$ 8,232 ⁰⁰	\$ 8,232 ⁰⁰
L8	Trees, 24" Box	4	EA	\$ 285 ⁰⁰	\$ 1,140 ⁰⁰
L9	Shrubs, 5 Gallon	60	EA	\$ 27 ⁰⁰	\$ 1,620 ⁰⁰
L10	Shrubs, 1 Gallon	28	EA	\$ 23. ²⁸	\$ 651. ⁸⁴
L11	Perennials, 1 Gallon	100	EA	\$ 12. ⁰⁰	\$ 1,200 ⁰⁰
L12	Boulders	21	EA	\$ 125. ⁴⁷	\$ 2,634. ⁸⁷
L13	¾" Gravel Mulch, 3" depth	3255	SF	\$ 1. ⁰⁵	\$ 3,417. ⁷⁵
L14	2-4" Cobble, 6" depth	765	SF	\$ 1. ²⁵	\$ 956. ²⁵
L15	Mulch for Perennial Beds	1	LS	\$ 925 ⁰⁰	\$ 925 ⁰⁰
L16	Gateway Arch	1	LS	\$ 20,843 ⁰⁰	\$ 20,843 ⁰⁰
L17	Grey Concrete Plaza Paving, 4"	1138	SF	\$ 3. ³¹	\$ 3,766. ⁷⁸
L18	Grey Concrete Sidewalk, 4"	856	SF	\$ 3. ¹⁹	\$ 2,730. ⁶⁴
L19	Grey Concrete Header	28	LF	\$ 3. ³¹	\$ 92. ⁶⁸
L20	Pet Waste Bag Receptacle and Post	1	EA	\$ 1,223 ⁰⁰	\$ 1,223 ⁰⁰
L21	Trash Receptacle	1	EA	\$ 1,376 ⁰⁰	\$ 1,376 ⁰⁰
L22	Drinking Fountain (stub, sump, and concrete pad)	1	LS	\$ 3,200 ⁰⁰	\$ 3,200 ⁰⁰
L23	Electrical Work	1	LS	\$ 21,850 ⁰⁰	\$ 21,850 ⁰⁰
L24	Recycled Concrete Planters	1	LS	\$ 2,280 ⁰⁰	\$ 2,280 ⁰⁰
L25	Brick Features	1	LS	\$ 8,327 ⁰⁰	\$ 8,327 ⁰⁰

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNITS	UNIT PRICE	TOTAL PRICE
Bid Lot Total (Add Lines L1 thru L25)					\$107,492. ⁸¹

TOTAL BID AMOUNT: Entrada del Sol Gateway Construction (Project Number: 09-10-379)	\$ 171,443. ³¹
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ADDITIVE ALTERNATES					
A1	Colored Concrete Sidewalks and Header	590	SF	\$ 2.65	\$2,153. ⁵⁰
A2	Drinking Fountain, CIP	1	LS	\$ 3,575. ⁰⁰	\$3,575. ⁰⁰
A3	Unlit Bollards, CIP	7	EA	\$ 8,191. ⁰⁰	\$8,191. ⁰⁰
A4	Banco, Concrete	1	LS	\$ 5,180. ⁰⁰	\$5,180. ⁰⁰
A5	Artistic Ceramic Tile Work, CIP	1	LS	\$ 27,435. ⁰⁰	\$ 27,435. ⁰⁰
A6	Artistic Porcelain Mosaic Tile Work, CIP	1	LS	\$ 17,416. ⁰⁰	\$ 17,416. ⁰⁰

This bid is submitted on behalf of

G. Sandoval Construction

(Company Name)

BY:

[Handwritten Signature]

(Signature)

Address: 2000 E Lohman Ste B

Las Cruces NM 88001

Telephone No. 575-524-6878

Fax No. 575-524-6879

Email: cathya@sandovalconstruction.com

Contractor's License No. 81118

License Classification GB98, GA01, MM98, GF09

License Expiration Date 12/31/10

License Qualifying Party: Gabriel Sandoval

State Labor Enforcement Fund Registration No. 0153212010729

New Mexico Resident Contractor Preference: Certification No. 76C40

RECEIPT OF ADDENDUM NO.(S), 1, 2, & #3 IS HEREBY ACKNOWLEDGED. (WHERE NONE RECEIVED, PLACE FIGURE ZERO IN THIS SPACE.)

Corporate Seal if applicable

Addendum #1, 9/24/09
Addendum #2, 10/01/09
Addendum #3, 10/15/09

CITY OF LAS CRUCES BID BOND

We, G. Sandoval Construction, Inc.,
as principal and The Cincinnati Insurance Company
as surety are held and firmly bound to the City of Las Cruces as owner in the sum of
Five (5%) Percent of Amount Bid

Dollars (\$ _____), being five percent (5%) of the amount bid by the principal on the project,
for the payment of which sum well and truly to be made, the principal and surety bind ourselves, our
heirs, personal representatives, successors and assigns, jointly and severally.

WHEREAS, the principal has submitted a bid for the following project:

**Entrada Del Sol Gateway Construction
Project No. 09-10-379
Las Cruces, New Mexico**

NOW THEREFORE, (A) If the bid of the principal is rejected by the owner; (B) If the Authority
accepts the bid of the principal and the principal enters into a contract with the owner in accordance
with the terms of such bid and gives such bond or bonds as may be specified in the bidding or contract
documents with good and sufficient surety for the faithful performance of such contract and for the
prompt payment of labor and material furnished in connection therewith; or (C) In the event of the
failure of the principal to enter into such contract and to give such bond or bonds, if the principal pays
to the owner the difference not to exceed the penalty hereof between the amount specified in said bid
and such larger amounts for which the Owner may in good faith contract with another party to perform
the work covered by said bid, then this obligation shall be null and void; otherwise, this obligation will
remain in full force and effect.

SIGNED AND SEALED THIS 20th day of October, 2009

G. Sandoval Construction, Inc.

(Principal)

(Title)

Cathy Angel
(Witness)

The Cincinnati Insurance Company

(Surety)

Valerie D. Meach
(Witness)

William W. Burke Attorney-In-Fact

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THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

William W. Burke; Laura Burke; Yvonne Dawkins and/or Shawn Gustafson

of Las Cruces, New Mexico

its true and lawful Attorney(s)-in-Fact to sign, execute, seal

and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to
Forty Million and No/100 Dollars (\$40,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

“RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.”

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

“RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.”

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal; duly attested by its Vice President this 10th day of October, 2008.



THE CINCINNATI INSURANCE COMPANY

Thomas H. Kelly
Vice President

STATE OF OHIO) ss:
COUNTY OF BUTLER)

On this 10th day of October, 2008, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Mark J. Huller

MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 20th day of October, 2009



Bryony J. Schlemmer
Secretary

AGENT'S AFFIDAVIT

Supplements to Bid Forms
Section 00422

This Form must be used by Surety

STATE OF New Mexico)
) ss.
COUNTY OF Doña Ana)

William W. Burke being first duly sworn deposes and says:

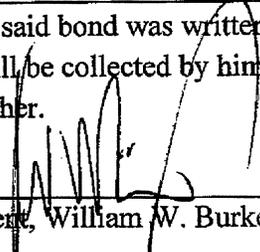
That he/she is the duly appointed agent for The Cincinnati Insurance Company
6200 S. Gilmore
Fairfield, Ohio 45014-5141
and licensed or authorized to do business in the State of New Mexico.

Deponent further states that a certain bond given to indemnify the Owner in connection with the construction of Entrada Del Sol Gateway Construction, Project No. 09-10-379, Las Cruces, New Mexico

dated the 20th day of October, 2009 executed by:

G. Sandoval Construction, Inc. contractor, as principal and
The Cincinnati Insurance Company as Surety,

signed by this deponent; and deponent further states that said bond was written, signed, and delivered by him/her; that the premium on the same has been or will be collected by him; and that the full commission thereon has been or will be retained by him/her.


Agent, William W. Burke Attorney-in-Fact

Subscribed and sworn to before me this 20th day of October, 2009.


Notary Public

My commission expires: September 9, 2010

Agent's Address: Burke Insurance Group, LLC.
1691 Hickory Loop, Suite B
Las Cruces, New Mexico 88005
Telephone Number (575) 524-2222

●Power of Attorney for person signing for Surety Company must be attached to bond ●

Item No.	Description	Engineer's Estimate \$150,000.00			Vendor Name Sunlow Construction			Vendor Name Sun City Builders		
		Qty	Unit	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost		
L1	Mobilization	1	LS	\$1,125.00	\$	1,125.00	\$44,775.00	\$	44,775.00	
L2	Traffic Control	1	LS	\$13,800.00	\$	13,800.00	\$2,000.00	\$	2,000.00	
L3	Construction Staking	1	LS	\$900.00	\$	900.00	\$2,000.00	\$	2,000.00	
L4	Temporary Construction Fencing	1	LS	\$1,700.00	\$	1,700.00	\$2,500.00	\$	2,500.00	
L5	Clear and Grub	1	LS	\$1,695.00	\$	1,695.00	\$3,500.00	\$	3,500.00	
L6	Earthwork	1	LS	\$1,815.00	\$	1,815.00	\$3,500.00	\$	3,500.00	
L7	Irrigation System	1	LS	\$6,232.00	\$	6,232.00	\$345.00	\$	6,350.00	
L8	Trees, 24" Box	4	EA	\$285.00	\$	1,140.00	\$29.25	\$	1,170.00	
L9	Shrubs, 5 Gallon	60	EA	\$27.00	\$	1,620.00	\$9.50	\$	2,660.00	
L10	Shrubs, 1 Gallon	28	EA	\$25.28	\$	658.84	\$9.00	\$	900.00	
L11	Perennials, 1 Gallon	100	EA	\$12.00	\$	1,200.00	\$9.00	\$	900.00	
L12	Builders	21	EA	\$127.47	\$	2,676.87	\$106.00	\$	6,426.00	
L13	3/4" Gravel Mulch, 3" depth	2355	SF	\$1.21	\$	2,854.35	\$1.90	\$	4,474.50	
L14	2-4" Cobble, 6" depth	765	SF	\$3.31	\$	2,534.15	\$3.81	\$	4,335.78	
L15	Mulch for Perennial Beds	1	LS	\$20,843.00	\$	20,843.00	\$16,832.00	\$	16,832.00	
L16	Green Concrete Plaza Paving, 4"	1138	SF	\$3.31	\$	3,766.78	\$3.51	\$	4,021.68	
L17	Green Concrete Sidewalk, 4"	856	SF	\$3.19	\$	2,730.64	\$2.00	\$	560.00	
L18	Green Concrete Header	28	LF	\$3.31	\$	92.68	\$20.00	\$	560.00	
L19	Pier Waste Bag Receipts and Post	1	EA	\$1,223.00	\$	1,223.00	\$1,200.00	\$	1,200.00	
L20	Trash Receptacle	1	EA	\$1,376.00	\$	1,376.00	\$1,500.00	\$	1,500.00	
L21	Drinking Fountain (sub. sump. and concrete pad)	1	LS	\$3,200.00	\$	3,200.00	\$38,449.00	\$	38,449.00	
L22	Drinking Fountain (sub. sump. and concrete pad)	1	LS	\$21,850.00	\$	21,850.00	\$2,000.00	\$	2,000.00	
L23	Electrical Work	1	LS	\$2,280.00	\$	2,280.00	\$3,000.00	\$	3,000.00	
L24	Revised Concrete Planters	1	LS	\$8,327.00	\$	8,327.00				
L25	Brick Features	1	LS	\$8,327.00	\$	8,327.00				
Base Bid Total						\$107,492.81			\$152,858.46	
A1	Artistic Alternates									
A2	Colored Concrete Sidewalk and Header	500	SF	\$2.65	\$	1,325.00	\$0.52	\$	260.80	
A3	Decorative Fountain, CIP	1	LS	\$3,575.00	\$	3,575.00	\$4,100.00	\$	4,100.00	
A4	Unit Blocks, CIP	7	EA	\$8,191.00	\$	57,337.00	\$1,388.00	\$	12,516.00	
A5	Brick Concrete	1	LS	\$5,180.00	\$	5,180.00	\$12,710.00	\$	12,710.00	
A6	Artistic Ceramic Tile Work, CIP	1	LS	\$27,435.00	\$	27,435.00	\$10,765.00	\$	10,765.00	
A7	Artistic Porcelain Mosaic Tile Work	1	LS	\$17,416.00	\$	17,416.00	\$6,150.00	\$	6,150.00	
Base Bid Plus Highlighted Add Alts						\$145,246.31				
NMGRT (7.4975%)						\$10,802.69				
Contingency (5%)						\$7,262.32				
Total						\$163,311.32				

