City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 **Ordinance/Resolution#** 08-09-586A **Council District:** 4

For Meeting of December 21, 2009
(Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 TO THE GREENHOUSE, INC., OF LAS CRUCES, NM, FOR THE FAMILIES AND YOUTH INC., (FYI) TRANSITIONAL HOUSING FACILITY AS APPROVED BY CITY COUNCIL UNDER RESOLUTION NO. 08-09-586, AUTHORIZING AN INCREASE OF $53,623.68; PLUS NEW MEXICO GROSS RECEIPTS TAX (NMGRT) OF $3,988.26; PLUS A PROJECT CONTINGENCY OF $63,226.80; FOR A TOTAL CHANGE ORDER AUTHORIZATION OF $120,838.74.

PURPOSE(S) OF ACTION: Authorize change orders to address requested changes in construction to comply with all applicable codes and add a project contingency.

Name of Drafter: Kyle Heltne		**Department:** Facilities/Project Mgmt.		**Phone:** 541-2905	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Facilities Department		541-2651	Budget		2300
			Assistant City Manager		
Legal		2128	City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

City Council approved, via Resolution No. 09-154, an inter-governmental agreement between Dona Ana County and the City of Las Cruces for state legislature appropriated funds to Dona Ana County to purchase, plan, and design a transitional living facility for young adults in Dona Ana County. Such a facility is intended to provide housing and support services to homeless persons, with the ultimate goal to transition those persons to independent living at sometime in the future. Although the City will not own or operate the facility, it has in place the required ordinance and affordable housing plan that complies with the Affordable Housing Act requirements, unlike the County, to allow this project to move forward. The City is also serving as the fiscal agent as it relates to the expenditure of these funds.

The City's Community Development Department's Neighborhood Services Section, in cooperation with the Facilities Department, are utilizing Home Investments Partnership Program (HOME) and State of New Mexico Capital Outlay funding to construct this facility at 1089 W. Amador Avenue for Resources for Children and Youth, Inc. (RCYI –

(Continue on additional sheets as required)

property owner) and Families and Youth, Inc. (FYI – project operator, local not-profit organization.)

Construction on this project is well underway and slated for completion by February 2010. During a routine review of the plans and ongoing construction, changes have been requested to comply with all applicable codes, as well as the owner requesting additional work to be performed under this contract.

The original project amount, as approved by City Council under Resolution No. 08-09-586 authorized execution of a construction contract with The Greenhouse, Inc.; however, it did not include any project contingency to address potential construction changes or undiscovered/unknown conditions during the building process. The proposed contingency of $63,226.80 is based on the original contract sum of $2,157,700.00.

Funding for the proposed change orders and project contingency will come from the Memorandum of Understanding (MOU) that was drafted by the Neighborhood Services Section and approved by City Council as Item 12 of the agenda for December 7, 2009. This allows the transfer of funds from FYI to the City to cover the proposed change orders and project contingency.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
2761 – Other Operating Grants 27184030-722190-16006	$120,838.74	$120,838.74

Resolution
1. Purchasing Manager's Request to Contract, attached as Exhibit "A"
2. Purchasing Manager's Request For Change Order
3. Change Order No. 1 submitted by The Greenhouse, Inc.
4. Change Order No. 2 submitted by The Greenhouse, Inc.
5. CAES/Resolution submitted for December 7, 2009 – Item 12 - for funding MOU

OPTIONS / ALTERNATIVES:

1. Vote "Yes" and approve the Resolution; thereby, authorizing City staff to execute Change Order No. 1 and Change Order No. 2 and implement a project contingency. This would allow the project to remain on schedule for timely completion.

2. Vote "No" and not approve the Resolution; thereby, not authorizing City staff to execute Change Order No. 1 and Change Order No. 2 and not implement a project contingency. This may cause a delay in the project and incur additional costs.

3. Vote to "Postpone" the Resolution and direct staff to review other options. This may cause a delay in the project and incur additional project costs.

(Continue on additional sheets as required)

RESOLUTION NO. 08-09-586A

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 TO THE GREENHOUSE, INC., OF LAS CRUCES, NM, FOR THE FAMILIES AND YOUTH INC., (FYI) TRANSITIONAL HOUSING FACILITY AS APPROVED BY CITY COUNCIL UNDER RESOLUTION NO. 08-09-586, AUTHORIZING AN INCREASE OF $53,623.68; PLUS NEW MEXICO GROSS RECEIPTS TAX (NMGRT) OF $3,988.26; PLUS A PROJECT CONTINGENCY OF $63,226.80; FOR A TOTAL CHANGE ORDER AUTHORIZATION OF $120,838.74.

The City Council is informed that:

WHEREAS, City Council approved Resolution No. 09-154, an intergovernmental agreement between Dona Ana County and the City of Las Cruces for state legislature appropriated funds to purchase, plan and design a transitional living facility for young adults in Dona Ana County; and

WHEREAS, City Council approved Resolution No. 08-09-586, a construction contract with The Greenhouse, Inc., for the FYI Transitional Housing Facility; and

WHEREAS, The Greenhouse, Inc., submitted Change Order No. 1 and Change Order No. 2 in the total amount of $53,623.68, to complete additional work in conjunction with construction already in progress, plus New Mexico Gross Receipts Tax of $3,988.26; and

WHEREAS, with the addition of $63,226.80, for project contingency to address other construction changes that may occur, the total change order amount authorized through this Resolution is $120,838.74; and

WHEREAS, funding for these change orders will be provided by Family and Youth, Inc., through a Memorandum of Understanding submitted by Community Development for City Council approval on December 7, 2009.

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

(I)

THAT, City staff is authorized to execute Change Order No. 1 , Change Order No. 2, and to add a contingency to the contract with The Greenhouse, Inc., for the FYI Transitional Housing Facility project in the amount of $120,838.74, including applicable New Mexico Gross Receipts Taxes.

(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:

_____
City Attorney

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST FOR CHANGE ORDER

For Meeting of: December 21, 2009

Resolution No.: 08-09-586A

Change Orders No. 1 and No. 2 to Existing Contract For F.Y.I. Transitional Living Facility

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

BID/RFP SOLICITATION INFORMATION:

1. Original Bid/RFP & Due Date: **BID #08-09-586/March 24, 2009**
2. Description of Bid/RFP: **F.Y.I. Transitional Living Facility**
3. Contract Award: **Resolution No.08-09-586/June 15, 2009**
4. Contract Revision:
   Previous Contract Award Amount: **$2,316,861.00**
   Change Order Amount: **$120,838.74**
   New Contract Amount: **$2,437,699.74**
5. Contractor: **The Greenhouse, Inc., of Las Cruces, NM**
6. Using Department: **Facilities/Project Management**
7. Contract Duration: **270 Calendar Days**

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.**

Purchasing Manager / 12/1/09 Date

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION OR PURCHASE ORDER NUMBER:	**10200243**

CITY OF LAS CRUCES

PURCHASING MANAGER'S REQUEST TO CONTRACT

For Meeting of: June 15, 2009

Resolution No.: 08-09-586

Contract Purchase For
FYI TRANSITIONAL HOUSING FACILITY

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

BID SOLICITATION INFORMATION:

1. Bid Due Date: **March 24, 2009**
2. Description: **FYI Transitional Housing Facility**
3. Using Department: **Community Development**
4. Number of Responses Received: **Seven (7)**
5. Recommended Award(s) To: **The Greenhouse, Inc., of Las Cruces, NM**
6. Total Award Amount (includes any tax and contingency): **$2,316,861.00**
7. Contract Duration: **270 Calendar Days**

LOCAL PREFERENCE FACTOR

Local Preference Factor Applied Per LCMC §24-100	No	x		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 — Date: 15/29/09

CONFIRMATION OF FUND ENCUMBRANCE:

REQUISITION or PURCHASE ORDER NUMBER:	**REQ. 91004357**

CHANGE ORDER

Distribution to: OWNER ☐ ARCHITECT ☐ CONTRACTOR ☐ FIELD ☐ OTHER ☐

PROJECT:	FYI Transitional Living Complex 1089 W. Amador Ave. Las Cruces, NM	CHANGE ORDER NUMBER: DATE: ARCHITECT'S PROJECT NO.: CONTRACT DATE:	One (1) September 28, 2009 07.84 July 16, 2009
TO CONTRACTOR:	The Greenhouse Inc. 1950 Copper Loop Las Cruces, NM 88005	CLC BID NO: CONTRACT FOR:	08-09-470 General Construction

You are directed to make the following changes in this Contract:

1	COP #1, Item #1 - Driveway and road profile modifications and related work	Add	10,900.00
2	COP #1, Item #2 - Grouted rip-rap at north drainage pond	Add	19,000.14
3	COP #1, Item #3 - Install three bicycle racks	Add	7,825.00
4	COP #1, Item #4 - Remove deadbolts, condensate overflows, clean-outs		0.00
	Subtotal:		37,725.14
	Contractor Overhead and Profit:		4,527.02
5	EPE Allowance Credit	Deduct	(23,217.43)
		Subtotal	19,034.73

Total Change to Contract Sum 19,034.73

Total amount of change orders through c/o #1 ~~(excluding~~ Including applicable taxes) 20,450.44

K.H.H 10-20-09

Not valid until signed by all parties
Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time

The original Contract Sum was	$	2,157,700.00
Net change by previously authorized Change Orders	$	0.00
The Contract Sum prior to this Change Order was	$	2,157,700.00
The Contract Sum will be ~~(decreased)~~ (increased) ~~(unchanged)~~ by this Change Order in the amount of	$	19,034.73
The new Contrat Sum including this Change Order will be	$	2,176,734.73
The Contract Time will be ~~(increased)~~ ~~(decreased)~~ (unchanged) by		(-0-) days.
the date of Substantial Completion as of the date of this Change Order therefore is		**May 21, 2010**

Studio D Architects, P.A. ARCHITECT	Eric Martin PROJECT MANAGER City of Las Cruces	The Greenhouse, Inc. CONTRACTOR	Res. for Children & Youth, Inc. OWNER
509 S. Main, Studio D Address	PO Box 20000 Address	1950 Copper Loop Address	1320 S. Solano Address
Las Cruces, NM 88001	Las Cruces, NM 88004	Las Cruces, NM 88005	Las Cruces, NM 88001
By: [signature]	By:	By: [signature]	By: Renee Boudreau
Date: 10·8·09	Date:	Date: 10/06/09	Date: 10/8/09

STUDIO D ARCHITECTS

CHANGE ORDER

199

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

PROJECT:	FYI Transitional Living Complex 1089 W. Amador Ave. Las Cruces, NM	CHANGE ORDER NUMBER:	Three (3)
		DATE:	October 19, 2009
		ARCHITECT'S PROJECT NO.:	07.84
		CONTRACT DATE:	July 16, 2009
TO CONTRACTOR:	The Greenhouse Inc. 1950 Copper Loop Las Cruces, NM 88005	CLC BID NO:	08-09-470
		CONTRACT FOR:	General Construction

You are directed to make the following changes in this Contract:

1	Change Order Request #2	Add	21,901.91
2	Change Order Request #3	Add	166.47
3	Change Order Request #4	Add	5,017.32
4	Change Order Request #5	Add	1,869.31
5	Change Order Request #6	Add	1,612.80
6	Change Order Request #7	Add	3,288.35
7	Change Order Request #8	Add	732.79

Total Change to Contract Sum 34,588.95

Total amount of change orders through c/o #2 (including applicable tax) 57,611.94

Not valid until signed by all parties
Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time

The original Contract Sum was	$	2,157,700.00
Net change by previously authorized Change Orders	$	19,034.73
The Contract Sum prior to this Change Order was	$	2,176,734.73
The Contract Sum will be (~~decreased~~) (increased) (~~unchanged~~) by this Change Order in the amount of	$	34,588.95
The new Contract Sum including this Change Order will be	$	2,211,323.68
The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by		(-0-) days.
the date of Substantial Completion as of the date of this Change Order therefore is		**May 21, 2010**

Studio D Architects, P.A. ARCHITECT	Kyle Heltne PROJECT MANAGER City of Las Cruces	The Greenhouse, Inc. CONTRACTOR	Res. for Children & Youth, Inc. OWNER
509 S. Main, Studio D Address	PO Box 20000 Address	1950 Copper Loop Address	1320 S. Solano Address
Las Cruces, NM 88001	Las Cruces, NM 88004	Las Cruces, NM 88005	Las Cruces, NM 88004
By: [signature]	By:	By: [signature]	By: [signature]
Date: 10-19-09	Date:	Date: 10/19/09	Date: 10-19-09