

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering Department
AGENDA DATE: January 8, 2008
CONTACT PERSON/PHONE: Javier Reyes, 541-4630
DISTRICT(S) AFFECTED: 3

SUBJECT:

That the City Manager be authorized to sign an Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **RON BROWN ARCHITECTS**, for a project known as **"SAN JUAN SENIOR CENTER REMODELING"**, in an amount not to exceed **ONE HUNDRED EIGHT THOUSAND, THREE HUNDRED NINETY AND NO/100 DOLLARS (\$108,390.00)**.

BACKGROUND / DISCUSSION:

The Consultant is exercising his option as specified on the original agreement to provide additional and extended construction observation services due to the actual construction project completion schedule exceeding more than twenty five (25%) percent of the contract's original construction schedule. The original construction schedule was for the project to be completed in six months. The construction project took nine months to complete. The project schedule was exceeded due to additional user department requests and unforeseen conditions. City staff and the Consultant negotiated a fee of \$3,050.00 to perform additional construction observation services. The additional construction observation services consist of attending additional meetings and construction field reports, and processing additional change orders.

PRIOR COUNCIL ACTION:

City Council awarded the original contract in the amount of \$105,340.00 on November 22, 2005.

AMOUNT AND SOURCE OF FUNDING:

Funding Source	Community Development Block Grant
Project No.	G7131CD0022
Department ID	71150069
Fund No.	07854
Account No.	508016

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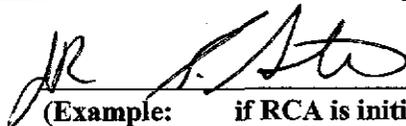
BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:



(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **RON BROWN ARCHITECTS**, for a project known as **“SAN JUAN SENIOR CENTER REMODELING”**, in an amount not to exceed **ONE HUNDRED EIGHT THOUSAND, THREE HUNDRED NINETY AND NO/100 DOLLARS (\$108,390.00)**.

ADOPTED this _____ day of _____, 2008.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

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APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Cynthia Osborn
Assistant City Attorney



Alan Shubert, P.E.
City Engineer

CITY CLERK DEPT.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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FIRST AMENDMENT TO AGREEMENT
FOR ARCHITECTURAL SERVICES

THIS First Amendment is made this ____ day of _____, 2008, by and between THE CITY OF EL PASO, hereinafter referred to as the "Owner", and RON BROWN ARCHITECTS, sole proprietorship registered in the State of Texas, hereinafter referred to as the "Architect".

WHEREAS, on November 22, 2005, the Owner entered into an Agreement for Architectural Services, with the Architect for a Project known as "SAN JUAN SENIOR CENTER REMODELING" (the "Agreement"), and

WHEREAS, the Agreement may be amended under the provisions of Section II.A of the Agreement; and,

WHEREAS, the parties hereto desire to amend the Agreement pursuant to Section II.A.11.b of the Agreement, to provide additional or extended services during construction made necessary by prolongation of the construction contract time by more than twenty-five percent (25%), and to extend the contract value from \$105,340.00 to \$108,390.00.

NOW, THEREFORE, it is hereby agreed as follows:

1. **Scope of Services.**

In accordance with Section II, Part A, of the Agreement, **Additional Services of the Architect**, the Owner hereby authorizes the Architect to provide additional services for duration of the construction phase: advise and consult with Owner and act as the Owner's representative as provided in the general conditions, visit construction site at least once a week to observe progress, and review data which construction contractor is required to submit.

2. **Payments to Architect.**

Payment shall be contingent on the Owner's approval of the work performed by the Architect. The method of payment shall be pursuant to the schedule of payments outlined in Section V.B. of the Agreement. The Architect's fee proposal for the additional services is attached hereto and made a part hereof for all purposes as **Exhibit "A"**. Payment to Architect shall not exceed **ONE HUNDRED EIGHT THOUSAND, THREE HUNDRED NINETY AND NO/100 DOLLARS (\$108,390.00)**

3. **Terms and Conditions.**

All terms and conditions of the Agreement and all subsequent Amendments to the Agreement, except as herein revised, shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

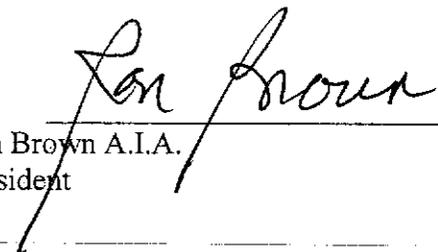
OWNER:
THE CITY OF EL PASO

Joyce Wilson
City Manager

ATTEST:

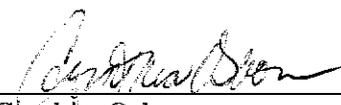
Richarda Duffy Momsen
City Clerk

ARCHITECT:
RON BROWN ARCHITECTS

By: 

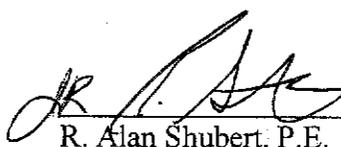
Ron Brown A.I.A.
President

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

(Acknowledgements begin on next page)

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ACKNOWLEDGEMENTS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2007,
by **JOYCE WILSON**, as **CITY MANAGER** of the **CITY OF EL PASO, TEXAS**.

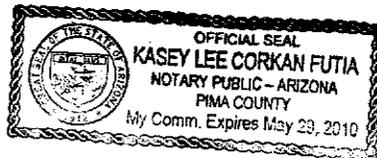
Notary Public, State of Texas

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 24 day of NOV, 2007,
by **RON BROWN, A.I.A.**, as **PRESIDENT** of **RON BROWN ARCHITECTS**.

Kasey Lee Corkan Futia

Notary Public, State of Texas



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RON BROWN Architects

13 September 2007

Ana Castillo P.E.
Engineering Department
4th Floor, City Hall
2 Civic Center Plaza
El Paso, TX 79901

Project: 0521/SAN JUAN SENIOR CENTER
Request for Additional Services due to Construction Time Extension

Dear Ana:

As per my original additional services request for contract time extension dated 2 July 2007 and subsequent email notification of 26 September, please find below my revised additional services request with a defined end date.

As per our agreement, additional services shall be obtained by the Architect for extended construction services made necessary by prolongation of the construction time by more than twenty-five percent (25%).... The original contract time was 240 calendar days which calculates to 27 June 2007. Twenty-five percent of this would be 60 calendar days beyond that original completion date. This date calculates to 25 August 2007. With all change orders taken into account (both issued and pending) the contract has been extended 84 calendar days to 19 September 2007 which is a 35% extension.

However, I feel that justifiable extra time should be to my last inspection of 31 August 2007. This covers an extended time period of 65 calendar days which encompasses 10 additional inspections/reports and miscellaneous project coordination time.

ARCHITECT

Project coordination @ 8 hours x 100/hr = \$ 800.00

PROJECT MANAGER

10 inspections/reports @ 3 hours = 30 hours x \$75.00/hr = \$ 2,250.00

TOTAL \$ 3,050.00

Please keep in mind that my contract was negotiated with a 6 month construction completion time. During the bid phase, the bidders requested a two month extension. For the betterment of the project, my continuing relationship the City of El Paso and the engineering department and not wanting to create an undue hardship and project delays, I agreed to this extension with out additional compensation. As you are evaluating my above request, please keep in mind that I started this project with a 60 day construction time deficit.

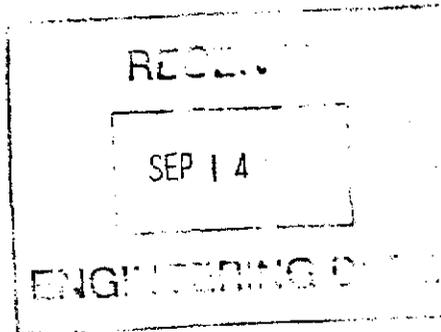
Please call if you have any questions.

Sincerely,

RON BROWN Architects

[Signature]
Ron Brown NCARB, RA
Principal

RB/sb



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Detailed Explanation of Amendment

Project Name: San Juan Senior Center Remodeling
Type of Contract: Architectural Services Agreement
Date City Council Awarded Original Agreement: November 22, 2005
Amount of Original Contract: \$105,340.00
Amount for this Amendment: \$3,050.00

Contractual Justification for Additional Services

Ron Brown Architects, Inc. has decided to exercise their right to request compensation for additional services in the amount of \$3,050.00 because the San Juan Senior Center Remodeling project exceeded the original construction schedule by more than twenty-five (25%) percent. The request is based on the contractual condition specified on Section II A, ADDITIONAL SERVICES OF THE ARCHITECT, Item 11 of the original contract. The following is the condition specified on the contract:

“Provide additional or extended services during construction made necessary by: **a.** Work damaged by fire or other cause during construction; **b.** prolongation of the construction contract time by more than **twenty-five percent (25%)**, provided that such prolongation is not caused by errors, negligence, or other fault on the part of the Architect; **c.** Acceleration of the work schedule involving services beyond normal City working hours; or **d.** Construction contractor’s default under the construction contract due to delinquency or insolvency.”

During the construction of the San Juan Senior Center the consultant, Ron Brown Architects, was responsible by contract to visit the site every week, observe construction practices and quality of work and prepare written observation reports, attend weekly meetings, and review change orders. The original schedule of six months for the building contractor to complete the project was June 27, 2007. Because of additional user department requests and unforeseen conditions the project was completed three months later on September 19, 2007. Therefore the consultant exceeded their efforts as agreed on their original fee proposal. The following is a breakdown of the additional services provided by the consultant’s team:

Architect

The architect spent eight (8) additional hours attending construction meetings and reviewing user department requested and unforeseen change orders. The total cost of eight hours for the architect at a rate of \$100.00/hour is \$800.00.

Project Manager

The consultant's project manager made ten (10) additional site visits. The site visits consisted of observing construction methods and quality of work and preparing observation reports. The ten visits equaled thirty (30) hours of company staff time. The total cost of thirty hours for the project manager at a rate of \$75.00/hour is \$2,250.00.

The total cost for additional services is $(\$800.00 + \$2,050.00) = \$3,050.00$