

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

DEPARTMENT: **Engineering & Construction Management**

AGENDA DATE: **May 29, 2012**

CONTACT PERSON NAME AND PHONE NUMBER: **R. Alan Shubert, P.E. City Engineer (X4423)**

DISTRICT(S) AFFECTED: **5 & 8**

SUBJECT:

That the City Council ratify the award of Parks Upgrade 2010 – Phase I, Solicitation No. 2011-185, to Smart Con, LLC, the lowest responsive bidder, and approve the expenditure of additional available funding in the amount of Six Thousand Forty Three and no/00 dollars (\$6,043.00) to Smart Con, LLC for additional construction costs for the project. The change order and quantity notice provide for the removal of asphalt and the removal of additional grass and the installation of additional concrete sidewalk than that specified in the plans, which in turn necessitates modifications to the irrigation and storm water systems, adding ten (10) days of contract time to contract Number 2011-185. The new contract sum, including this change order and quantity notice is Fifty Four Thousand Eight Hundred Thirty Three and 37/00 Dollars (\$54,833.37).

BACKGROUND / DISCUSSION:

The Parks Upgrade 2010 project completes improvements to both Galatzan and Tres Suenos parks. The project's estimated cost was \$58,700. This estimated project cost exceeded the informal bid threshold of \$50,000 so the project was competitively bid.

Competitive bids were submitted and the lowest, \$48,790.37 was submitted by the lowest responsive bidder, Smart Con, LLC. Because the bid amount was less than \$50,000, the project did not require formal award by City Council. The City Manager therefore signed the contract.

During construction unforeseen conditions arose that require additional labor and materials to complete the project as designed. These required changes will increase the final value of the project to the amount of \$54,833.37. In order to process this increase it is requested City Council ratify the award of the contract and authorize the additional expenditure. Ratification of the award will allow the project's value to exceed \$50,000.

PRIOR COUNCIL ACTION:

None.

AMOUNT AND SOURCE OF FUNDING:

\$6,043 in Parkland Dedication funds.

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, in March 2011, the City of El Paso formally bid Parks Upgrade 2010 – Phase 1, Solicitation No. 2011-185; and

WHEREAS, in June 2011, the project was awarded to the lowest responsive bidder, Smart Con, LLC for \$48,790.37 (the “Contract”); and

WHEREAS, since the Contract amount was under \$50,000, the contract was not formally awarded by City Council but instead was awarded by signature of the City Manager for the City of El Paso; and

WHEREAS, the parties now desire to execute a change order and a quantity notice for the project which will increase the total contract amount to over \$50,000; and

WHEREAS, State law requires that contracts over \$50,000 be competitively bid and awarded to the lowest bidder; and

WHEREAS, the contract was competitively bid and awarded to the lowest responsive bidder but the contract was not formally awarded by City Council; and

WHEREAS, the parties now desire that City Council ratify the award of the Contract to the lowest responsive bidder and authorize the change order and quantity notice.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council ratify the award of Parks Upgrade 2010 – Phase I, Solicitation No. 2011-185, to Smart Con, LLC, the lowest responsive bidder, and approve the expenditure of additional available funding in the amount of Six Thousand Forty Three and no/00 Dollars (\$6,043.00) to Smart Con, LLC for additional construction costs for the project. The change order and quantity notice provide for the removal of asphalt and the removal of additional grass and the installation of additional concrete sidewalk than that specified in the plans, which in turn necessitates modifications to the irrigation and storm water systems, adding ten (10) days of contract time to contract Number 2011-185. The new contract sum, including this change order and quantity notice is Fifty Four Thousand Eight Hundred Thirty Three and 37/00 Dollars (\$54,833.37).

ADOPTED THIS _____ DAY OF _____ 2012.

CITY OF EL PASO:

John F. Cook, Mayor

ATTEST:

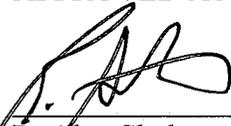
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT



R. Alan Shubert, P.E.
City Engineer

THE STATE OF TEXAS }
COUNTY OF EL PASO }

CONTRACT

THIS AGREEMENT, made this 14 day of June, 2011 by and between THE CITY OF EL PASO, County of El Paso, Texas, hereinafter called "Owner", acting herein through its City Manager, Joyce Wilson and Smart Con. LLC (circle one of the following: a corporation, a partnership, an individual, a limited liability company), located in: CITY OF EL PASO, COUNTY OF EL PASO and STATE OF TEXAS, hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, the Contractor hereby agrees with the Owner to commence and complete the construction described as follows:

Parks Upgrade 2010 - Phase 1
Contract No. 2011-185

hereinafter called the "Project", for the sum of **forty-eight thousand seven hundred ninety dollars and thirty-seven cents (\$48,790.37)** and all extra work in connection therewith, under the terms as stated in the contract documents; and at Contractor(s) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said Project, in accordance with the conditions and prices stated in the Proposal, the General Conditions, Supplemental General Conditions and Special Conditions of the Contract, the plans, which include all maps, plats, blueprints and other drawings and printed or written explanatory matter thereof; the specifications and contract documents thereof as furnished by the CITY ENGINEER or designated representative, and as enumerated in Paragraph 1.5 of the General Conditions, all of which are made a part hereof and collectively evidence and constitute the Contract.

The Contractor agrees to commence work on a date to be specified in a written "Notice to Proceed" issued by the Owner. The Contract Time shall begin on the date to commence work specified in the Notice to Proceed and shall run thereafter for **seventy (70) CONSECUTIVE CALENDAR DAYS**. Contractor shall Substantially Complete the project within **sixty (60) CONSECUTIVE CALENDAR DAYS** after the date to commence work in the notice to Proceed. Contractor agrees to pay, as liquidated damages, the sum of **two hundred forty dollars and zero cents (\$240.00)** for each consecutive calendar day after the date of Substantial Completion, as hereinafter provided in the General Conditions. Contractor further agrees to pay

as liquidated damages the sum of **one hundred sixty dollars and zero cents (\$160.00)** for each consecutive calendar day after the expiration of the Contract Time for Remaining Work, as provided in Paragraph 6.8.3.1 of the General Conditions. The unit price quantities of this contract are estimated.

CONTRACT

IN WITNESS, WHEREOF, the parties to these presents have executed this Contract on the 25th day of July, 2011 in two (2) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

OWNER – CITY OF EL PASO

by Joyce Wilson
Joyce Wilson, City Manager

APPROVED AS TO FORM:

Cynthia Adams
Assistant City Attorney

Contractor:

by Laura Loweree
Smart Con, LLC.
Laura Loweree, CEO
Typed Name & Title

APPROVED AS TO CONTENT:

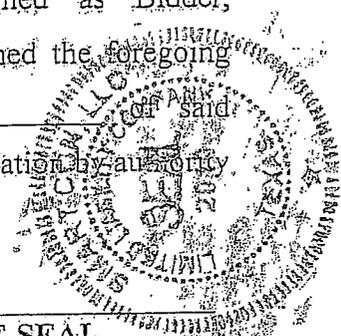
[Signature]
City Engineer

5742 North Mesa, El Paso, TX 79912
Address, City, State, Zip Code
(915) 585-8700 (915) 875-8257
Telephone Number Fax Number

If the Contractor be a corporation, the following certificate should be executed:

I, Sergio Martinez, certify that I am the
President Secretary of the corporation named as Bidder,
hereinabove; and that Laura Loweree, who signed the foregoing
Contract on behalf of the Bidder was then CEO of said
corporation; that said proposal was duly signed for and in behalf of said corporation by authority
of its governing body, and is within the scope of its corporate powers.

[Signature]
CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL



CITY OF EL PASO BID TABULATION

BID TITLE: PARKS UPGRADE 2010 - PHASE 1

BID DATE: March 30, 2011

BID NO: 2011-185

DEPARTMENT: PARKS & REC.

				SMART CONSTRUCTION MANAGERS EL PASO, TX		CASPIAN CONSTRUCTION COMPANY EL PASO, TX		KARLSRUHER, INC. dba CSA ENGINEERS & CONSTRUCTORS EL PASO, TX	
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL

BASE BID - UNIT PRICE SCHEDULE:

1	1	LS	MOBILIZATION (NOT TO EXCEED 5% OF TOTAL COST)	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$2,600.00	\$2,600.00
2	2	EA	REMOVE AND RELOCATE TREE	\$1,200.00	\$2,400.00	\$960.00	\$1,920.00	\$1,473.00	\$2,946.00
3	1	LS	IRRIGATION MODIFICATION	\$1,200.00	\$1,200.00	\$1,720.00	\$1,720.00	\$5,718.00	\$5,718.00
4	7,463	SF	REMOVE GRASS	\$2.25	\$16,791.75 CONTRACTOR'S TOTAL = \$16,792.00	\$1.00	\$7,463.00	\$1.10	\$8,209.30
5	446	CY	EXCAVATION	\$21.97	\$9,798.62 CONTRACTOR'S TOTAL = \$9,800.00	\$40.00	\$17,840.00	\$16.00	\$7,136.00
6	30	SY	4" CONCRETE SIDEWALKS	\$80.00	\$2,400.00	\$39.00	\$1,170.00	\$84.00	\$2,520.00
7	2	EA	CONCRETE RAMP	\$2,250.00	\$4,500.00	\$1,050.00	\$2,100.00	\$1,906.00	\$3,812.00
8	70	PERCH	ROCKWALL	\$100.00	\$7,000.00	\$190.00	\$13,300.00	\$269.00	\$18,830.00
9	1	LS	SWPPP	\$1,700.00	\$1,700.00	\$4,450.00	\$4,450.00	\$3,000.00	\$3,000.00

SUM TOTAL BASE BID (ITEMS 1-9)	\$48,790.37			\$51,963.00		\$54,771.30	
	CONTRACTOR'S TOTAL = \$48,792.00						

BID BOND	YES		YES		YES	
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Approved By: *MK*

CITY OF EL PASO BID TABULATION

BID TITLE: PARKS UPGRADE 2010 - PHASE 1
BID DATE: March 30, 2011

BID NO: 2011-185
DEPARTMENT: PARKS & REC.

				EPCON, INC. EL PASO, TX		MATYEAR CONSTRUCTION CO., INC. EL PASO, TX		SUN CITY BUILDERS, INC. LAS CRUCES, NM	
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BASE BID - UNIT PRICE SCHEDULE:									
1	1	LS	MOBILIZATION (NOT TO EXCEED 5% OF TOTAL COST)	\$3,200.00	\$3,200.00	\$2,600.00	\$2,600.00	\$4,371.22	\$4,371.22
2	2	EA	REMOVE AND RELOCATE TREE	\$570.00	\$1,140.00	\$450.00	\$900.00	\$2,622.73	\$5,245.46
3	1	LS	IRRIGATION MODIFICATION	\$6,400.00	\$6,400.00	\$9,000.00	\$9,000.00	\$7,357.64	\$7,357.64
4	7,463	SF	REMOVE GRASS	\$0.75	\$5,597.25	\$0.75	\$5,597.25	\$0.86	\$6,418.18
									CONTRACTOR'S TOTAL = \$6,394.22
5	446	CY	EXCAVATION	\$26.80	\$11,952.80	\$25.00	\$11,150.00	\$17.64	\$7,867.44
									CONTRACTOR'S TOTAL = \$7,868.19
6	30	SY	4" CONCRETE SIDEWALKS	\$76.85	\$2,305.50	\$47.00	\$1,410.00	\$87.43	\$2,622.90
									CONTRACTOR'S TOTAL = \$2,622.73
7	2	EA	CONCRETE RAMP	\$945.00	\$1,890.00	\$1,600.00	\$3,200.00	\$874.24	\$1,748.48
									CONTRACTOR'S TOTAL = \$1,748.49
8	70	PERCH	ROCKWALL	\$400.00	\$28,000.00	\$472.00	\$33,040.00	\$555.14	\$38,859.80
									CONTRACTOR'S TOTAL = \$38,860.13
9	1	LS	SWPPP	\$3,550.00	\$3,550.00	\$3,600.00	\$3,600.00	\$7,868.19	\$7,868.19
SUM TOTAL BASE BID (ITEMS 1-9)				\$64,035.55		\$70,497.25		\$82,359.31	
									CONTRACTOR'S TOTAL = \$82,336.27
BID BOND				YES		YES		YES	

Approved By: *ML*

CITY OF EL PASO BID TABULATION

BID TITLE: PARKS UPGRADE 2010 - PHASE 1
 BID DATE: March 30, 2011

BID NO: 2011-185
 DEPARTMENT: PARKS & REC.

				F.T. JAMES CONSTRUCTION, INC. EL PASO, TX		CON-TEX CONSTRUCTION, CO. EL PASO, TX			
ITEM #	EST. QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BASE BID - UNIT PRICE SCHEDULE:									
1	1	LS	MOBILIZATION (NOT TO EXCEED 5% OF TOTAL COST)	\$4,000.00	\$4,000.00	\$1,644.00	\$1,644.00		
2	2	EA	REMOVE AND RELOCATE TREE	\$250.00	\$500.00	\$200.00	\$400.00		
3	1	LS	IRRIGATION MODIFICATION	\$12,500.00	\$12,500.00	\$1,400.00	\$1,400.00		
4	7,463	SF	REMOVE GRASS	\$2.00	\$14,926.00	\$0.55	\$4,104.65		
5	446	CY	EXCAVATION	\$25.00	\$11,150.00	\$17.00	\$7,582.00		
6	30	SY	4" CONCRETE SIDEWALKS	\$80.00	\$2,400.00	\$42.00	\$1,260.00		
7	2	EA	CONCRETE RAMP	\$2,000.00	\$4,000.00	\$350.00	\$700.00		
8	70	PERCH	ROCKWALL	\$450.00	\$31,500.00	\$160.00	\$11,200.00		
9	1	LS	SWPPP	\$5,000.00	\$5,000.00	\$4,600.00	\$4,600.00		
SUM TOTAL BASE BID (ITEMS 1-9)				\$85,976.00		\$32,890.65			
BID BOND				YES		NO			

Approved By: *ML*

CITY OF EL PASO CONSTRUCTION QUANTITY NOTICE - Pg. 2

QUANTITY NOTICE NUMBER: 1 DATE: January 30, 2012 SCOPE CHANGE
PROJECT: Parks Upgrades 2010. Phase I SOLICITATION NO. IFB2011-185 CONSTRUCTION CHANGE

Project Number	<u>PPA1013</u>	Project Number	<u>PPA1008</u>	PURCHASE ORDER #	<u>1100000570</u>
Class	<u>51000</u>	Class	<u>51,000</u>		
Department	<u>51159242</u>	Department	<u>211/16212/16213/16215/162</u>		
Fund	<u>16255/16256</u>	Fund	<u>51,159,242</u>		
Account	<u>508027</u>	Account	<u>508,027</u>		

JUSTIFICATION

The project required removing more grass and installing more concrete sidewalk than was expected and shown on the Contract at Tres Suenos Park. The project required more sidewalk than what expected and shown in the Contract at Galatzan Park. This is the final quantity adjustment notice.

TOTAL CONSTRUCTION QUANTITY NOTICE AMOUNT:

\$2,350.00

Consecutive calendar days added to completion time: 4

Project Manager recommends approval: _____

Engineering Division Manager recommends approval: _____


Financing Department approval: _____
(If Required)

CITY OF EL PASO CONSTRUCTION CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.: 1 DATE: January 30, 2012 SCOPE CHANGE
 PROJECT: Parks Upgrades 2010- Phase I SOLICITATION NO. IFB 2011-185 CONSTRUCTION CHANGE

Original Contract Amount: \$ <u>48,790.37</u>	Contract Time to Substantial Completion: <u>60</u>
Net Change by previous Change Orders: \$ <u>-</u>	Total days added due to Change Orders and CQN's: <u>4</u>
Net Change by previous Construction Quantity Notices: \$ <u>2,350.00</u>	Total days added for this Change Order: <u>4</u>
Amount of this Construction Change Order: \$ <u>3,693.00</u>	New Contract Time to Substantial Completion: <u>68</u>
New Amended Contract Amount: \$ <u>\$54,833.37</u>	Current Substantial Completion Due Date: <u>10/29/2011</u>
Change Order Percentage: <u>12.38%</u>	

CONTRACTOR NAME: Smart Construction Managers

Please provide a detailed scope of work of the change order (see back for reason/justification):

- 1) Contractor shall remove grass to place a new concrete sidewalk at Tres Suenos Park. The Contractor shall modify the existing irrigation system and extend the storm water pollution prevention plan best management practices.
- 2) The Contractor shall cut and remove asphalt to place a new concrete sidewalk at Galatzan Park. The Contractor shall modify existing irrigation system.

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME: 4 TOTAL CHANGE ORDER AMOUNT: \$ 3,693.00

CONTRACTOR

I, [Signature] of _____ agree and accept the terms and conditions of this change order.

Signature: _____

Date: 3/8/12

CITY OF EL PASO (OWNER)

I, R. Alan Shubert, P.E. of the City of El Paso hereby authorize and direct the Contractor to proceed with additional work as described in this form.

Signature: _____

Date: _____

R. Alan Shubert, P.E., City Engineer

 Javier Reyes, PE. Engineering Division Manager recommends approval.

CITY OF EL PASO CONSTRUCTION CHANGE ORDER- Pg. 2

CONSTRUCTION CHANGE ORDER NO.: 1 DATE: January 30, 2012

PROJECT: Parks Upgrades 2010- Phase I SOLICITATION NO. IFB2011-185

SCOPE CHANGE
 CONSTRUCTION CHANGE

Project Number <u>PPA1013</u>	Project Number <u>PPA1008</u>	PURCHASE ORDER # <u>1100000570</u>
Class <u>51000</u>	Class <u>51000</u>	
Department <u>51159242</u>	Department <u>1/16212/16213/16215/</u>	
Fund <u>16255/16256</u>	Fund <u>51159242</u>	
Account <u>508027</u>	Account <u>508027</u>	

CONTRACTOR NAME: Smart Construction Managers

PROVIDE REASON/JUSTIFICATION FOR CHANGE ORDER:

1) The proposed playground rockwall was relocated due to existing grade conditions at Tres Suenos Park, due to the relocation more sidewalk was required than expected.
2) Due to existing grade conditions at Galatzan Park the proposed rockwall had to be relocated creating additional expenses to irrigation system and demolition of existing jogging path.

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME: 4 TOTAL CHANGE ORDER AMOUNT: \$ 3,693.00

Project Manager recommends approval: _____

Engineering Division Manager recommends approval: _____

Financing Department approval: _____
(If Required)

