CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Engineering
AGENDA DATE: June 27, 2006

CONTACT PERSON/PHONE: Rick Conner, City Engineer (X4423)
DISTRICT (S) AFFECTED: 2 & 8
PROJECT NAME/SOLICITATION NO. Unpaved Rights-of-Way, District 2 & 8, 2005-174

SUBJECT:

The Engineering and Street Department recommend approval of Construction Quantity Notice No. 1 to Allied Paving Company for Contract Number 2005-174, Unpaved Rights-of-way, Districts 2 & 8. The dollar amount of this quantity notice is $1,000,000.00 to be applied as shown on the attached backup. However, work under this unit-priced contract is only an estimated quantity and will be ordered, performed, invoiced and paid as requested by staff. This contract will have a new total estimated value of $3,421,750.50 if this additional funding is approved.

Location of Funds: PBE04ST137-14200403-29153-508027 &
PBE04ST138-14200403-29154-508027

Funding Source: 2004 Bonds

There have been no other quantity change requests to date.

Location(s): Various in Districts 2 & 8 as previously approved by Council

District(s): 2 & 8

Contact Person: Rick Conner, City Engineer – 541-4423

BACKGROUND / DISCUSSION:

Approval of this quantity notice will increase the estimated total value of the Unpaved Rights-of-way, Districts 2 & 8 Project to $3,421,750.50. It is estimated that this $1.0 million increase will complete all approved unpaved right-of-way paving. Attached backup information lists specific items and quantities that will be increased as well as the approved list of unpaved rights-of-way scheduled for improvement. This quantity notice does not change contract unit prices.

PRIOR COUNCIL ACTION:

Council Resolutions dated April 12, 2005 specified the specific streets and alleys which may be improved by funds from the 2004 Bond Election.

AMOUNT AND SOURCE OF FUNDING:

Funding is available under project numbers PBE04ST137 & PBE04ST138.

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD: Rick Conner

AJ

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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Please place the following item on the **REGULAR** agenda for the Council Meeting of JUNE 27, 2006:

The Engineering and Street Department recommend approval of Construction Quantity Notice No. 1 to Allied Paving Company for Contract Number 2005-174, Unpaved Rights-of-way, Districts 2 & 8. The dollar amount of this quantity notice is $1,000,000.00 to be applied as shown on the attached backup. However, work under this unit-priced contract is only an estimated quantity and will be ordered, performed, invoiced and paid as requested by staff. This contract will have a new total estimated value of $3,421,750.50 if this additional funding is approved.

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AGENDA ITEM FOR: June 27, 2006

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CITY OF EL PASO PURCHASING DEPARTMENT
CONSTRUCTION QUANTITY NOTICE

DATE: 4/18/2006

Change #1

☐ SCOPE CHANGE ☑ CONSTRUCTION CHANGE

PROJECT: Unpaved Right-of-Way, Districts 2 & 8

CONTRACT NO: 2005-174

TO (Contractor): Allied Paving Company

DEPT. ID#: 14200403
PROJ/GRANT/USER: PBE04ST137
FUND: 29153
ACCOUNT: 508027
PO NO. : PO 2005007671

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

The demand for this work required additional quantities. Changes to all items 1 thru 27. Spreadsheet attached with details.

RECEIVED
MAY 02 2006
ENGINEERING-CIP ADMIN.

CHANGE IN QUANTITIES AMOUNT : 1,000,000.00

Original Contract Sum	2,421,750.00
Net Change by previous Construction Quantity Notices	0.00
Contract Sum prior to this Construction Quantity Notice	2,421,750.00
Contract Sum will be (increased)	1,000,000.00
New Contract Sum, including this Construction Quantity Notice	3,421,750.00
Total Net Value of Construction Quantity Notice	1,000,000.00

Contract Time will be (unchanged) BY (0) DAYS*

CONTRACTOR	COEP USER DEPARTMENT	CITY OF EL PASO
ALLIED PAVING COMPANY 5165 Hercules Street El Paso, Texas 79904	STREET DEPARTMENT 7969 San Paulo Dr. El Paso, Texas 79907	CITY COUNCIL ACTION REQUIRED: [X] No [ ] Yes Date Approved
By: Ben Valenzuela	By: Daryl W. Cole	By:
Type or Print Name	Daryl W. Cole, Streets Director Type or Print Name	
4-27-06 Date	5/2/06 Date	Date

CITY OF EL PASO PURCHASING DEPARTMENT
CONSTRUCTION QUANTITY NOTICE

Items #		Descriptions of Item	Quantity (From)		Quantity (To)	Unit Price	Total $ Amount
1		MOBILIZATION	1	EACH	1.5333	$200,000.00	$ 106,666.67
2		CLEARING AND GRUBBING	61518	SY	101518	$1.00	$ 40,000.00
3		PROOF ROLLING	20	HR	46	$50.00	$ 1,300.00
4		SUBGRADE	61518	SY	101518	$4.00	$ 160,000.00
5		CRUSHED AGGREGATE BASE COURSE	16000	CY	19000	$55.00	$ 165,000.00
6		HERBICIDE	18400	SY	26900	$1.00	$ 8,500.00
7		PLANT MIX BITUMINOUS PAVEMENT	6800	TN	10762.205	$65.00	$ 257,543.33
8		HEADER CURB	1400	LF	9572	$12.00	$ 98,064.00
9		ALLEY CONCRETE DRIVEWAY	4000	SY	5591	$35.00	$ 55,685.00
10		CONCRETE RAMP AT ALLEY DRIVEWAY	1000	SY	1332	$40.00	$ 13,280.00
11		ROCKWALL REPAIR	400	PERCH	408.45	$80.00	$ 676.00
12		REINFORCED CONCRETE STEMWALL	150	CY	207	$300.00	$ 17,100.00
13		MANHOLE ADJUSTMENT	20	EACH	21	$300.00	$ 300.00

Items #		Descriptions of Item	Quantity (From)		Quantity (To)	Unit Price	Total $ Amount
14		WATER SHUTOFF VALVE BONNET BOX	50	EACH	116	$300.00	$ 19,800.00
15		NEW WATER VALVE BONNET BOX	5	EACH	11	$200.00	$ 1,200.00
16		RAIN GUTTER REPLACEMENT	35	EACH	37	$200.00	$ 400.00
17		GARAGE DOOR REPAIR/REPLACEMENT	25	EACH	26	$500.00	$ 500.00
18		FENCE REPAIR/REPLACEMENT	30	SY	56	$65.00	$ 1,690.00
19		TREE REMOVAL	100	EACH	168	$400.00	$ 27,200.00
20		TREE TRIMMING	40	EACH	49	$200.00	$ 1,800.00
21		WATER AND GAS LINES AND METTERS REPAIR	100	EACH	109	$75.00	$ 675.00
22		WATER & GAS LINES & METTERS REPAIR MATERIAL	1	EACH	2	$5,000.00	$ 5,000.00
23		DUMPSTER PAD RELACEMENT	50	EACH	55	$600.00	$ 3,000.00
24		DRIVEWAY REPLACEMENT	400	SY	616	$45.00	$ 9,720.00
25		SANITARY SEWER CLENAOUT ADJUSTMENT	30	EACH	40	$400.00	$ 4,000.00
26		FIXED BOLLARDS	93	EACH	96	$100.00	$ 300.00
27		REMOVABLE BOLLARDS	93	EACH	96	$200.00	$ 600.00
					TOTAL BID II		$ 1,000,000.00

FILED
EDIE RUBALCABA
DISTRICT CLERK

99 FEB 18 AM 10: 27

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

168TH JUDICIAL DISTRICT, EL PASO COUNTY, TEXAS

COPY

DEPUTY

J.A.R. CONCRETE, INC., a Texas Corporation,	]	
Plaintiff	]	
vs.	]	No. 98-4083
THE CITY OF EL PASO, TEXAS, a Texas Municipal Corporation,	]	
Defendant.	]	

AMENDED DECLARATORY JUDGMENT

ON THE 29th day of January, 1999 came on to be heard Plaintiff's Petition for Declaratory Judgment by trial to the bench. Plaintiff appeared through counsel and announced ready. Defendant appeared through counsel and announced ready. After hearing the evidence presented, taking judicial notice of the Stipulated Facts on file herein, and considering the arguments of counsel, the Court finds that Declaratory Judgment should be entered in favor of Plaintiff J.A.R. Concrete, Inc.

IT IS THEREFORE ORDERED that a Declaratory Judgment, pursuant to the Uniform Declaratory Judgments Act, Tex. Civ. Prac. and Rem. Code Ann. 37.001 et seq. (Vernon's), be entered in favor of J.A.R. Concrete, Inc., Plaintiff, declaring the following:

1) that the contract between City of El Paso and J.A.R. Concrete, Inc. ("JAR") for "Citywide Repair or Construction of Parkway Structures 1998) ("Contract") is a unit price contract;

2) that the sum of $398,720.00 stated on page II-A-2 of the Contract is only an estimated sum of the work to be performed and not a limit on the amount of work allowed under the Contract;

3) that there is no dollar limit on the amount of work which JAR can perform pursuant to the Contract, as long as the unit prices in the Contract are not increased by more than twenty-five per cent;

4) that Section 252.048, Tex. Loc. Gov't Code Ann. (Vernon's) dealing with change orders, only applies to the Contract in the event that unit prices in the Contract are increased by more than Twenty five per cent;

5) that the unit prices in the Contract are the "contract price" for purposes of Section 252.048;

6) that none of the unit prices in the Contract have been increased or decreased;

7) that the Contract is a term contract for a period of one year from the date of the Notice to Proceed;

8) all costs of this proceeding be taxed against the party incurring same.

Signed this 3rd day of Feb, 1999.

Guadalupe Rivera
JUDGE

APPROVED AS TO FORM:

Tony Conde, Jr., Attorney
For Plaintiff

Laura Gordon, Assistant City Attorney,
For Defendant

RESOLUTION

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements and Proposition No. 3 included a specific project name "Unpaved Rights-of-Way" (District 2), which includes design and construction of unpaved residential and arterial streets; and

WHEREAS, the "Unpaved Rights-of-Way" (District 2) project description requires the project priorities be approved by City Council; and

WHEREAS, City Council has reviewed the submitted Project priorities,

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

That the El Paso City Council approves Attachment "A" as the Project priorities under the "Unpaved Rights-of-Way" (District 2) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.

ADOPTED THIS 12th DAY OF April, 2005.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto
Deputy City Manager for Building and Planning Services

APPROVED AS TO CONTENT:

Daryl W. Cole
Street Director

Document #: 10663
Document Name: CAM/1/District 2/Unpaved Right-of-Way/Prop 3 Bond
Document Author: TCUL

ATTACHMENT "A"

PROPOSED UNPAVED RIGHTS-OF-WAY
REPRESENTATIVE DISTRICT 2

STREET NAME/LOCATION	FROM	TO
Alley-Savannah/Altura	Kentucky	Alabama
Alley-Savannah/Altura	Raynor	Copia
Alley-Altura/Richmond	Kentucky	Alabama
Alley-Altura/Richmond	Piedras	Copia
Alley-Richmond/Louisville	Elm	Copia
Alley-Louisville/Lebanon	Kentucky	Piedras
Alley-Lebanon/Aurora	Alabama	Raynor
Alley-Aurora/ Wheeling	Kentucky	Luna
Alley-Elm/Piedras	Federal	Wheeling
Alley-Wheeling/Federal	Raynor	Luna

Implementation of the improvements will proceed as listed, up to the availability of funding, with any required point of termination coordinated by the Street Director.

RESOLUTION

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements and Proposition No. 3 included a specific project name "Unpaved Rights-of-Way" (District 8), which includes design and construction of unpaved residential and arterial streets; and

WHEREAS, the "Unpaved Rights-of-Way" (District 8) project description requires the project priorities be approved by City Council; and

WHEREAS, City Council has reviewed the submitted Project priorities,

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

That the El Paso City Council approves Attachment "A" as the Project priorities under the Unpaved Rights-of-Way (District 8) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.

ADOPTED THIS 12th DAY OF April, 2005.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto
Deputy City Manager for Building and Planning Services

APPROVED AS TO CONTENT:

Daryl W. Cole
Street Director

Document #: 10662
Document Name: CAM/1/District 8/Unpaved Rights-of- Way/Citywide
Document Author: TCUL

ATTACHMENT "A"

PROPOSED UNPAVED RIGHTS-OF- WAY
REPRESENTATIVE DISTRICT 8

STREET NAME/LOCATION	FROM	TO
Chermont	Sunland Park Drive	West of alley
Heiseg	1300 Heiseg	1400 Heiseg
Walnut	Piedras	Dead End
Chico	Rosewood	Maple
Festival	Mardi Gras	Carousel
California	1400 California	1500 California
Comanche	4600 Comanche	4700 Comanche
Barney	401 Barney	420 Barney
Kyle	364 Kyle	416 Kyle
Schuster	1200 Schuster	1300 Schuster
Cliff Drive	1200 Cliff	1300 Cliff
Grama	100 Grama	200 Grama
San Marcial	300 San Marcial	600 San Marcial
Durazno	3100 Durazno	3200 Durazno
Estrella	200 Estrella	400 Estrella
Piedras	Piedras Intersection	San Antonio Intersection
Rivera	2900 Rivera	3000 Rivera
San Antonio	2900 San Antonio	3000 San Antonio
Alley-Grant/Portland	Alabama	Cedar
Alley-Nevada/Arizona	Brown	East Dead End
Alley-Nevada/Arizona	Cliff	Grandview
Alley-Arizona/Rio Grande	Octavia	Laurel
Alley-Arizona/Rampart/Cliff	Rampart	Cliff
Alley-Arizona/Grant	Cotton	Walnut
Alley-Grant/Montana	Cotton	East Dead End
Alley-Rio Grande/Montana	Octavia	Nobel
	Brown	Newman
	Lee	Williams
Alley-Montana/Yandell	Noble	Brown
	Newman	Lee
	Dallas	Laurel
Alley-Montana/Yandell	Eucalyptus	Walnut
Alley-Yandell/Wyoming	Octavia	Cotton
Alley-Wyoming/Missouri	Octavia	Cotton

Implementation of the improvements will proceed as listed, up to the availability of funding, with any required point of termination coordinated by the Street Director.

MOTION
MAY 3, 2005

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to award Bid Solicitation No. 2005-174 Unpaved Right-Of-Way, Districts 2 & 8

Contractor:	Allied Paving Company El Paso TX	
Department:	Streets	
Funds Available:	14200403-PBE04ST137-29153-508027 14200403-PBE04ST138-29154-508027	
Funding Source:	2004 Bond Election (Districts 2 and 8)	
Items:	Base Bid I	$ 107,110.00
	Base Bid II	$2,314,640.00
Total Award:		$2,421,750.00
District (s):	**2 and 8**	

RECOMMENDATION:

The Department of Streets recommend the award of this contract to Allied Paving Company, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Street Director is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the project, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council

This is a requirements type contract. Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Richarda Duffy Momsen, City Clerk

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