

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, DECEMBER 8, 2014**

ITEM 8

CIP PROJECT #474B- SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE 1;
REQUEST FOR APPROVAL OF AMENDMENT 4 WITH SURROUNDINGS STUDIO, LLC. FOR EXTENDED
CONSTRUCTION PHASE SERVICES IN THE AMOUNT OF \$49,347.90
REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (BAR)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

FUNDING SOURCE: 423062.572970.0113400; 423062.572960.0113400

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not present		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	Excused		
COUNCILOR RIVERA	X		

City of Santa Fe, New Mexico

memo

DATE: December 1, 2014

TO: Public Works, CIP and Land Use Committee and Finance Committee

VIA:


Isaac J. Pino, R.E., Public Works Department Director
David Pfeifer, Facilities Division Director 

FROM: Mary MacDonald, Project Administrator, Facilities Development Section *mm*

ISSUE: **Southwest Activity Node Park Phase 1 CIP Project # 474B
Amendment # 4 to ABOA (Exhibit 1) Surroundings Studio LLC \$49,374.90**

Original Contract Amount:	\$496,921.42
Amendment # 1 Amount:	\$ 1,622.81
Amendment # 2 Amount:	\$269,187.25
Amendment # 3 Amount:	\$ 11,365.77
Amendment # 4 Amount:	<u>\$ 49,374.90</u>
Revised Contract Amount:	\$828,472.15

A. Background:

Included in the General Obligation Bond Issue, approved by the voters in the winter of 2011/2012, was funding in the amount of \$500,000 for design of Southwest Activity Node (SWAN) Park Phase 1. City Council approved the Agreement Between Owner and (Landscape) Architect (ABOA) with Surroundings Studio LLC, in the amount of \$496,921.42, on Jan. 9, 2013 for this design work.

On June 3, 2013, the City Manager approved Amendment #1 to the Agreement, in the amount of \$1,622.81, which authorized the consultant to complete photogrammetric mapping and digital orthophoto for the Arroyo Chamiso east of the Phase 1 area of the park.

On December 11, 2013, City Council approved Amendment #2 to the Agreement, in the amount of \$269,187.25, tax included, authorizing the consultant to perform basic services and construction inspections for the nine months of construction.

On October 16, 2014, the City Manager approved Amendment #3 to the Agreement, in the amount of \$11,365.77, authorizing the consultant to work with PNM on the electrical supply from the paved end of Jaguar to the transformer in SWAN Park, provide a survey of the installed line, and to design and provide related construction services for a one inch diameter potable water line from near the main on Contenta Ridge to the southeast corner of the Park Phase 1 area, approximately 1,200 ft.

When construction started, offsite utilities (potable water and electrical power) were to be provided by the developer. The construction delays from this change and the lack of an effluent discharge permit resulted in extended construction time this fall, winter time (interim) work, and construction continuing and concluding in the first three months of spring, 2015. The extended fall construction, winter work and continued construction in the spring all require additional

services from the consultants. Spring construction includes installing soil amendments and sod in the multi-purpose field and recreational lawn areas, and all other landscaping.

B. Scope of Work, Amendment 4:

Amendment # 4 (Exhibit 1), in the amount of \$49,374.90, tax included, would authorize the consultant to perform additional services during the extended construction time this fall, during this winter when construction is suspended, and during the twelve weeks of construction completion in the spring of 2015. Construction services in the spring include all basic services and construction inspection.

The winter time design services include (1) observing the PNM connection to the Park transformer, (2) periodic inspection of the site drainage controls, assembling and assisting with the execution of easements for the 8" and 1" potable water lines and the onsite portion of the PNM electrical line, and (3) programming two online surveys to obtain public input for a permanent name for the Park to be used in conjunction with the provisions of Resolution 2010-019.

C. Budget:

Funding in the amount of \$45,638.27 plus tax in the amount of \$3,736.63, for a total of \$49,374.90, is available in Business Unit/Line Item (BU/LI) 423062.572970.0113400 (Exp Swan Park /WIP Construction). See the attached BAR (Exhibit 2), which would transfer \$49,380.00 from that BU/LI to 423062.572970.0113400 to 423062.572960.0113400 (WIP Design). The contracts summary form is Exhibit 3.

D. Schedule:

This Amendment #4 would extend design services through construction completion in late spring, 2015.

E. Action:

Please approve Amendment No. 4 to the Agreement Between Owner and Landscape Architect with Surroundings Studio LLC (Exhibit 1), in the amount of \$49,374.90, and the BAR (Exhibit 2).

Exhibits: (1) Amendment #4
(2) BAR
(3) Contracts summary form

xc: Richard Thompson, Parks Division Director
Gary Varela, Parks Superintendent
Mark Aragon, Parks Mechanical & Electrical Supervisor
Project/Book File

**CITY OF SANTA FE
AMENDMENT No. 4 TO
AGREEMENT BETWEEN OWNER AND ARCHITECT**

AMENDMENT No. 4 (the "Amendment") to the CITY OF SANTA FE AGREEMENT BETWEEN OWNER AND LANDSCAPE ARCHITECT, dated August 22, 2014 the "Agreement"), between the City of Santa Fe (the "City") and Surroundings Studio LCC (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City and the Contractor, whichever occurs last.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide design services for design programming through construction completion and the eleven month warranty inspection, for Southwest Activity Node (SWAN) Park Phase I, CIP Project #474B, to the City.

B. Pursuant to Article 10.19 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City and the Contractor agree as follows:

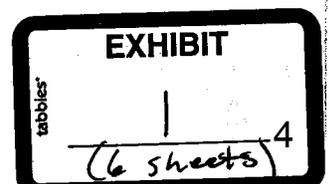
1. SCOPE OF WORK.

Add design services for the extended construction time in November and December, 2014, through May, 2015.

Article 4 Additional Services, paragraph 4.1.29 is added to the Agreement so that Article 4, paragraph 4.1.29 reads in its entirety as follows:

4.1.29 Construction Phase Services, Responsibility of the Landscape Architect, as described in Exhibit K, attached hereto and incorporated herein by reference.

2. COMPENSATION.



A. Article 11, paragraph 11.3 of the Agreement is amended to increase the amount of compensation by a total of forty six thousand eight hundred five dollars and forty five cents (\$46,805.45), tax included, so that Article 11, paragraph 11.3, reads in its entirety as follows:

For the Additional Services that may during the course of the Project, including those under Section 4.3, the Owner shall compensate the Landscape Architect as follows:

(1) For the additional services described in Exhibit G, the compensation shall be one thousand six hundred twenty two dollars and eighty one cents (\$1,622.81), tax included.

(2) For the additional services described in Exhibits H and I, the compensation shall be two hundred fifty one thousand four hundred eighty seven dollars and twenty five cents (\$251,487.25), tax included.

(3) For the additional services described in Exhibit J, the compensation shall be eleven thousand three hundred sixty five dollars and seventy seven cents (\$11,365.77), tax included.

(3) For the additional services described in new Exhibit K, the Owner shall increase the amount of compensation by forty three thousand two hundred sixty three dollars and twenty seven cents (\$43,263.27) plus New Mexico gross receipts tax (rate of 0.081875) in the amount of three thousand five hundred forty two dollars and eighteen cents (\$3,542.18), for a total amount of forty six thousand eight hundred five dollars and forty five cents (\$46,805.45).

B. Article 11, paragraph 11.8.2 of the Agreement is amended to increase the amount of compensation for reimbursable expenses by a total of two thousand five hundred sixty nine dollars and forty five cents (\$2,569.45), so that Article 11, paragraph 11.8.2 reads in its entirety as follows:

For Reimbursable Expenses the compensation shall be up to fifty eight thousand thirty five dollars and forty eight cents (\$58,035.48) plus applicable tax, for a total amount of sixty two thousand seven hundred eighty seven dollars and thirteen cents (\$62,787.13), for the expenses incurred by the Landscape Architect and the Landscape Architect's consultants plus zero percent (0%) of the expenses incurred.

3. SCOPE OF THE AGREEMENT

Article 13, paragraph 13.2.3 "Other documents:" of the Agreement is hereby amended. A new Exhibit K, "Work Hours/Extended Schedule" is attached.

AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 4 to the City of Santa Fe Agreement Between Owner and Architect as of the date signed by the City set forth below.

CITY OF SANTA FE:

CONTRACTOR:
SURROUNDINGS STUDIO LLC

JAVIER M. GONZALES, MAYOR

FAITH OKUMA, PRINCIPAL

Date: _____

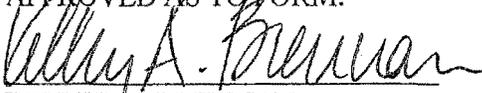
Date: _____

NM License No. 100
CRS No. 03-136127-007
City of Santa Fe Business Registration:
14-00036629

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN,
CITY ATTORNEY

APPROVED:

TERESITA GARCIA,
ASSISTANT FINANCE DIRECTOR

423062.572960.0113400
Business Unit/Line Item

423062.572960.0113400
BUSINESS UNIT/LINE ITEM

SWAN / Work hours Schedules
 Surroundings / Extended Project Schedule
 Oct. 29, 2014

Add Service No. 5 - Extended 2014 Fall CA (Weekly Rate)

Weekly Meeting

Activity	Estimated Hours	Hourly Rate	Estimate Cost	Totals
Faith Okuma, Principal P1	1.0	45.00	\$ 45	
Chrissy Scarpitti, Project Manager	1.0	33.00	\$ 33	

Construction Observation

Faith Okuma, Principal P1	1.0	45.00	\$ 45	
Chrissy Scarpitti, Project Manager	10.0	33.00	\$ 330	

DIRECT LABOR COST: **\$ 453.00**

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.46	\$ 453.00	\$ 661.38

OVER HEAD TOTAL: **\$ 1,114.38**

FEE OR PROFIT (show rate and base) 7% \$ 1,114.38 \$ 78.01

Surroundings-Add Service No. 5- Extended 2014 Fall CA / TOTAL COST **\$ 1,192.39** *13 weeks*

Add Service No. 5 - Interim

On-call Assistance

Faith Okuma, Principal P1	25.0	45.00	\$ 1,125	
Chrissy Scarpitti, Project Manager	35.0	33.00	\$ 1,155	

DIRECT LABOR COST: **\$ 2,280.00**

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.46	\$ 2,280.00	\$ 3,328.80

OVER HEAD TOTAL: **\$ 5,608.80**

FEE OR PROFIT (show rate and base) 7% \$ 5,608.80 \$ 392.62

Surroundings-Add Service No. 5-Interim / TOTAL COST **\$ 6,001.42**

Add Service No. 5 - 2015 Spring CA (13 weeks)

Weekly Meetings

Faith Okuma, Principal P1	13.0	45.00	\$ 585	
Chrissy Scarpitti, Project Manager	13.0	33.00	\$ 429	

Construction Observation / Substantial

Faith Okuma, Principal P1	20.0	45.00	\$ 900	
Chrissy Scarpitti, Project Manager	140.0	33.00	\$ 4,620	

DIRECT LABOR COST: **\$ 6,534.00**

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.46	\$ 6,534.00	\$ 9,539.64

OVER HEAD TOTAL: **\$ 16,073.64**

FEE OR PROFIT (show rate and base) 7% \$ 16,073.64 \$ 1,125.15

Surroundings-Add Service No. 5- Spring 2015 / TOTAL COST **\$ 17,198.79**

Estimated Reimbursables

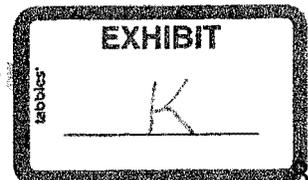
	Cost
Mileage / Travel (three trips nursery)	\$ 300.00
General Reproduction Costs	\$ 200.00
Total Estimated Reimbursables	\$ 500.00

Surroundings Reimbursable **\$ 500.00**

Irrigation Services, LLC

\$ 600

SURO



SWAN / Work hours Schedules
 Add Service No. 5
 Wilson & Co. / Costs

Add Service No. 5 - Extended 2014 Fall CA Weekly Rate

Activity	Estimated Hours	Hourly Rate	Estimate Cost	Totals
Civil				
Daniel Aguirre, Principal Engineer, P7		55.2 \$	-	
Mario Juarez-Infante, Department Head P7		55.2 \$	-	
Tyler Ashton, Project Design Engineer P5	4	47.31 \$	189.24	
Staff Detail Design Engineer P4		37.25 \$	-	
CAD Drafter OD4	2	22.75 \$	45.50	
Inspector	12	35 \$	420.00	

(Wilson-Interim Suspension) DIRECT LABOR COST: \$ 654.74

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.831 \$	654.74 \$	1,198.83

OVER HEAD TOTAL: \$ 1,853.57

FEE OR PROFIT (show rate and base) 8% \$ 1,853.57 \$ 148.29

(Wilson-Extended 2014 Fall CA Weekly Rate) TOTAL COST \$ 2,001.85 *X.2 Weeks*

Add Service No. 5 - Interim Suspension

Activity	Estimated Hours	Hourly Rate	Estimate Cost	Totals
Civil				
Daniel Aguirre, Principal Engineer, P7		55.2 \$	-	
Mario Juarez-Infante, Department Head P7		55.2 \$	-	
Tyler Ashton, Project Design Engineer P5	30	47.31 \$	1,419.30	
Staff Detail Design Engineer P4	0	37.25 \$	-	
CAD Drafter OD4	0	22.75 \$	-	
Inspector	20	35 \$	700.00	

(Wilson-Interim Suspension) DIRECT LABOR COST: \$ 2,119.30

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.831 \$	2,119.30 \$	3,880.44

OVER HEAD TOTAL: \$ 5,999.74

FEE OR PROFIT (show rate and base) 8% \$ 5,999.74 \$ 479.98

(Wilson-Interim Suspension) TOTAL COST \$ 6,479.72

Add Service No. 5 - 2015 Spring Installation

Activity	Estimated Hours	Hourly Rate	Estimate Cost	Totals
Civil				
Daniel Aguirre, Principal Engineer, P7		55.2 \$	-	
Mario Juarez-Infante, Department Head P7		55.2 \$	-	
Tyler Ashton, Project Design Engineer P5	16	47.31 \$	756.96	
Staff Detail Design Engineer P4	0	37.25 \$	-	
CAD Drafter OD4	0	22.75 \$	-	
Inspector	40	35 \$	1,400.00	

(Wilson-2015 Spring CA) DIRECT LABOR COST: \$ 2,156.96

OVERHEAD (Specify cost pool)	RATE	X BASE	ESTIMATED COST
	1.831 \$	2,156.96 \$	3,949.39

OVER HEAD TOTAL: \$ 6,106.35

FEE OR PROFIT (show rate and base) 8% \$ 6,106.35 \$ 488.51

(Wilson-2015 Spring CA) TOTAL COST \$ 6,594.86

Civil Reimbursables - Add Service No. 5

Mileage(25 trips@\$75/trip) \$ 1,875.00
 General Reproduction Costs

Total Estimated Reimbursables \$ 1,875.00

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR)

 JT
 12/8/14

DEPARTMENT / DIVISION / SECTION / UNIT NAME Public Works / Facilities / Facilities Development				DATE 12/01/2014		
ITEM DESCRIPTION	BU / LINE ITEM	--(Finance Dept Use Only)--		INCREASE	DECREASE	
		SUBLEDGER / SUBSIDIARY	DR / (CR)			
Exp SWAN Park / WIP Constr.	423062.572970	0113400			49,380	
Exp SWAN Park / WIP Design	423062.572960	0113400		49,380		
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo				TOTAL	\$ 49,380	\$ 49,380

RECEIVED
 BUDGET OFFICE
 CITY OF SANTA FE
 2014 DEC 8 PM 2 20

Additional funds are required in WIP Design for Amendment #4 to Surroundings Studio LLC, to pay for design services through the extended construction phase. The construction time has been extended to May 29, 2015.

Mary MacDonald <i>mm</i> Dec. 1, 2014 Prepared By Date	CITY COUNCIL APPROVAL City Council Approval Required <input type="checkbox"/>	<i>Carl Brown</i> 12/9/14 Budget Officer Date
<i>David Risher</i> 12-1-14 Division Director Date	City Council Approval Date <input type="text"/>	<i>J. Brown</i> 12-18-2014 Finance Director Date
<i>Asaac J. Davis</i> 12-2-14 Department Director Date	Agenda Item #: <input type="text"/>	City Manager Date



City of Santa Fe Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

- | | | | |
|---------------------------------|--------------------------|-----------------------------|-------------------------------------|
| 1 FOR: ORIGINAL CONTRACT | <input type="checkbox"/> | AMENDMENT TO CONTRACT | <input checked="" type="checkbox"/> |
| MAINTENANCE AGREEMENT | <input type="checkbox"/> | LICENSE AGREEMENT | <input type="checkbox"/> |
| LEGAL SERVICES AGREEMENT | <input type="checkbox"/> | MEMORANDUM OF UNDERSTANDING | <input type="checkbox"/> |
| MEMORANDUM OF AGREEMENT | <input type="checkbox"/> | JOINT POWERS AGREEMENTS | <input type="checkbox"/> |
| GRANT AGREEMENTS | <input type="checkbox"/> | CHANGE ORDERS | <input type="checkbox"/> |

2 Name of Contractor Surroundings Studio LLC

3 Complete information requested Plus GRT
 Inclusive of GRT

Original Contract Amount: \$496,921.42

Termination Date: not specified

Approved by Council Date: January 9, 2013
 or by City Manager Date: _____

Contract is for: Design of Southwest Activity Node (SWAN) Park Phase I improvements.

Amendment # 4 to the Original Contract# 13-0018

Increase Amount \$49,374.90

Extend Termination Date to: no change

Approved by Council Date: (pending)
 or by City Manager Date: _____

Amendment is for: extended construction time design services

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) Plus GRT

Amendment # 1 Inclusive of GRT

Amount \$ 1,622.81 of original Contract# 13-0018 Termination Date: no change

Reason: photogrammetric mapping & digital orthophoto of the Arroyo Chamiso

Amount \$ 269,187.25 amendment # 2 Termination Date: no change

Reason: Add construction services for nine months, incl. daily construction inspections.

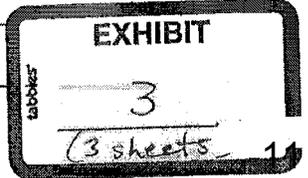
Amount \$ 11,365.77 amendment # 3 Termination Date: 07/31/2016

Reason: design services for 1" potable water line from offsite & working with & survey- PNM

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ 828,472.15





**City of Santa Fe
Summary of Contracts, Agreements, & Amendments**

- 5 **Procurement Method of Original Contract:** (complete one of the lines)
 RFP RFQ Sole Source Other
- 6 **Procurement History:** Second year of three and a half year contract.
 example: (First year of 4 year contract)
- 7 **Funding Source:** Exp SWAN Park/WIP Design **BU/Line Item:** 423062.572960.0113400
- 8 **Any out-of-the ordinary or unusual issues or concerns:**
See attached BAR for request to transfer funds from 423062.572970.0113400 to 423062.572960.0113400
- 9 **Staff Contact who completed this form:** Mary MacDonald *MM* Phone # 955-5934
Division Contract Administrator: David Pfeifer
Division Director: David Pfeifer, Facilities Division Director *David Pfeifer*
Department Director: Isaac J. Pino, P.E., Public Works Department Director *I. J. Pino*
- 10 **Certificate of Insurance attached.** (if original Contract)
- 11 **Description of your efforts to reduce the cost of the contract including information on efforts to obtain other quotes for the contracted activity:** We advertised the Request For Proposals and had it listed with online plan rooms and sent paper copies of the RFP to two Albuquerque plan rooms
Amount of proposed fee was included in the score points for evaluating the proposals received.
- 12 **Prior year's contract amount?:** N/A
- 13 **Describe service impact from an ongoing commitment to the contractor:** N/A
- 14 **Why staff cannot perform the work?:** The scope and quantity of design work for this large project is beyond the time available from staff.
- 15 **If extending contract, why?:** N/A
- 16 **Was a Santa Fe company awarded contract? If not, why?:** Yes, the prime consultant and a couple of the sub-consultants are Santa Fe companies.
- 17 **Has the contract has been approved as to form by City Attorney's Office?:** yes
- 18 **Is this for City Manager or Council approval?:** Council

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

