ACTION SHEET
CITY COUNCIL MEETING OF 03/31/10
ITEM FROM FINANCE COMMITTEE MEETING OF 03/22/10

ISSUE:

14. REQUEST FOR APPROVAL OF RECOMMENDATION OF AWARD AND APPROVAL OF CHANGE ORDER NO. 3 – ACEQUIA TRAIL 2A – (ASHBAUGH PARK) AND 2B – (BACA STREET CROSSING) – ON CALL CONSTRUCTION SERVICES; A.S. HORNER, INC. (LEROY PACHECO)

FINANCE COMMITTEE ACTION: Approved As Consent Item

Requested approval of recommendation of award and approval of change order No. 3 for Acequia Trail 2A – (Ashbaugh Park) and 2B – (Baca street crossing) – on call construction services with A.S. Horner, Inc. in the amount of $437,089.25. Budget is available in project fund.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	**FOR**	**AGAINST**	**ABSTAIN**
COUNCILOR WURZBURGER	x		
COUNCILOR BUSHEE	x		
COUNCILOR ROMERO	x		
COUNCILOR DOMINGUEZ	x		
CHAIRPERSON ORTIZ			

DISK fc1/fcmissue

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 15, 2010

ITEM 13

CIP PROJECT #438A – ACEQUIA TRAIL 2A (ASHBAUGH PARK) AND 2B (BACA STREET CROSSING)

- REQUEST FOR APPROVAL OF RECOMMENDATION OF AWARD AND APPROVAL OF CHANGE ORDER #3 FOR CONSTRUCTION OF PROJECT USING BID NUMBER 07/57/B – CITY COUNCIL APPROVED AGREEMENT FOR ON-CALL CONSTRUCTION SERVICES WITH AS HORNER, INC. IN THE AMOUNT OF $437,089.25 (EXCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX) **(LEROY PACHECO)**

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON DOMINGUEZ			
COUNCILOR CALVERT	X		
COUNCILOR CHAVEZ	X		
COUNCILOR ROMERO	X		
COUNCILOR TRUJILLO	X		

City of Santa Fe, New Mexico

memo

DATE: February 12, 2010

TO: Public Works Committee

VIA: Chris Ortega, Acting Public Works Department Director CO
Chris A. Ortega, Engineering Division Director

FROM: Leroy N. Pacheco, Project Engineer

ITEM & ISSUE:

RECOMMENDATION OF AWARD AND APPROVAL OF CHANGE ORDER #3 FOR CONSTRUCTION OF PROJECT CIP 438 A – ACEQUIA TRAIL 2A-(ASHBAUGH PARK) AND 2B – (BACA STREET CROSSING) USING BID NUMBER '07/57/B – CITY COUNCIL APPROVED AGREEMENT FOR ON-CALL CONSTRUCTION SERVICES WITH AS HORNER, INC. IN THE AMOUNT OF $437,089.25 (EXCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX)

BACKGROUND & SUMMARY:

On July 11, 2007, the city council approved Bid 07/57/B with A.S. Horner, Inc. of Albuquerque, New Mexico for on-call construction services on city public works contracts. The on call construction services contract was approved for an amount not to exceed $2,490,600.00 as needed for various Capital Improvement Projects and expires on July 11, 2010, with an option to renew for one additional year. The approved contract and bid quantities are attached. To date this contract has been executed for work in the amount of $1,010,033.36.

Attached is A.S. Horner's proposal to construct CIP 438A – Acequia Trail Segments 2A (Ashbaugh Park) and 2B (Baca Street Crossing) for a total of $437,089.25 plus tax. The proposal also includes items related to the project that need to be contracted under change order to the existing on-call agreement. These items include the installation of two bridges and various landscape items not included in the original on-call services contract. The total contract award for this work including change order #3 is $437,089.25 plus tax, which is approximately 2% higher than the engineer's estimate for this work.

The Acequia Trail is a 1.95 mile non-motorized urban trail that extends from Otowi Street to St. Francis Drive along a dense residential and school corridor in the City of Santa Fe. To date, 0.97 miles (50%) of the Acequia Trail system has been constructed using this on-call agreement for construction services. Approval of this change order will bring the percent of trail complete to 70%. The remaining 30% of trail still under design will require right-of-way clearance prior to construction.

Funds for this project are available and budgeted in business unit 32803.572970.

RECOMMENDED ACTION:

The Public Works Department recommends approval of the award of this project to A.S. Horner, Inc. under the terms of the approved on-call construction services contract bid 07/57/B, and approval of change order #3 as described in the attached bid tabulations, for a total amount of $437,089.25 excluding NMGRT.

CITY OF SANTA FE
ENGINEERING DIVISION
PROJECT CHANGE ORDER

TO: AS Horner Inc.
P.O. Box 9105
Albuquerque, NM 87119

Change No. Three
Project No.: CIP # 438A
Project Name: On Call Construction Services Bid No. 07/57/B
For the Acequia Trail 2A (Ashbaugh) and 2B (Baca Street)

Your are authorized to make a change in the above contract as follows:

INCREASE: (See attached Estimate Comparison for breakdown)		
Existing On-Call Contract		$ 71,455.00
Additional Items - not part of original on-call agreement		$ 365,634.25
REDUCTION:		
Reduced Quantities		$ -
(See back of sheet for breakdown)	Net Change	$ 437,089.25
Liquidated Damages		
	SUB-TOTAL	$ 437,089.25
	NMGRT	$ 35,240.32
	TOTAL CHANGE ORDER	$ 472,329.57

JUSTIFICATION:

Change order #3 will provide trail construction, bridges, landscaping for extension of the Acequia Trail
Contract Time Adjustments:

120 Working Days will be added to the Original contract time for this work.

All other provisions of the original contract and of the contract bond, including those related to the time, manner and scope of work and payment shall continue unaltered. This document constitutes a binding contractual amendment to the above parent contract, although it is mutually understood that the quantities and total costs heron are estimate only.

Contractor: AS Horner — Dirk Holtman, Vice-President

Signed_____ Date_____

Recommended _____2010 _____
PUBLIC WORKS ENGINEER

Recommended _____2010 _____
PUBLIC WORKS DEPARTMENT DIRECTOR

Recommended _____2010 _____
FINANCE DEPARTMENT DIRECTOR

Recommended _____2010 _____
MAYOR OR CITY MANAGER

Attest _____2010 _____
CITY CLERK

Acequia Trail Segment 2A Without Otowi Estimate Comparison

		Engineer's Estimate			Contractor's Estimate		
ON CALL AGGREEMENT BID ITEMS		Qty	Price	Amount	Qty	Price**	Amount
203000 UNCLASSIFIED EXCAVATION	CU.YD.	98	$20.00	$1,960.00	98	$20.00	$1,960.00
203100 BORROW	CU.YD.	168	$20.00	$3,360.00	168	$20.00	$3,360.00
207000 SUBGRADE PREPARATION	SQ.YD.	1544	$3.00	$4,632.00	1544	$5.00	$7,720.00
417000 MISCELLANEOUS PAVING	SQ.YD.	1200	$30.00	$36,000.00	1200	$25.00	$30,000.00
603200 SILT FENCE	LIN.FT.	653	$6.00	$3,918.00	653	$5.00	$3,265.00
ADDITIONAL ITEMS NOT IN ON-CALL AGREEMENT							
621000 MOBILIZATION	L.S.		$10,000.00	$10,000.00	LS	$10,000.00	$10,000.00
201000 CLEARING AND GRUBBING	L.S.	LS	$3,000.00	$3,000.00	LS	$3,500.00	$3,500.00
304441 COMPACTED COLD MILLINGS- 4"	SQ.YD.	1323	$6.00	$7,938.00	1323	$4.75	$6,284.25
408100 PRIME COAT MATERIAL	TON	2.4	$400.00	$960.00	2.4	$750.00	$1,800.00
420400 PMBP SAMPLING AND TESTING BY THE CONTRACTOR	L.S.	LS	$1,000.00	$1,000.00			
541430 PREFAB PEDESTRIAN BRIDGE-30'	EACH	1	$85,000.00	$85,000.00	1	$85,000.00	$85,000.00
570160 35"SX24"R(NOMINAL)CULVERT PIPE ARCH	LIN.FT.	20	$85.00	$1,700.00	20	$140.00	$2,800.00
601000 REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	LS	$4,000.00	$4,000.00	LS	$2,000.00	$2,000.00
603263 COMPOST MULCH	ACRE	0.27	$5,000.00	$1,350.00	0.27	$10,000.00	$2,700.00
603270 SWPPP PLAN PREPARATION ALLOWANCE	ALLOW	1	$1,000.00	$1,000.00	1	$2,500.00	$2,500.00
603280 SWPPP MANAGEMENT	L.S.	LS	$3,000.00	$3,000.00	LS	$3,000.00	$3,000.00
632001 RECLAMATION SEEDING	ACRE	0.27	$2,000.00	$540.00	0.27	$2,800.00	$756.00
667280 TRAIL MARKER	EACH	2	$3,500.00	$7,000.00	2	$2,500.00	$5,000.00
667281 LARGE TRAIL SIGN	EACH	1	$5,000.00	$5,000.00	1	$10,000.00	$10,000.00
667284 BRIDGE BUTTRESS	EACH	4	$1,000.00	$4,000.00	4	$2,000.00	$8,000.00
667295 ROCK HEADWALL	EACH	2	$1,200.00	$2,400.00	2	$3,000.00	$6,000.00
667500 BOLLARD	EACH	2	$800.00	$1,600.00	2	$850.00	$1,700.00
667515 LITTER RECEPTACLE	EACH	2	$1,000.00	$2,000.00	2	$1,500.00	$3,000.00
667516 PET WASTE DISPOSAL STATION	EACH	1	$700.00	$700.00	1	$850.00	$850.00
667520 PARK BENCH	EACH	2	$2,800.00	$5,600.00	2	$1,500.00	$3,000.00
667525 DRINKING FOUNTAIN	EACH	1	$3,000.00	$3,000.00	1	$4,000.00	$4,000.00
667540 BICYCLE RACK	EACH	1	$500.00	$500.00	1	$1,000.00	$1,000.00
667600 WATERLINE SERVICE CONNECTION	L.S.	LS	$1,000.00	$1,000.00	LS	$1,750.00	$1,750.00
667700 EXISTING TREE PROTECTION	ALLOW	1	$5,000.00	$5,000.00	1	$2,000.00	$2,000.00
702810 TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	L.S.	LS	$2,000.00	$2,000.00	LS	$2,500.00	$2,500.00
801000 CONSTRUCTION STAKING BY THE CONTRACTOR	L.S.	LS	$4,000.00	$4,000.00	LS	$4,500.00	$4,500.00
801012 TESTING ALLOWANCE	L.S.	LS	$3,000.00	$3,000.00	LS	$4,000.00	$4,000.00
Subtotal				$216,158.00			$223,945.25
8.0625% G.R.T.				$17,427.74			$18,055.59
Total				$233,585.74			$242,000.84

Acequia Trail Segment 2B Estimate Comparison

		Engineer's Estimate			Contractor's Estimate		
ON CALL AGGREEMENT BID ITEMS		Qty	Price	Amount	Qty	Price**	Amount
203000 UNCLASSIFIED EXCAVATION	CU.YD.	160	$20.00	$3,200.00	160	$20.00	$3,200.00
207000 SUBGRADE PREPARATION	SQ.YD.	680	$3.00	$2,040.00	680	$5.00	$3,400.00
417000 MISCELLANEOUS PAVING	SQ.YD.	500	$30.00	$15,000.00	500	$25.00	$12,500.00
603200 SILT FENCE	LIN.FT.	1210	$6.00	$7,260.00	1210	$5.00	$6,050.00
ADDITIONAL ITEMS NOT IN ON-CALL AGREEMENT							
621000 MOBILIZATION	L.S.		$10,000.00	$10,000.00	LS	$7,500.00	$7,500.00
201000 CLEARING AND GRUBBING	L.S.	LS	$15,000.00	$15,000.00	LS	$10,000.00	$10,000.00
304441 COMPACTED COLD MILLINGS- 4"	SQ.YD.	560	$6.00	$3,360.00	560	$4.75	$2,660.00
408100 PRIME COAT MATERIAL	TON	1	$400.00	$400.00	1	$750.00	$750.00
417200 STANDARD RAISED CROSSWALK	EACH	1	$5,000.00	$5,000.00	1	$5,000.00	$5,000.00
420400 PMBP SAMPLING AND TESTING BY THE CONTRACTOR	L.S.	LS	$500.00	$500.00			
541430 PREFAB PEDESTRIAN BRIDGE-30'	EACH	1	$85,000.00	$85,000.00	1	$85,000.00	$85,000.00
601000 REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	LS	$4,000.00	$4,000.00	LS	$5,000.00	$5,000.00
603263 COMPOST MULCH	ACRE	0.33	$5,000.00	$1,650.00	0.33	$10,000.00	$3,300.00
603270 SWPPP PLAN PREPARATION ALLOWANCE	ALLOW	1	$1,000.00	$1,000.00	1	$2,500.00	$2,500.00
603280 SWPPP MANAGEMENT	L.S.	LS	$3,000.00	$3,000.00	LS	$3,000.00	$3,000.00
608004 CONCRETE SIDEWALK 4"	SQ.YD.	220	$50.00	$11,000.00	220	$40.00	$8,800.00
704900 DETECTABLE WARNING (ADA RAMPS)	SQ.FT.				70	$45.00	$3,150.00
609424 CONCRETE VERTICAL CURB AND GUTTER TYPE B 6"X24"	LIN.FT.	450	$18.00	$8,100.00	450	$22.00	$9,900.00
632001 RECLAMATION SEEDING	ACRE	0.33	$2,000.00	$660.00	0.33	$2,800.00	$924.00
667280 TRAIL MARKER	EACH	2	$3,500.00	$7,000.00	2	$2,500.00	$5,000.00
667284 BRIDGE BUTTRESS	EACH	4	$1,000.00	$4,000.00	4	$2,000.00	$8,000.00
667330 POST AND CABLE FENCE	LIN.FT.	210	$10.00	$2,100.00	210	$30.00	$6,300.00
667500 BOLLARD	EACH	3	$800.00	$2,400.00	3	$850.00	$2,550.00
667515 LITTER RECEPTACLE	EACH	2	$1,000.00	$2,000.00	2	$1,500.00	$3,000.00
667516 PET WASTE DISPOSAL STATION	EACH	1	$700.00	$700.00	1	$850.00	$850.00
667520 PARK BENCH	EACH	1	$2,800.00	$2,800.00	1	$1,500.00	$1,500.00
667700 EXISTING TREE PROTECTION	ALLOW	1	$5,000.00	$5,000.00	1	$1,450.00	$1,450.00
701000 PANEL SIGNS	SQ.FT.	32	$10.00	$320.00	32	$20.00	$640.00
701100 STEEL POST AND BASE POST FOR ALUMINUM PANEL SIGNS	LIN.FT.	60	$8.00	$480.00	60	$10.00	$600.00
702810 TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	L.S.	LS	$4,000.00	$4,000.00	LS	$5,000.00	$5,000.00
703003 OBJECT MARKER TYPE 3	EACH	2	$30.00	$60.00	2	$60.00	$120.00
801000 CONSTRUCTION STAKING BY THE CONTRACTOR	L.S.	LS	$2,000.00	$2,000.00	LS	$2,000.00	$2,000.00
801012 TESTING ALLOWANCE	L.S.	1	$3,000.00	$3,000.00	LS	$3,500.00	$3,500.00
Subtotal				$212,030.00			$213,144.00
8.0625% G.R.T.				$17,094.92			$17,184.74
Total				$229,124.92			$230,328.74

PACHECO, LEROY N.

From: Dave Dixon [ddixon@ashorner.com]
Sent: Monday, February 15, 2010 2:09 PM
To: PACHECO, LEROY N.
Subject: Acequia Trail - 2A

Santa Fe On Call Proposal

'o: **City of Santa Fe**
ıttn: **Leroy Pacheco**
:ontract #: **505-955-6853**

'roject: **Acequia Trail - 2A - ASHBAUGH PARK**

Date: **2/12/10**

From: **A. S. Horner, Inc.**
P.O. Box 9105
Albuquerque, NM 87119

BID ITEM	COSF ITEM NO.	SHORT DESCRIPTION	ESTIMATED QUANTITY	U.M.	UNIT PRICE	TOTAL
	201000	CLEARING AND GRUBBING	1.00	LS	3,500.00	$ 3,500.00
	203000	UNCLASSIFIED EXCAVATION	98.00	CY	20.00	$ 1,960.00
	203100	BORROW	168.00	CY	20.00	$ 3,360.00
	207000	SUBGRADE PREPARATION	1,544.00	SY	5.00	$ 7,720.00
	304441	COMPACTED COLD MILLINGS - 4"	1,323.00	SY	4.75	$ 6,284.25
	408100	PRIME COAT MATERIAL	2.40	TN	750.00	$ 1,800.00
	417000	MISCELLANEOUS PAVING	1,200.00	SY	25.00	$ 30,000.00
	541430	PREFAB PEDESTRIAN BRIDGE - 30'	1.00	EA	85,000.00	$ 85,000.00
	570160	35"SX24"R CULVERT PIPE ARCH	20.00	LF	140.00	$ 2,800.00
0	601000	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1.00	LS	2,000.00	$ 2,000.00
1	603200	SILT FENCE	653.00	LF	5.00	$ 3,265.00
2	603263	COMPOSTED MULCH	0.27	AC	10,000.00	$ 2,700.00
3	603270	SWPPP PLAN PREPARATION ALLOWANCE	1.00	AL	2,500.00	$ 2,500.00
4	603280	SWPPP MANAGEMENT	1.00	LS	3,000.00	$ 3,000.00
5	621000	MOBILIZATION	1.00	LS	10,000.00	$ 10,000.00
6	632001	RECLAMATION SEEDING	0.27	AC	2,800.00	$ 756.00
7	667280	TRAIL MARKER	2.00	EA	2,500.00	$ 5,000.00
8	667281	LARGE TRAIL SIGN	1.00	EA	10,000.00	$ 10,000.00
9	667284	BRIDGE BUTTRESS	4.00	EA	2,000.00	$ 8,000.00
:0	667295	ROCK HEADWALL	2.00	EA	3,000.00	$ 6,000.00

21	667500	BOLLARD	2.00	EA	850.00	$ 1,700.00
22	667515	LITTER RECEPTACLE	2.00	EA	1,500.00	$ 3,000.00
23	667516	PET WASTE DISPOSAL STATION	1.00	EA	850.00	$ 850.00
24	667520	PARK BENCH	2.00	EA	1,500.00	$ 3,000.00
25	667525	DRINKING FOUNTAIN	1.00	EA	4,000.00	$ 4,000.00
26	667540	BICYCLE RACK	1.00	EA	1,000.00	$ 1,000.00
27	667600	WATERLINE SERVICE CONNECTION	1.00	LS	1,750.00	$ 1,750.00
28	667700	EXISTING TREE PROTECTION	1.00	AL	2,000.00	$ 2,000.00
29	702810	TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	1.00	LS	2,500.00	$ 2,500.00
30	801000	CONSTRUCTION STAKING BY THE CONTRACTOR	1.00	LS	4,500.00	$ 4,500.00
31	801012	TESTING ALLOWANCE	1.00	AL	4,000.00	$ 4,000.00

WORK ORDER SUBTOTAL	$ 223,945.25
GRT (7.875%)	$ 17,635.69
WORK ORDER TOTAL	$ 241,580.94

Notes: ***DELETED ALL OF OTOWI DRIVE CONNECTION***

Items 17-20 will be built by conventional concrete means with a rock cobble face.

ITEMS WITH UNIT PRICES ESTABLISHED IN CONTRACT
ITEMS IN CONTRACT AS LUMP SUM OR ALLOWANCE
ITEMS WITH UNIT PRICES ESTABLISHED BY PAST CHANGE ORDER

.eroy

Here you go.

Dave Dixon
A.S. Horner, Inc.
505-212-7007
505-212-7013 (F)
505-975-6758 (C)

PACHECO, LEROY N.

From: Dave Dixon [ddixon@ashorner.com]
Sent: Friday, February 12, 2010 2:35 PM
To: PACHECO, LEROY N.
Subject: Acequia - Baca

Santa Fe On Call Proposal

'o: **City of Santa Fe**
\ttn: **Leroy Pacheco**
Contract #: **505-955-6853**

Project: **Acequia Trail - 2B - BACA STREET**

Date: **2/11/10**

From: **A. S. Horner, Inc.**
P.O. Box 9105
Albuquerque, NM 87119

BID ITEM	COSF ITEM NO.	SHORT DESCRIPTION	ESTIMATED QUANTITY	U.M.	UNIT PRICE	TOTAL
34	201002	CLEARING AND GRUBBING	1.00	LS	10,000.00	$ 10,000.00
35	203000	UNCLASSIFIED EXCAVATION	160.00	CY	20.00	$ 3,200.00
36	207000	SUBGRADE PREPARATION	680.00	SY	5.00	$ 3,400.00
37	304441	COMPACTED COLD MILLINGS - 4"	560.00	SY	4.75	$ 2,660.00
38	408100	PRIME COAT MATERIAL	1.00	TN	750.00	$ 750.00
39	417000	MISCELLANEOUS PAVING	500.00	SY	25.00	$ 12,500.00
40	417200	STANDARD RAISED CROSSWALK	1.00	EA	5,000.00	$ 5,000.00
41	541430	PREFAB PEDESTRIAN BRIDGE - 30'	1.00	EA	85,000.00	$ 85,000.00
42	601002	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1.00	LS	5,000.00	$ 5,000.00
43	603200	SILT FENCE	1,210.00	LF	5.00	$ 6,050.00
44	603263	COMPOSTED MULCH	0.33	AC	10,000.00	$ 3,300.00
45	603270	SWPPP PLAN PREPARATION ALLOWANCE	1.00	AL	2,500.00	$ 2,500.00
46	603282	SWPPP MANAGEMENT	1.00	LS	3,000.00	$ 3,000.00
47	608004	CONCRETE SIDEWALK 4"	220.00	SY	40.00	$ 8,800.00
48	704900	DETECTABLE WARNING (ADA RAMPS)	70	SF	45.00	$ 3,150.00
49	609424	CONCRETE VERTICAL CURB AND GUTTER TYPE B 6"X24"	450	LF	22.00	$ 9,900.00
50	621002	MOBILIZATION	1	LS	7,500.00	$ 7,500.00
51	632001	RECLAMATION SEEDING	0.33	AC	2,800.00	$ 924.00
52	667280	TRAIL MARKER	2.00	EA	2,500.00	$ 5,000.00
53	667284	BRIDGE BUTTRESS	4.00	EA	2,000.00	$ 8,000.00

54	667330	POST AND CABLE FENCE	210.00	LF	30.00	$ 6,300.00
55	667500	BOLLARD	3.00	EA	850.00	$ 2,550.00
56	667515	LITTER RECEPTACLE	2.00	EA	1,500.00	$ 3,000.00
57	667516	PET WASTE DISPOSAL STATION	1.00	EA	850.00	$ 850.00
58	667520	PARK BENCH	1.00	EA	1,500.00	$ 1,500.00
59	667700	EXISTING TREE PROTECTION	1.00	AL	1,450.00	$ 1,450.00
60	701000	PANEL SIGNS	32.00	SF	20.00	$ 640.00
61	701100	STEEL POST AND BASE POST FOR ALUMINUM PANEL SIGNS	60.00	LF	10.00	$ 600.00
62	702812	TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	1.00	LS	5,000.00	$ 5,000.00
63	703003	OBJECT MARKER TYPE 3	2.00	EA	60.00	$ 120.00
64	801002	CONSTRUCTION STAKING BY THE CONTRACTOR	1.00	LS	2,000.00	$ 2,000.00
65	801012	TESTING ALLOWANCE	1.00	AL	3,500.00	$ 3,500.00

WORK ORDER SUBTOTAL $ 213,144.00

Notes: Items 52-53 will be built by conventional concrete means with a rock cobble face.

GRT (7.875%) $ 16,785.09

WORK ORDER TOTAL $ 229,929.09

ITEMS WITH UNIT PRICES ESTABLISHED IN CONTRACT
ITEMS IN CONTRACT AS LUMP SUM OR ALLOWANCE
ITEMS WITH UNIT PRICES ESTABLISHED BY PAST CHANGE ORDER

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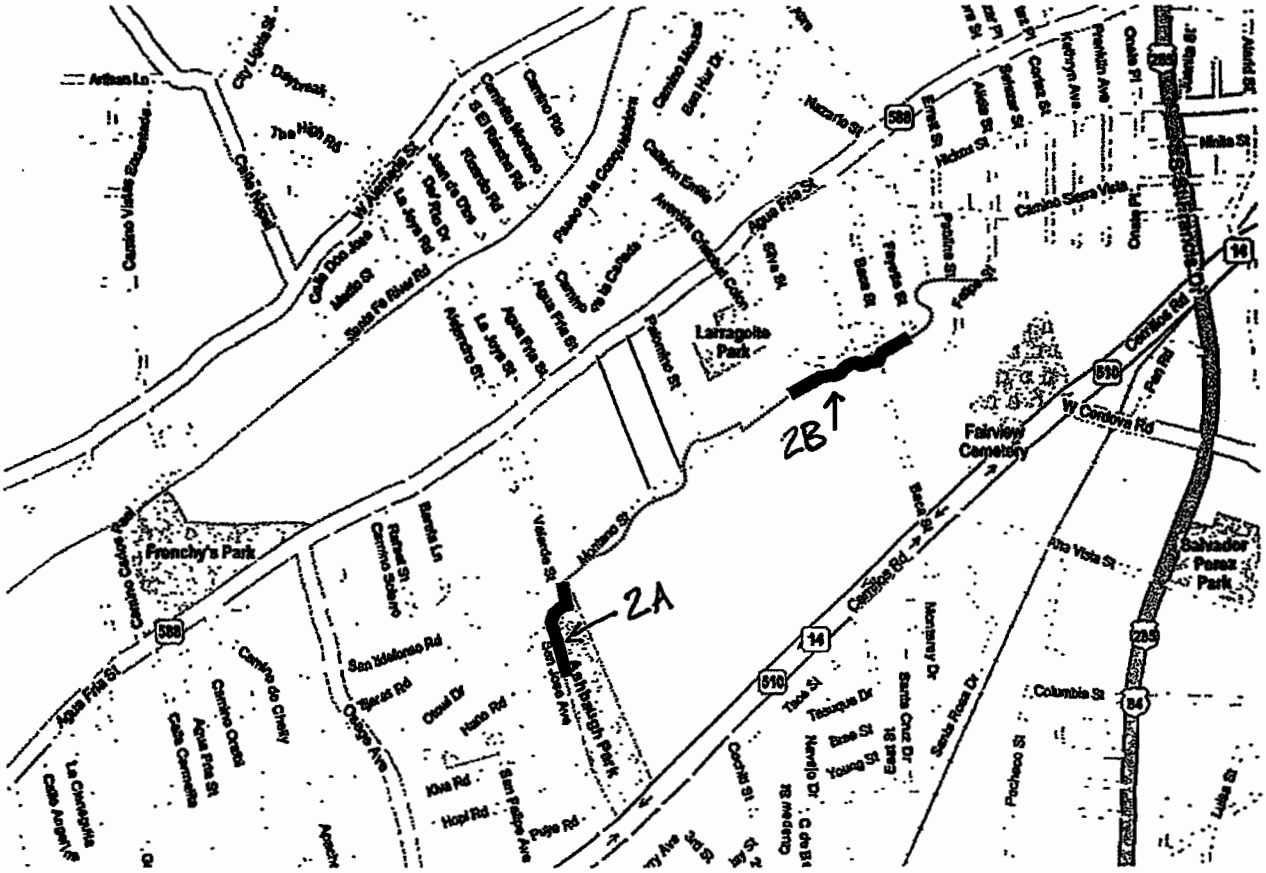
lo.

)ave Dixon
\.S. Horner, Inc.

Location Map – Acequia Trail 2A (Ashbaugh Park) and 2B (Baca Street Connection)



A.S. Horner Inc.

ITEM # 09-0734 AUG 05 2009

Received

CITY OF SANTA FE
AMENDMENT No. 1 TO
ON-CALL CONSTRUCTION SERVICES AGREEMENT

AMENDMENT No. 1 (the "Amendment") to the CITY OF SANTA FE ON-CALL CONSTRUCTION SERVICES AGREEMENT, dated July 11, 2007 (the "Agreement"), between the City of Santa Fe (the "City") and A.S. Horner, Inc. (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide on-call construction services to the City.

B. Pursuant to Article 4, Section A 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. CONTRACT TERM.

Article 4, paragraph A of the Agreement is amended to extend the term of the Agreement, so that Article 4, paragraph A reads in its entirety as follows:

A. The term of this agreement shall be extended by one (1) year with the option to extend an additional year, by mutual agreement of all parties and approval of the City of Santa Fe at the same price, terms and conditions, and per this Amendment #1, shall terminate on July 11, 2010, unless terminated pursuant to Article 5 infra. This agreement shall not exceed four (4) years beyond the original agreement dated July 11, 2007.

2. 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. 1 to the City of Santa Fe On-Call Construction Services Agreement as of the dates set forth below.

CITY OF SANTA FE:

By: _____
for GALEN BULLER, CITY MANAGER

Date: 8.4.09

ATTEST:

_____
for YOLANDA Y. VIGIL, CITY CLERK

CONTRACTOR:
A.S. Horner, Inc.

By: _____

Date: 8-5-09

NM Taxation & Revenue No.
01-604766-004

City of Santa Fe Business Reg.
09-40822

APPROVED AS TO FORM:

_____
FRANK D. KATZ, CITY ATTORNEY

APPROVED:

_____
DAVID N. MILLICAN, FINANCE DIRECTOR

B.1 Construction Agreement

(Revised 4/24/2000)

THIS AGREEMENT dated July 11, 2007, 2007, is made and entered into by and between the City of Santa Fe, a New Mexico municipal corporation, hereinafter called the "City" and A.S. Horner, Inc. hereinafter called the "Contractor" for construction of On Call Construction Services.

The City and the Contractor agree as follows:

1. To perform this contract and construct the work in accordance with the terms and conditions of these Contract Documents, including the following documents:
   a) Agreement (this instrument);
   b) Addenda to Contract Documents, if any;
   c) Legal and Procedural Documents;.
      1. Bid Form;
      2. Information for Bidders;
      3. Advertisement inviting bids dated **Monday, June 4, 2007**;
   d) Supplemental General Provisions;
   e) Special Provisions;
   f) Supplemental Specifications;
   g) Bonds;
      1. Performance Bond;
      2. Labor and Material Payment Bond;
      3. Bid Guarantee;
   h) The "New Mexico State Highway and Transportation Department Standard Specifications for Highway and Bridge Construction, 2000";
   i) The "New Mexico Standard Specifications for Public Works Construction, 1987 Edition";
   j) Plans and Drawings;
   k) Everything else bound in these documents;
   l) The sequence of construction and traffic control plan.

2. There is one (1) original signed copy of this agreement.

3. Compensation: Base Bid Amount (Best & Final Offer): $2,490,600.00 to which applicable New Mexico Gross Receipt Taxes will be added. Total Compensation under this contract is not to exceed $2,500,000, excluding New Mexico Gross Receipt Taxes.

4. A. Contract Term: The term of this agreement shall be two (2) years from date of award with the option to extend for a period of two (2) additional years, on a year-by-year basis, by mutual agreement of all parties and approval of the City of Santa Fe at the same price, terms and conditions. This agreement shall not exceed four (4) years.

   B. Task Completion Time: The day count for all work will be assigned by the Project Engineer on a task by task basis. If the day count is not met the Contractor shall be assessed liquidated damages for each consecutive Calendar

Day in excess of the completion date in accordance with Section 108.8, Liquidated Damages, in the Standard Specifications.

5. The terms of this agreement are contingent upon sufficient appropriations and authorizations being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

6. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

7. The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

8. Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

IN WITNESS whereof the parties have executed this contract.

CONTRACTOR
A.S. Horner, Inc.

By [signature]

Title President

And

By N/a

Title

CITY OF SANTA FE
SANTA FE, NEW MEXICO

By David Coss
David Coss, Mayor

ATTEST: (Seal)

Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk
contg 7/11/07

APPROVED AS TO FORM:

2581: GA98, GB98, GF98, MM98
N.M. Contractor's License No. & Type

Frank D. Katz, City Attorney

01-604766-004
N.M. Taxation & Revenue CRS #

APPROVED:

07-13887
City of Santa Fe Business Registration #

Kathryn L. Raveling, Finance Director