

**ACTION SHEET
CITY COUNCIL MEETING OF 04/13/11
ITEM FROM FINANCE COMMITTEE MEETING OF 04/04/11**

ISSUE:

6. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – MUSEUM HILL TRAIL (PHASE I); H.O. CONSTRUCTION, INC. (LEROY PACHECO)

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

Requested approval of change order no. 1 – Museum Hill Trail (Phase I) with H.O. Construction, Inc. in the amount of \$185,929.96. Budget is available in Arroyo Chamiso Trail fund (Parks Bonds).

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR WURZBURGER	not present		
COUNCILOR ROMERO	X		
COUNCILOR BUSHEE	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 28, 2011**

ITEM 7

CIP PROJECT #419C – MUSEUM HILL TRAIL (PHASE I)

- REQUEST FOR RECOMMENDATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR CONSTRUCTION UNDER BID #08/37/B – CITY COUNCIL APPROVED ON CALL CONSTRUCTION SERVICES CONTRACT WITH H.O. CONSTRUCTION, INC., IN THE AMOUNT OF \$185,929.96 INCLUSIVE OF NMGRT (LEROY PACHECO)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON DOMINGUEZ			
COUNCILOR CALVERT	X		
COUNCILOR CHAVEZ	Not Present		
COUNCILOR ROMERO	Excused		
COUNCILOR TRUJILLO	X		

City of Santa Fe, New Mexico

memo

DATE: March 18, 2011

TO: Public Works Committee

VIA: 
Isaac J. Pino, PE - Public Works Department Director
Eric Martinez, PE - Interim Roadway & Trails Engineering Division Director 

FROM: Leroy N. Pacheco - PE River, Watershed & Trails Section Supervisor 

ITEM & ISSUE:

RECOMMENDATION OF AWARD AND APPROVAL OF CHANGE ORDER #1 FOR CONSTRUCTION OF CIP # 419C – MUSEUM HILL TRAIL (PHASE 1) - UNDER BID NUMBER '08/37/B – CITY COUNCIL APPROVED AGREEMENT FOR ON-CALL CONSTRUCTION SERVICES WITH H.O. CONSTRUCTION, INC. IN THE AMOUNT OF \$185,929.96 (INCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX)

BACKGROUND & SUMMARY:

On June 25, 2008, the city council approved Bid 08/37/B with H.O. Construction, Inc. of Albuquerque, New Mexico for on-call construction services for city public works projects. The attached on-call construction services contract was approved for an amount not to exceed \$2,000,000.00 and expires on June 25, 2011. To date this contract has been executed for work on city projects in the amount of \$983,686.96.

Attached is H.O. Construction's cost summary to construct CIP 419C – Museum Hill Trail (Phase 1) for a total of \$185,929.96 including tax. The summary includes items related to the project that need to be contracted under change order to the existing on-call agreement. These items include various landscape items not included in the original on-call services contract. The total contract award for this work including change order #1 is \$171,859 plus tax, which is approximately 10 % lower than the engineer's estimate.

The Museum Hill Trail (Phase 1) is a 0.4 mile non-motorized urban trail that extends between the Old Pecos Trail and Camino Corrales along the old Camino Lejo roadway. The trail alignment was reviewed by BTAC and recommended for design in July 2009, as described in the attached project summary.

Funds for this project are available and budgeted in Business Unit 426003.572970 pursuant the 2008 Parks Bond Implementation Plan for Trails (Arroyo Chamiso East – St. Francis to Museum Hill).

ITEM	AMOUNT
H.O. Construction, Inc. Base Bid	\$ 37,328.00
NMGRT 8.1875%	\$ 3,056.23
Subtotal	40,384.23
Change Order #1	\$ 134,531.00
NMGRT 8.1875%	\$ 11,014.73
Subtotal	145,545.73
PROJECT TOTAL	= \$ 185,929.96

RECOMMENDED ACTION:

The Public Works Department recommends approval of the award of this project to H.O. Construction, Inc. under the terms of the approved on-call construction services contract bid 08/37/B, and approval of change order #1 as described in the attached cost summary, for a total amount of \$185,929.96 including NMGRT.

Attachments: Project Cost Summary and Change Order Form
 Project Summary and Location Map
 Approved On-Call Construction Agreement

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	H.O. Construction Inc.		Engineers Estimate	
				Unit	Total	Unit	Total
201000	CLEARING AND GRUBBING	L.S.	1	\$ 3,500.00	\$ 3,500.00	\$2,200.00	\$2,200.00
203000	UNCLASSIFIED EXCAVATION	C.Y.	323	\$ 18.00	\$ 5,814.00	\$9.00	\$2,907.00
203100	BORROW	C.Y.	391	\$ 18.00	\$ 7,038.00	\$20.00	\$7,820.00
203200	SUBEXCAVATION	C.Y.	47	\$ 28.00	\$ 1,316.00	\$10.75	\$505.25
207000	SUBGRADE PREPARATION	S.Y.	3,600	\$ 2.00	\$ 7,200.00	\$1.40	\$5,040.00
303010	BASE COURSE	C.Y.	40	\$ -	\$ -	\$0.00	\$0.00
304310	PLACEMENT OF STATE FURNISHED BASE COURSE	C.Y.	360	\$ -	\$ -	\$0.00	\$0.00
408100	BITUMINOUS MATERIAL FOR PRIME COAT	TON	5	\$ -	\$ -	\$0.00	\$0.00
423282	PMBP SP-III COMPLETE	TON	300	\$ -	\$ -	\$0.00	\$0.00
601000	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	\$ 1,500.00	\$ 1,500.00	\$2,000.00	\$2,000.00
603220	CHECK DAM TYPE I	L.F.	200	\$ 12.00	\$ 2,400.00	\$2.00	\$400.00
603261	MULCH SOCKS	L.F.	1,500	\$ 3.00	\$ 4,500.00	\$2.00	\$3,000.00
603280	SWPPP MANAGEMENT	L.S.	1	\$ 1,800.00	\$ 1,800.00	\$2,000.00	\$2,000.00
609424	CONC BARR CURB&GUT B 6" X 24"	L.F.	30	\$ 17.00	\$ 510.00	\$20.00	\$600.00
618000	TRAFFIC CONTROL MANAGEMENT	L.S.	1	\$ 1,800.00	\$ 1,800.00	\$1,500.00	\$1,500.00
621000	MOBILIZATION	L.S.	1	\$ 2,000.00	\$ 2,000.00	\$11,000.00	\$11,000.00
632100	STEEP SLOPE SEEDING	ACRE	1	\$ 6,000.00	\$ 4,200.00	\$12,000.00	\$8,400.00
667500	BOLLARD	EACH	6	\$ 250.00	\$ 1,500.00	\$510.00	\$3,060.00
667501	TRAIL HEAD SIGN	EACH	2	\$ 890.00	\$ 1,780.00	\$500.00	\$1,000.00
667515	LITTER RECEPTACLE	EACH	3	\$ 880.00	\$ 2,640.00	\$1,250.00	\$3,750.00
667516	PET WASTE DISPOSAL STATION	EACH	2	\$ 980.00	\$ 1,960.00	\$675.00	\$1,350.00
667521	LANDSCAPE BOULDER	EACH	1	\$ 380.00	\$ 380.00	\$500.00	\$500.00
701000	PANEL SIGNS	S.F.	28	\$ 24.50	\$ 686.00	\$15.90	\$445.20
701100	STEEL/BASE POST FOR ALUMINUM PANEL SIGNS	L.F.	66	\$ 15.00	\$ 990.00	\$13.05	\$861.30
702810	TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	L.S.	1	\$ 2,000.00	\$ 2,000.00	\$1,000.00	\$1,000.00
801000	CONSTRUCTION STAKING BY THE CONTRACTOR	L.S.	1	\$ 4,800.00	\$ 4,800.00	\$3,500.00	\$3,500.00
801012	TESTING ALLOWANCE	ALLOW.	1	\$ 5,000.00	\$ 5,000.00	\$10,000.00	\$10,000.00
608004	CONCRETE SIDEWALK 4" - Concrete	S.Y.	27	\$ 35.00	\$ 945.00		\$0.00
608004-C	CONCRETE SIDEWALK 4" - Colored Concrete	S.Y.	2,200	\$ 48.00	\$ 105,600.00	\$53.50	\$117,700.00
				SUB TOTAL		\$171,859.00	
*shaded cells indicate on-call contract items				TAX (NMGRT, 8.1875%)		\$14,070.96	
				TOTAL		\$185,929.96	
						\$206,139.11	

TO: HO Construction Inc
4132 Sheldon St. SE
Albuquerque, NM 87105

Change No. 1
Project No.: CIP # 419 - C
Project Name: Museum Hill Trail Phase 1

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

On-Call Construction Services - Bid Number 08/37/B

INCREASE:

Extended Quantities \$ -

Additional Items - not part of original proposal \$ 134,531.00
(See attached sheet for breakdown)

REDUCTION:

Reduced Quantities \$ -
Net Change \$ 134,531.00

SUB-TOTAL \$ 134,531.00
NMGRT (8.1875%) \$ 11,014.73
TOTAL CHANGE ORDER \$ 145,545.73

JUSTIFICATION:

Change order #1 provides for various landscape items

Contract Time Adjustments:

N/A

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: HO Construction Inc.

Signed _____ Date _____

Recommended 3/23 2011 
PUBLIC WORKS DEPARTMENT DIRECTOR
Recommended _____ 2011 _____
FINANCE DEPARTMENT DIRECTOR
Recommended _____ 2011 _____
MAYOR OR CITY MANAGER
Attest _____ 2011 _____
CITY CLERK

Museum Hill Trail Summary

Public Meeting Summary Notes and Comments

A public involvement meeting for the Museum Hill Multi-Use Trail was held at 5:30 p.m., on May 6, 2010, at Atalaya Elementary School. City staff and the Executive Director of the Santa Fe Botanical Gardens presented the status of the project, and then solicited comments and responded to questions from the public regarding the final design plans for Phase 1 (Red Trail) as described below in the Project History Section. The meeting was attended by approximately 20 people.

Project History

January 2007 The city council approved a contract with PB Americas, Inc. for planning and design engineering services for a non-motorized trail that would connect the area near St. Vincent's Hospital to the neighborhoods around Camino Lejo and end at Old Santa Fe Trail(Trail 8).

August 2008 the City of Santa Fe's Bicycle & Trail Advisory Committee (BTAC) recommended a final alignment for Trail 8 (aka - **The Musuem Hill Trail**). The approved motion was as follows:

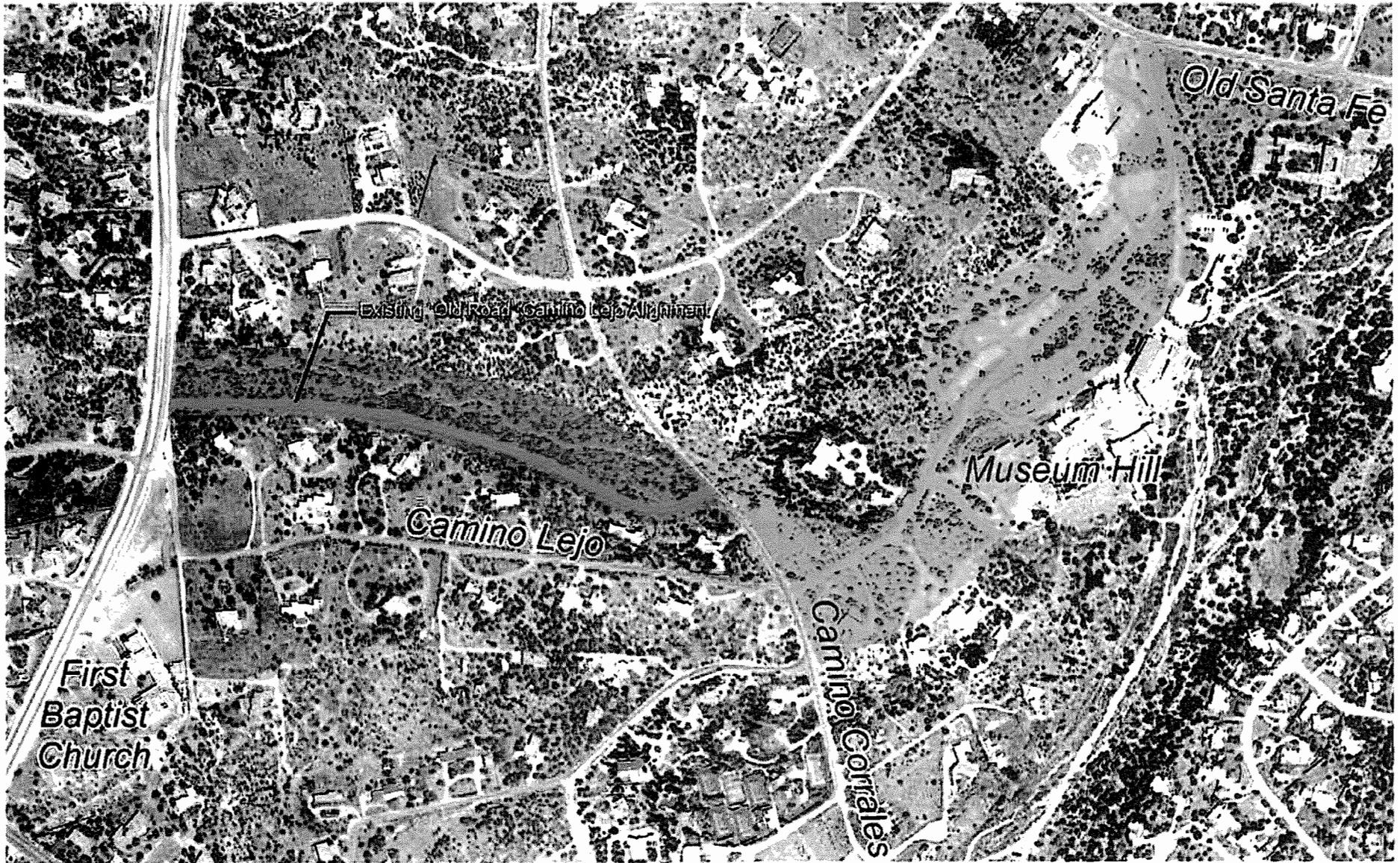
1. **Red Trail:** Collaboration with the Santa Fe Botanical Garden on a rustic trail for bicyclists and pedestrians along existing "old road" alignment and that provides access to the botanical gardens pedestrian paths.
2. **Green Trail:** Bicyclists may use existing surface streets and pedestrian trail of natural material will provide access to gardens, museums and nearby streets.

July 2009 BTAC clarified its recommendations of August 2008 as depicted on the attached document.

Proposed Museum Hill Trail Alignment (Attached)

October 2009 PB America's is contracted to perform preliminary and final design services for (Phase 1) - the Red Trail between Old Pecos Trail and Camino Corrales

May 6, 2010 The City of Santa Fe hosts a public meeting to present the conceptual design of the non-motorized trail (Red Trail) from Old Pecos Trail to Camino Corrales within the Santa Fe Botanical Gardens.



Museum Hill Trail



Red Segment (Proposed Phase 1)
 Old Pecos Trail to Camino Corrales
 Collaborate with the Botanical Gardens on a rustic trail for bicyclists and pedestrians along existing "old road" alignment that provides access to the botanical gardens pedestrian paths.



Green Segment (Proposed Phase 2)
 Camino Corrales to Old Santa Fe Trail
 Bicyclists may use existing surface streets and a pedestrian trail of natural material will provide access to gardens, museums

B.1 Construction Agreement

THIS AGREEMENT dated June 25th ^(Revised 4/24/2000), 2008, is made and entered into by and between the City of Santa Fe, a New Mexico municipal corporation, hereinafter called the "City" and H.O. Construction Inc., hereinafter called the "Contractor" for construction of On Call Concrete & Miscellaneous 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 May 14, 2008;
 - 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 Department of Transportation Standard Specifications for Highway and Bridge Construction, 2007 Edition";
 - 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): \$ 2,026,700.50 to which applicable New Mexico Gross Receipt Taxes will be added. Total Compensation under this contract is not to exceed \$2,000,000, 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 an additional period of two (2) 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.O. cont inc
 By [Signature]
 Title president

CITY OF SANTA FE
 SANTA FE, NEW MEXICO
 By [Signature]
 David Coss, Mayor

And

ATTEST:

(Seal)

By _____

Title _____

Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk
APPROVED AS TO FORM: com to 6/25/08

85027-GA01, 6A03, 6B.98, 6504
N.M. Contractor's License No. & Type

Frank D. Katz
Frank D. Katz, City Attorney

02-462973001
N.M. Taxation & Revenue CRS #

APPROVED:

08-00036252
City of Santa Fe Business Registration #

David N. Millican
David N. Millican, Finance Director

**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 June 25th, 2008 (the "Agreement"), between the City of Santa Fe (the "City") and H.O. Construction 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, Paragraph 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:

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 June 25, 2011, unless terminated pursuant to Article 5 *infra*. This agreement shall not exceed four (4) years beyond the original agreement dated June 25, 2008.

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.

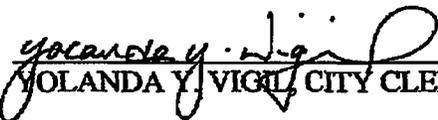
IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to the City of Santa Fe On-Call Construction Services Agreement as of the dates set forth below.

CITY OF SANTA FE:

By: 
ROBERT ROMERO, CITY MANAGER

Date: 5-24-10

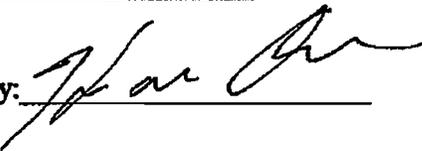
ATTEST:


YOLANDA Y. VIGIL, CITY CLERK *YV*

APPROVED AS TO FORM:

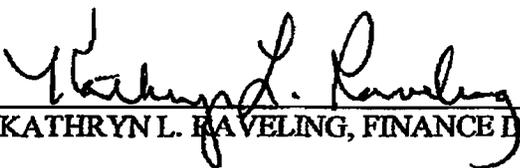

GENO ZAMORA, CITY ATTORNEY

CONTRACTOR:
H.O. Construction Inc.

By: 

Date: 5-10-10
NM Taxation & Revenue
CRS # 02-462973-001
City of Santa Fe Business
Registration # 10-00046835

APPROVED:


KATHRYN L. RAVELING, FINANCE DIRECTOR



**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"/> | CONTRACT AGREEMENT | <input 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 checked="" type="checkbox"/> |

2 Name of Contractor H.O. Construction, Inc.

3 Complete information requested Plus GRT

Inclusive of GRT

Original Contract Amount: Not to exceed \$2M

Termination Date: June 25, 2010

Approved by Council Date: June 25, 2008

or by City Manager Date: _____

Contract is for: On Call Concrete & Miscellaneous Construction Services

Amendment # 1 to the Original Contract# 08-0532

Increase/(Decrease) Amount \$ 0.00

Extend Termination Date to: June 25, 2011

Approved by Council Date: _____

or by City Manager Date: _____

Amendment is for: Extend contract term

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

Inclusive of GRT

Amount \$ Not to exceed \$2M of original Contract# 08-0532 Termination Date: June 25, 2010

Reason: On Call Concrete & Miscellaneous Construction Services

Amount \$ 0.00 amendment # 1 Termination Date: June 25, 2011

Reason: Extend contract term

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ Not to exceed \$2M



**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 RFB# '08/37/B
- 6 Procurement History: Second year of 4 year contract
 example: (First year of 4 year contract)
- 7 Funding Source: Various BU/Line Item: Various
- 8 Any out-of-the ordinary or unusual issues or concerns:
 (Memo may be attached to explain detail.)
- 9 Staff Contact who completed this form: LeAnn Valdez *LSV* Phone # 955-6931
 Division Contract Administrator: Sarah Yuma *SY*
 Division Director: Chris A. Ortega *CO*
 Department Director: Chris A. Ortega (Acting) *CO*
- 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: N.A. Existing Construction Agreement
- 12 Prior year's contract amount?: N.A. Existing Construction Agreement
- 13 Describe service impact from an ongoing commitment to the contractor:
Contract necessary to complete upcoming projects
- 14 Why staff cannot perform the work?: Road Construction
- 15 If extending contract, why?: Contract scheduled to expire on June 25, 2010. Contract required to perform upcoming and scheduled construction projects.
- 16 Was a Santa Fe company awarded contract? If not, why?: Yes
- 17 Has the contract been approved as to form by City Attorney's Office?: Yes.
- 18 Is this for City Manager or Council approval?: City Manager

To be recorded by City Clerk:

Contract # 10-0438

Date of contract Executed (i.e., signed by all parties): 6/1/10

Note: If further information needs to be included, attach a separate memo.

Comments: