

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

AGENDA DATE: July 19, 2022

PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME: Yvette Hernandez, City Engineer, (915) 212-1845

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: 4 - Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

SUBGOAL: 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner

SUBJECT:

Discussion and action that the City Council approves a deductive change order in the amount of -\$ 226,693.09 to Jordan Foster Construction LLC for the "New Community Centers: Alameda and Chamizal Recreation Center 2017-965R" contract.

BACKGROUND / DISCUSSION:

This change order will reduce the amount of \$ 226,693.09 to the First Amendment to the Standard Form of Agreement Between Owner and Construction Manager At-Risk awarded March 6, 2018 to Jordan Foster Construction LLC. This reduction of contract price will zero out the contract return the funding to the Owner and begin the process to close out the contract.

PRIOR COUNCIL ACTION:

July 11, 2017 CMAR contract with Jordan Foster, LLC
March 6, 2018 Amendment to CMAR contract with Jordan Foster, LLC Demo Prep
August 21, 2018 Amendment to approve GMP contract with Jordan Foster, LLC for the Construction of 3 New Recreation Centers.
April 14, 2020 Amendment to approve a GMP increase with Jordan Foster, LLC for the Construction of 3 New Rec Centers.

AMOUNT AND SOURCE OF FUNDING:

Amount: -\$ 226,693.09
Funding Source: Quality of Life

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Capital Improvement
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

Yvette Hernandez

Yvette Hernandez, City Engineer



CAPITAL IMPROVEMENT DEPARTMENT

MEMORANDUM

MAYOR

Oscar Leeser

Date: July 11, 2022

CITY COUNCIL

To: Yvette Hernandez, P.E. City Engineer

District 1

Peter Svarzbein

Through: Rogelio Torres, P.E., Division Manager

District 2

Alexsandra Anello

From: Karla Mota, Project Manager

District 3

Cassandra Hernandez

Subject: Chamizal Demolition –Contract Price Reduction (Owner’s Credit)

District 4

Joe Molinar

- July 11, 2017 authorized a CMAR contract to Jordan Foster, LLC for the “New Community Centers: Alameda, Chamizal & Lomaland Rec Center & Library Combos.

District 5

Isabel Salcido

Article 7 – Contract Price – Paragraph 7.05C regarding the Guaranteed Maximum Price ("GMP) reads that “In the event of any "buy out" transactions, agreements by the Construction Manager with a subcontractor for the subcontractor's cost of its portion of the Work, or other savings due to early completion or value engineering after execution of the Guaranteed Maximum Price addendum, then such savings shall be shared with the Owner in the following percentages: 80% to Owner, 20% to Construction Manager. Said savings shall be memorialized by appropriate change order.

District 6

Claudia L. Rodriguez

District 7

Henry Rivera

District 8

Cissy Lizarraga

- March 6, 2018 Amendment to CMAR contract with Jordan Foster, LLC Demo Prep City Council authorized the payment to Construction Manager for the selective demolition of the existing Chamizal structure in the amount \$ 1,549,614.00.
- After performing the work, the Contractor submitted a proposal to return all remaining unused funds to the owner. The credit proposal of \$226,693.00 was reviewed, including clarification of the returned CM Fee associated with the unused funds.
- The credit (\$226,693.09) provided by contractor is equal to the amount of unused funds remaining in the contract.
- Attached last approved payment and Change order Draft.

CITY MANAGER

Tommy Gonzalez

Yvette Hernandez, P.E., – City Engineer

City 2 | 218 N. Campbell, 2nd Floor | El Paso, Texas 79901 | (915) 212-0065



CITY OF EL PASO CONSTRUCTION CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.: 9 DATE: July 11, 2022

PROJECT: New Community Ctrs: Alameda & Chamizal Rec Ctr. & Library Combo & Lomaland Rec Ctr. SOLICITATION NO. 2017-965R

SCOPE CHANGE
 CONSTRUCTION CHANGE

Original Contract Amount: \$ <u>1,549,614.00</u>	Contract Time to Substantial Completion <u>548</u>
Net Change by previous Change Orders: \$ <u>-</u>	Total days added due to Change Orders and CQN's <u>0</u>
Net Change by previous Construction Quantity Notices: \$ <u>-</u>	Total days added for this Change Order <u>0</u>
Amount of this Construction Change Order: \$ <u>(226,693.09)</u>	New Contract Time to Substantial Completion: <u>548</u>
New Amended Contract Allowance: \$ <u>1,322,920.91</u>	Current Substantial Completion Due Date <u>7/1/2019</u>
Change Order Percentage: <u>-14.63%</u>	

CONTRACTOR NAME: Jordan Foster Construction, LLC 2012 Quality of Life Bond

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

9.1 - Reduction of GMP Per: \$ **226,693.09**

Article 7 – Contract Price – Paragraph 7.05C regarding the Guaranteed Maximum Price ("GMP") reads that "In the event of any "buy out" transactions, agreements by the Construction Manager with a subcontractor for the subcontractor's cost of its portion of the Work, or other savings due to early completion or value engineering after execution of the Guaranteed Maximum Price addendum, then such savings shall be shared with the Owner in the following percentages: 80% to Owner, 20% to Construction Manager. Said savings shall be memorialized by appropriate change order.

Contract Amount: \$ 1,549,614.00
 Return unused Funds to Owner: \$ 226,693.09
 Revised Payment Reduction: \$1,322,920.91



Unless specifically noted, this change order addresses all compensation for time and money including all direct and indirect costs associated with the above scope of work.

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME: 0 TOTAL CHANGE ORDER AMOUNT: No Cost

CONTRACTOR

I, _____, of Jordan Foster Construction, LLC agree and accept the terms and conditions of this change order.

Signature: _____ Date: _____

CITY OF EL PASO (OWNER)

I, Yvette Hernandez of the City of El Paso hereby authorize and direct the Contractor to proceed with additional work as described in this form.

Signature: _____ Date: _____
 Yvette Hernandez, P.E. City Engineer

CITY OF EL PASO CONSTRUCTION CHANGE ORDER- Pg. 2

CONSTRUCTION CHANGE ORDER NO.: 9 DATE: July 11, 2022

SCOPE CHANGE

PROJECT: New Community Ctrs: Alameda & Chamizal Rec Ctr. & Library Combo & Lomaland Rec Ctr. SOLICITATION NO. 2017-965R CONSTRUCTION CHANGE

Project Number PCP13PRKD05
Class 0
Department 0
Fund 0
Account 0

Project Number 0
Class 0
Department 0
Fund 0
Account 0

PURCHASE ORDER # 1800000218

CONTRACTOR NAME: Jordan Foster Construction, LLC

2012 Quality of Life Bond

PROVIDE REASON/JUSTIFICATION FOR CHANGE ORDER:

This Change Order is required to do final adjustment to the GMP Value.
The PM reviewed all applications for payment and all executed change orders to review final balance of the GMP

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME: 0

TOTAL CHANGE ORDER AMOUNT: No Cost

Project Manager recommends approval: _____
Karla Mota, Project Manager

Engineering Division Manager recommends approval: _____
Roger Torres, P.E., Engineering Division Manager

REQUEST FOR PO FOR INCREASE/DECREASE FOR CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.: 9 **DATE:** July 11, 2022 INCREASE
PROJECT: New Community Ctrs: Alameda & Chamizal Rec Ctr. & Library Combo & Lomaland Rec Ctr. **SOLICITATION NO.** 2017-965R DECREASE

Project Number PCP13PRKD05 **PURCHASE ORDER #** 1800000218
 Class 0
 Department 0
 Fund 0
 Account 0

CONTRACTOR NAME: Jordan Foster Construction, LLC 2012 Quality of Life Bond

As a result of this change order, please make the following adjustment to the purchase order and reduce contract amount price by the total net cost of \$226,693.09.

LINE ADDED AMOUNT

9.1.-	226,693.09
TOTAL TO REALLOCATE	\$ 226,693.09

TOTAL NET CHANGE TO

No Cost
 (should match cost below)

Additional funding/direction:

TOTAL CHANGE ORDER AMOUNT: No Cost

Project Manager Karla E. Mota

Engineering Division Manager recommends approval: Roger Torres, P.E., Engineering Division Manager

Contract Compliance _____

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: City of El Paso
300 N. Campbell
El Paso, TX 79901
USA

PROJECT: Chamizal Community Center Demolition Phase :TX:E:1
2101 Cypress Ave
El Paso, TX 79905
USA

APPLICATION NO.: 18
PERIOD TO : 12/15/2020
PROJECT NOS.: 1706602

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR: Jordan Foster Construction, LLC
7700 CF Jordan Drive
El Paso, TX 79912-8802

ARCHITECT: Exigo
211 N. Florence, Suite 204
El Paso, TX 79901
USA

CONTRACT DATE : 06/06/2018

CONTRACT FOR: Chamizal Community Center Demolition

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

- 1. ORIGINAL CONTRACT SUM \$ 1,549,614.00
- 2. Net change by change orders \$ 0.00
- 3. CONTRACT SUM TO DATE (Line1 +/- 2) \$ 1,549,614.00
- 4. TOTAL COMPLETED & STORED TO DATE \$ 1,322,920.91
(Column I on G703)
- 5. RETAINAGE:
(Total retainage Column K of G703) \$ 0.00
- 6. TOTAL EARNED LESS RETAINAGE \$ 1,322,920.91
(Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
(Line 6 from prior Certificate) \$ 1,257,199.88
- 8. CURRENT PAYMENT DUE \$ 65,721.03
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE
(Line 3 less Line 6) \$ 226,693.09

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Jordan Foster Construction, LLC

By: [Signature] Date: 12.22.2020

State of: Texas

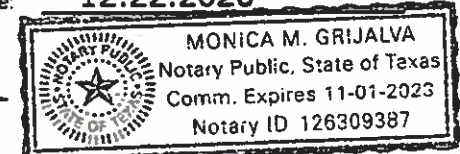
County of: El Paso

Subscribed and sworn to before

me this 22nd day of December, 2020

Notary Public: Monica M. Grijalva

My Commission Expires: 11.01.2023



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$ _____

(Attach explanation if amount certified differs from the amount applied for. Initial figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Exigo

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner	0.00	0.00
APPROVED THIS MONTH		
Number	Date Approved	
Current Total:	0.00	0.00
Net Change by Change Orders		0.00

Karla Mota

APPROVED
By Karla Mota at 5:00 pm, Jan 06, 2021

APPROVED FOR PAYMENT
CAPITAL IMPROVEMENT DEPARTMENT
DEPARTMENT
ROGELIO TORRES
PRINT NAME
SIGNATURE: [Signature]
DATE: 1/7/2021
PHONE #: 915-212-1864

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.
 In tabulation below, amounts are stated to the nearest cent.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 18
 APPLICATION DATE: 12/16/2020
 PERIOD TO: 12/15/2020

A ITEM NO.	B DESCRIPTION OF WORK	C ORIGINAL SOV	D SOV CHANGES	E SCHEDULED VALUE	G WORK COMPLETED (F+G)		H MATERIAL PRESENTLY STORED	I TOTAL COMPLETED AND STORED TO DATE	J PER-%(I/E)	K BALANCE TO FINISH	L THIS PERIOD RETAINAGE	M RETAINAGE
					F FROM PREVIOUS APPLICATION	G THIS PERIOD						
001	GCa											
001	General Conditions	87,631.00	1,527.30	89,158.30	86,197.14	2,961.16	0.00	89,158.30	100	0.00	0.00	0.00
	Total:	87,631.00	1,527.30	89,158.30	86,197.14	2,961.16	0.00	89,158.30	100	0.00	0.00	0.00
	GCs Total:	87,631.00	1,527.30	89,158.30	86,197.14	2,961.16	0.00	89,158.30	100	0.00	0.00	0.00
002	Bonds											
01.35.05	Bonds - JFC	18,996.00	0.00	18,996.00	18,996.00	0.00	0.00	18,996.00	100	0.00	0.00	0.00
	Total:	18,996.00	0.00	18,996.00	18,996.00	0.00	0.00	18,996.00	100	0.00	0.00	0.00
	Bonds Total:	18,996.00	0.00	18,996.00	18,996.00	0.00	0.00	18,996.00	100	0.00	0.00	0.00
003	Contingencies											
01.24.68	Unallocated Funds	0.00	0.00	0.00	0.00	58,788.04	0.00	58,788.04	0	-58,788.04	0.00	0.00
01.90.05	CM Contingency	57,825.00	-23,919.00	33,906.00	0.00	0.00	0.00	0.00	0	33,906.00	0.00	0.00
01.90.10	Owner Contingency	63,522.00	168,703.35	232,225.35	0.00	0.00	0.00	0.00	0	232,225.35	0.00	0.00
	Total:	121,347.00	144,784.35	266,131.35	0.00	58,788.04	0.00	58,788.04	22	207,343.31	0.00	0.00
	Contingencies Total:	121,347.00	144,784.35	266,131.35	0.00	58,788.04	0.00	58,788.04	22	207,343.31	0.00	0.00
004	Allowances											
05.31.01	Structural & Roof Deck Allowance	100,000.00	-100,000.00	0.00	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00
09.61.01	Floor Prep Allowance	75,000.00	-61,320.00	13,680.00	0.00	0.00	0.00	0.00	0	13,680.00	0.00	0.00
	Total:	175,000.00	-161,320.00	13,680.00	0.00	0.00	0.00	0.00	0	13,680.00	0.00	0.00
	Allowances Total:	175,000.00	-161,320.00	13,680.00	0.00	0.00	0.00	0.00	0	13,680.00	0.00	0.00
005	Packages											
02.41.05	Demolition Package	419,880.00	-184,549.00	235,331.00	235,331.00	0.00	0.00	235,331.00	100	0.00	0.00	0.00
05.01.01	Steel Supply & Erection Package	155,000.00	53,227.00	208,227.00	208,227.00	0.00	0.00	208,227.00	100	0.00	0.00	0.00
06.01.01	Misc. Renovations Package	283,120.00	110,513.35	393,633.35	393,633.35	0.00	0.00	393,633.35	100	0.00	-748.86	0.00
07.54.23	Roofing Package	85,000.00	50,808.00	135,808.00	135,808.00	0.00	0.00	135,808.00	100	0.00	0.00	0.00
26.05.01	MEP Package	152,000.00	-14,991.00	137,009.00	137,009.00	0.00	0.00	137,009.00	100	0.00	0.00	0.00
	Total:	1,095,000.00	15,008.35	1,110,008.35	1,110,008.35	0.00	0.00	1,110,008.35	100	0.00	-748.86	0.00
	Packages Total:	1,095,000.00	15,008.35	1,110,008.35	1,110,008.35	0.00	0.00	1,110,008.35	100	0.00	-748.86	0.00

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					F FROM PREVIOUS APPLICATION	THIS PERIOD						
006	Contractor's Fee											
01.95.01	Contractor's Fee	51,640.00	0.00	51,640.00	43,747.25	2,222.97	0.00	45,970.22	89	5,669.78	-1,000.00	0.00
	<i>Total:</i>	51,640.00	0.00	51,640.00	43,747.25	2,222.97	0.00	45,970.22	89	5,669.78	-1,000.00	0.00
	<i>Contractor's Fee Total:</i>	51,640.00	0.00	51,640.00	43,747.25	2,222.97	0.00	45,970.22	89	5,669.78	-1,000.00	0.00
Project Total:		1,549,614.00	0.00	1,549,614.00	1,258,948.74	63,972.17	0.00	1,322,920.91	65	226,693.09	-1,748.86	0.00