

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

AGENDA DATE: October 25, 2022
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez, (915) 212-1860
DISTRICT(S) AFFECTED: 8
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

That the City Council approves a change order in the amount of \$305,143.22 to Lesna Construction Inc. for costs associated with project overhead and equipment standby for the Central Business District Phase IV Project, Contract No. 2021-0026. An additional sixty-six (66) working days are allowed for the completion of the work. The new contract sum, including this change order notice and previous change order notices, is \$13,217,428.02. The City Manager, or designee, is authorized to execute any documents and contract amendments needed to carry out the intent of this Resolution.

BACKGROUND / DISCUSSION:

The change order is necessary in order to compensate the contractor for project overhead costs and equipment standby for 66 days cause by the unforeseen condition of the Franklin Canal uncovered underneath Campbell and Olivas V. Aoy as well as differing site conditions for the storm sewer at Campbell and Seventh.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

CO's - 100%

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:

Yvette Hernandez

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approves a change order in the amount of \$305,143.22 to Lesna Construction Inc. for costs associated with project overhead and equipment standby for the Central Business District Phase IV Project, Contract No. 2021-0026. An additional sixty-six (66) working days are allowed for the completion of the work. The new contract sum, including this change order notice and previous change order notices, is \$13,217,428.02. The City Manager, or designee, is authorized to execute any documents and contract amendments needed to carry out the intent of this Resolution.

APPROVED THIS _____ DAY OF _____ 2022.

CITY OF EL PASO:


Oscar Leeser
Mayor

ATTEST:

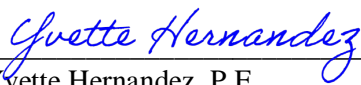
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Roberta Brito
Assistant City Attorney



Yvette Hernandez, P.E.
City Engineer

CITY OF EL PASO CONSTRUCTION CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.: 6 **DATE:** October 11, 2022 SCOPE CHANGE
PROJECT: Central Business Distric Phase IV **SOLICITATION NO.:** Solicitation 2021-0026 CSJ 0924-06-562 CONSTRUCTION CHANGE

Original Contract Amount: \$	12,736,130.53	Contract Time to Final Completion	415
Net Change by previous Change Orders: \$	176,154.27	Total days added due to Change Orders and CQN's	51
Net Change by previous Construction Quantity Notices: \$	-	Total days added for this Change Order	66
Amount of this Construction Change Order: \$	305,143.22	New Contract Time to Final Completion:	532
New Amended Contract Amount: \$	13,217,428.02	Current Final Due Date	10/11/2023
Change Order Percentage:	3.78%	New final Due Date	1/24/2024

CONTRACTOR NAME: Lesna Construction, Inc.

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

Scope of Work: Compensate the contractor for overhead costs and equipment standby incurred from delays in the project.

Specifications: General Conditions Item 4L. *Scope of Work*

Drawings: No changes to the plans required.

Cost and Bid Schedule: Add the following items:
 - CO#6 - OVERHEAD AND EQUIPMENT STANDBY - 1 LS @ \$305,143.22/LS for a total amount of \$305,143.22.

Time: An additional 66 working days will be added to the contract.

Work described above shall be performed in accordance to applicable specifications, special provisions, terms and conditions of the original contract. Unless specifically noted, this change order addresses all compensation for time, money, material, equipment, labor, tools, and incidentals including all direct and indirect costs associated with the scope of work.

Summary:

INCREASE contract amount by **\$305,143.22**
INCREASE contract time by **66 days**.

WORKING DAYS ADDED TO CONTRACT TIME: 66 **TOTAL CHANGE ORDER AMOUNT:** \$ 305,143.22

CONTRACTOR

I, Jose Pison, Jr., of Lesna Construction, Inc. agree and accept the terms and conditions of this change order.

Signature: _____

Date: 17 Oct 2022

CITY OF EL PASO (OWNER)

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

Signature: _____

Date: 10/17/22

Yvette Hernandez, P.E.

CITY OF EL PASO CONSTRUCTION CHANGE ORDER- Pg. 2

CONSTRUCTION CHANGE ORDER NO.: 6 DATE: October 11, 2022 SCOPE CHANGE
PROJECT: Central Business Distric Phase IV SOLICITATION NO. on 2021-0026SJ 0924-0 CONSTRUCTION CHANGE

Project Number PCP19TRAN03 PURCHASE ORDER # 2200000031
Class 38170/28300/28320/38290/38030/38230
Department 190
Fund 4950/4710/4510/4743/4970
Account 580272

CONTRACTOR NAME: Lesna Construction, Inc.

PROVIDE REASON/JUSTIFICATION FOR CHANGE ORDER:

The change order is necessary in order to compensate the contractor for project overhead costs and equipment standby for 66 work days caused by the unforeseen condition of the Franklin Canal uncovered underneath Campbell and Olivas V. Aoy as well as differing site conditions for the storm sewer at Campbell and Seventh.

Price and Time:

The contractor initially requested the compensation of \$1,139,089.49 for overhead costs, equipment standby, and anticipated profits as well as 139 additional working days. After review of the information provided by the contractor and project documentation, the City offered the contractor a total compensation of \$243,956.39 for the overhead costs and equipment standby as anticipated profits are not allowed to be claimed per the General Conditions. The contractor responded with a total compensation amount of \$325,002.47 for the overhead costs and standby. After review and negotiation, the contractor and the City agreed to a total compensation amount of \$305,143.22.

Contractor requested 139 additional working days for the delays. After the city reviewed the daily activity and timeline, it was determined by the City that the contractor should be compensated for 66 working days. The contractor agreed to the time after review of the back up justification provided by the City.

66

TOTAL CHANGE ORDER AMOUNT: \$ 305,143.22

Project Manager recommends approval: _____

Engineering Division Manager recommends approval: _____

Financing Department approval: _____
(If Required)

REQUEST FOR PO INCREASE/DECREASE FOR CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.: 6 DATE: October 11, 2022 INCREASE
 DECREASE

PROJECT: Central Business Distric Phase IV SOLICITATION NO. on 2021-0026SJ 0924-0

Project Number PCP19TRAN03
 Class 38170/28300/28320/38290/38030/38230 PURCHASE ORDER # 2200000031
 Department 190
 Fund 4950/4710/4510/4743/4970
 Account 580272

CONTRACTOR NAME: Lesna Construction, Inc.

AS A RESULT OF THIS CHANGE ORDER, PLEASE MAKE THE FOLLOWING ADJUSTMENT TO THE PUCHASE ORDER:

LINE	ADDED AMOUNT
9	305143.22

TOTAL NET CHANGE TO PURCHASE ORDER

305143.22

(should match cost below)

Additional funding/direction:

TOTAL CHANGE ORDER AMOUNT: \$305,143.22

Project Manager 

Engineering Division Manager recommends approval: Margaret K Schroeder

Contract Compliance _____