Staff Summary Report

Tempe

Council Meeting Date: 12/13/07 **Agenda Item Number:** //

SUBJECT: Request approval of a construction management contract addendum with CMX, LLC for the Johnny G. Martinez Water Treatment Plant – Phase III Ultra Violet Building.

DOCUMENT NAME: 20071213PWCH02 **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

SUPPORTING DOCS: Yes

COMMENTS: Addendum to a construction management contract with CMX, LLC for an hourly not to exceed amount of $241,170.15, subject to the final written addendum. The original contract amount of $258,421.43, plus approval of this addendum, will increase the amount of the total contract to $499,591.58.

PREPARED BY: TOM WILHITE, PRINCIPAL CIVIL ENGINEER (x2921)

REVIEWED BY: ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

LEGAL REVIEW AS TO FORM: JENAE NAUMANN, ASSISTANT CITY ATTORNEY (x8402)

FISCAL NOTE: Sufficient funds are available in Capital Improvement Fund No. 3201091.

RECOMMENDATION: Approve addendum.

ADDITIONAL INFO: The scope of work for this addendum covers construction management for the construction of a Granulated Activated Carbon (GAC) Pump House, Electrical Building 'J', FM-200 fire protection system, additional yard piping and other modifications at the Johnny G. Martinez Water Treatment Plant.

The fee of $241,170.15 was negotiated by staff and is considered reasonable for the scope of services. The original contract amount of $258,421.43, plus approval of this addendum, will increase the amount of the total contract to $499,591.58.

This approval is conditioned upon execution of the final written addendum and approved submittals.

Approved by Glenn Kephart, Public Works Manager

COPY

8088376

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

CONSULTANT AGREEMENT

ADDENDUM NO. ONE

PROJECT NO. 3201091

PROJECT NAME: JOHNNY G. MARTINEZ WATER TREATMENT PLANT – PHASE III ULTRA VIOLET BUILDING

This AGREEMENT made and entered into on the 13th day of December 2007, by and between the CITY OF TEMPE, ARIZONA, a municipal corporation, hereinafter called the CITY and CMX, LLC., hereinafter called the CONSULTANT amends the original Agreement made and entered into by and between the same parties on October 5, 2006, (C2006-250).

For and in consideration of the mutual covenants and conditions hereinafter contained, it is agreed by and between the CITY and the CONSULTANT as follows:

I. The original Agreement shall be extended to cover:

Additional construction management services for the construction of the Granulated Activated Carbon (GAC) Pump House and Electrical Building "J", and the addition of medium voltage switch gear, FM-200 fire protection systems, and yard piping modifications, as described in Exhibit "A" attached.

II. The services for the extension shall be the same as those stipulated under the original contract.

III. Payment for services described in this Agreement Addendum shall be based on hourly rates established in the original Agreement. Total compensation for services performed shall not exceed $241,170.15, which shall be payment in full for all labor, equipment, materials and supplies needed to perform these services. This fee includes an allowance of $23,300.00 for reimbursable expenses, which in no event will ever be more than actual cost.

All other provisions of the original contract Schedule of Payment Section shall apply to this Addendum.

Cost Analysis:	Professional Services	Reimbursables	Total
Initial Contract Amount	$255,921.43	$2,500.00	$258,421.43
Previous Addenda	$0.00	$0.00	$0.00
This Addendum	$217,870.15	$23,300.00	$241,170.15
NEW CONTRACT AMOUNT			$499,591.58

IV. The CONSULTANT shall proceed with the work immediately upon execution of this Agreement Addendum and shall be completed by April 30, 2009.

V. All other provisions of the original Agreement where not inconsistent with this Addendum shall remain binding on the parties hereto.

Johnny G. Martinez Water Treatment Plant – Phase III Ultra Violet Building
Project No. 3201091

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day

of _____, 2007.

CITY OF TEMPE, ARIZONA

By_____
Mayor

By_____
Public Works Manager

ATTEST:

_____
City Clerk

Recommended By:

_____
Deputy PW Manager/City Engineer

APPROVED AS TO FORM:

_____
City Attorney

The CONSULTANT warrants that the person who is signing this Agreement on behalf of the CONSULTANT is authorized to do so and to execute all other documents necessary to carry out the terms of this Agreement.

CONSULTANT
CMX, LLC

_____
Name

_____
Title

_____
Federal I.D. No. /Social Security No.

Certified to be a true and exact copy.

_____
Karen M. Fillmore
Records Specialist

EXHIBIT A

Gokhale, Vijay

From: Bob Barfoot [bbarfoot@cmxengineering.com]
Sent: Wednesday, October 24, 2007 6:06 PM
To: Chris Bird; Gokhale, Vijay
Cc: bob22@fastq.com
Subject: revised
Attachments: JGM III UV Bldg Proposal Addendum #1(ALL) 10.24.07.xls; Phase II & III Completion.10.24.07.xls

Vijay and Chris,

I have completed the revisions of the proposals, in addition to running the Weekly Project Meetings and preparing the Meeting Minutes, the revised proposal includes my Review of Requests For Payment, Proposals and Change Orders. I have actually counted them up item by item. I could not get this more accurate. They are attached.

Please review. Please let me know if these spread sheets are satisfactory. Then, I will prepare the Addendum #1 to the UV Bldg.

Thanks,

Bob Barfoot, CMX
Area Manager
Construction Services Group

CMX

3100 W. Ray Rd., Suite 201
Chandler, AZ 85226
o. (480) 648-1900
f. (480) 648-1918
c. (602) 694-2984

Johnny G. Martinez - Water Treatment Plant				
Water Quality Improvement - Phase III - COT Project # 3201091				
CMX Engineering - Addendum 1 to Original Contract				
Item	**Description**	**Professional Services**	**Reimbursables and allowances**	**Costs**
1	Funding Limit			$500,000.00
2	Original Contract (Professional Services $255,921.43 + Reimbursables and allowances $2,500.00)	$255,921.43	$2,500.00	$258,421.43
3	Funding Available			$241,578.57
4	Funding Required for completion of the Project From 10/31/2007 thru 4/28/2008 thru 8/25/2008 (Refer Document A)	$149,400.00	$1,100.00	$150,500.00
5	Funding Required for completion of the Project From 8/26/2008 thru 4/30/2009 (Refer Document B)	$144,860.00	$200.00	$145,060.00
6	Funding Available from original contract (Refer Document C)	$74,896.43	$1,493.42	$76,389.85
7	Net Additional Funding Necessary to Complete the Project	$219,363.57	($193.42)	$219,170.15
8	Inspection Allowance		$22,000.00	$22,000.00
9	Value of this addendum			$241,170.15
11	New CMX Contract Value			$499,591.58

Phase II & III Completion up to 8/25/08
JGM Water Treatment Plant
255 E. Marigold Lane, Tempe, AZ
COT #3201091 & 3201094, et. al.

CMX

10/24/07
R. Barfoot

City of Tempe
JGM 12 MG Reservoir
& 60" Pipeline
Budget Analysis to 8/25/08

Phase II 60 day + 180 day = 240 Day Time Extensions 12MGR & 60" Pipeline
Phase II Completion of 9/1/07 extended to 10/31/07, then an additional 180 days to 4/28/08
Overall (Bundled) Completion of UV Bldg & Phase II from 10/23/08 to 8/25/08 = 302 schedule days
10 months, 43 weeks, 302 schedule days, 221 - 5 day/ week work days

$95,950.00 from UV Bldg Addendum #1
$69,388.00 remaining in CMX UV Bldg funding
$165,338.00 Bal to complete Phase II & III up to 8/25/08

Activity	221 Days	Hours	Total	CMX $'s	subtotal
*Meeting Days (Meeting and Minutes only) 43 weeks Sr CM x 8hrs	43	8	344	$135.00	$46,440.00
Meeting Days 43 weeks Inspector x 1hr	43	1	43	$100.00	$4,300.00
Inspections by CMX Inspector (221 weekdays @ 4 hrs/day)	221	4	884	$100.00	$88,400.00
(8) Proposal Reviews, Prepare (4) Change Orders (3hrs ea x 12 = 36 hrs), Sr CM	12	3	36	$135.00	$4,860.00
Review of Request for Payment (2) Projects 1 x per Mo. Ea. (2 x 10 =20) X 2, Sr CM	20	2	40	$135.00	$5,400.00
** Area Manager - Const Services Group - SR CM (24 min/day with Greg) 43 weeks	43	2	86	$135.00	$0.00
**Director, Construction Services Group 1/2 hrs/wk 43 weeks	43	0.5	21.5	$150.00	$0.00
				Subtotal	**$149,400.00**
				Reimbursables	**$1,100.00**
				TOTAL	**$150,500.00**

**In office CMX Management supervision and oversight.
*Note: CM change in scope - Contractor/Engineer to handle all Submittals & RFI's.
Proposals, Pay Apps, Change Orders, Materials Tests & Special Meetings are not included in this estimate.
COT to review all Change Orders and Requests for Payment, (see attachment for revised Scope)

SUMMARY:

Summary by Hours					
Director, Construction Services Group	HRS		21.50	$150.00	$3,225.00
Area Manager/Senior Construction Manager	HRS		506.00	$135.00	$68,310.00
Inspector	HRS		927.00	$100.00	$92,700.00
Reimbursable Expenses	LS		0.00	$0.00	$1,100.00
Total Budget w/ "As Builts" & Reimbursables					$165,335.00

Summary by Scope					
Project Administration	LS		1		$56,700.00
Construction Observation & Inspections	LS		1		$92,700.00
Reimbursable Expenses	LS		1		$1,100.00
Total Budget					$150,500.00

DOCUMENT 'A'

City of Tempe
JGM Phase III - UV Building
CMX Proposal for Addendum #1
COT# 3201091

10/24/07
R. Barfoot, CMX

CMX

CMX Proposal # 206371

JGM Phase III - UV Building - Addendum #1 ("Bundled Services")
255 E. Marigold Lane, Tempe, AZ
COT# 3201091
Time Extension of 6 months plus 2 for Contingency
Completion 8/25/08 thru extended completion & contingency 4/30/09 = 249 calendar days
Additional 8.25 months or 36 weeks or 249 week days or = 179 work days (5 days/ wk)

$241,578.57 Bal to $500K

Activity	Days/Weeks	Hours	Total	CMX $'s	subtotal
Meeting Days (249/7=36 weeks) 7M hr Sr CM	36	7	252	$135.00	$34,020.00
Meeting Days (249/7=36 weeks) 1M hr Inspector - CM	36	1	36	$100.00	$3,600.00
On Site Inspections (5 days/ wk) - Inspector (photos, dailies, reports)	179	4	716	$100.00	$71,600.00
(30) Proposal Reviews, Prepare (2) Change Orders (3hrs ea x 32 = 96 hrs)	32	3	96	$135.00	$12,960.00
Review of Request for Payment (2) Projects 1 x per Mo. Ea. (2 x 8 =16) X 2	16	2	32	$135.00	$4,320.00
Close Out and Punch w/ "As Built" review - Sr CM	10	8	80	$135.00	$10,800.00
Warranty (1) Month - 2 days per week = 8 days, 2hrs/ day - Sr CM	8	2	16	$135.00	$2,160.00
Previous 24/7 hours & 60 day extension Sr CM 7/9/07 - 10/23/07	1	170	170	$135.00	$0.00
Previous 24/7 hours & 60 day extension CM & Insp 7/9/07 - 10/23/07	1	730	730	$100.00	$0.00
**CMX Director, Construction Services Group - 1hr/week	36	1.00	36	$150.00	$5,400.00
				Subtotal	$144,860.00
				Reimbursables	$200.00
				TOTAL	$145,060.00

***In office, CMX Management supervision and oversight.*
*Contingency Inspection Hours for long 8+ hr days & week ends.
*Note: CM change in Scope - Contractor/Engineer to handle all Submittals & RFI's.

SUMMARY:

Summary by Hours				
CMX Director, Construction Services Group	HRS	36	$150.00	$5,400.00
Area Manager/Senior Construction Manager	HRS	646	$135.00	$87,210.00
Project Inspector	HRS	1482	$100.00	$148,200.00
Reimbursable Expenses	LS	1	$500.00	$200.00
Total Budget & Reimbursables				$241,010.00
Summary by Scope				
Project Administration	LS	1		$60,300.00
Construction Observation/Inspection	LS	1		$71,600.00
Project Closeout & Warranty	LS	1		$12,960.00
Reimbursable Expenses	LS	1		$200.00
Total Budget				$145,060.00

Current COT PW Amount Remaining	$241,578.57
This proposal	$145,060.00
Phase III Funding remaining	$96,518.57
Phase II Funding remaining	$18,303.14
Total remaining	$114,821.71

24/7 + (2) 60 day Extensions

		Total	60"	12MGR	24/7 & (2) 60 day extensions as of 10/19/07
Previous 24/7 hours & 60 day extensions Sr CM 7/9/07 - 10/23/07	Bob	$23,760.00	176	83	259
Previous 24/7 hours & 60 day extensions CM & Insp 7/9/07 - 10/23/07	Brooke	$28,100.00	281	167	448
Previous 24/7 hours & 60 day extensions CM & Insp 7/9/07 - 10/23/07	Greg	$47,900.00	479	43.5	522.5
		$99,760.00	936	294	1,230

DOCUMENT 'B'

Project No. 3201091 JGMWTP Phase III - Ultra Violet Building
Vendor CMX
PO # 8088376
Contract Expiration 09/17/2008

			Not to Exceed		
	NTP Date	**Days Given**	**Prof. Serv.**	**Reim Expenses**	**Total Contract**
Initial Contract	10/18/2006	700	$255,921.43	$2,500.00	$258,421.43
Contract Totals		**700**	**$255,921.43**	**$2,500.00**	**$258,421.43**
	Invoice Date				
Payment No. 1	11/06/2006		$2,190.00	$600.51	$2,790.51
Payment No. 2	12/12/2006		$3,720.00	$406.07	$4,126.07
Payment No. 3	07/08/2007		$4,275.00	$0.00	$4,275.00
Payment No. 4	02/07/2007		$6,960.00	$0.00	$6,960.00
Payment No. 5	03/12/2007		$8,295.00	$0.00	$8,295.00
Payment No. 6	04/06/2007		$10,435.00	$0.00	$10,435.00
Payment No. 7	05/09/2007		$5,560.00	$0.00	$5,560.00
Payment No. 8	07/09/2004		$620.00	$0.00	$620.00
Payment No. 9	08/07/2007		$1,680.00	$0.00	$1,680.00
Payment No. 10	09/10/2007		$89,802.50	$0.00	$89,802.50
Payment No. 11	10/26/2007		$47,487.50	$0.00	$47,487.50
Previously Invoiced			**$181,025.00**	**$1,006.58**	**$182,031.58**
Contract Balance			**$74,896.43**	**$1,493.42**	**$76,389.85**

DOCUMENT 'C'