



**PURCHASING ITEM
FOR
COUNCIL AGENDA
Memo No. CA09-144**

1. Agenda Item Number:
31
2. Council Meeting Date:
January 8, 2009

TO: MAYOR & COUNCIL

3. Date Prepared: December 22, 2008

THROUGH: CITY MANAGER

4. Requesting Department: Fire Department

5. SUBJECT: Approve Change Order No. 1 in an amount not to exceed \$210,745 to the construction contract with Layton Construction for Chandler Fire Department Administration Building, Project No. FI0605-401, for a revised contract total not to exceed \$7,182,733.

6. RECOMMENDATION: Staff recommends that Council approve Change Order No. 1 in an amount not to exceed \$210,745 to the construction contract with Layton Construction for Chandler Fire Department Administration Building, Project No. FI0605-401, for a revised contract total not to exceed \$7,182,733.

7. BACKGROUND/DISCUSSION: The Fire Department Administration Building was awarded for construction on August 14, 2008. The new Fire Administration Building will be located just to the west of the current Fire Administration Building on Boston Street. The building will be three stories and a total of 18,420 square feet. The first two floors will be for Fire Department administrative and support staff. The third floor will be the City's Emergency Operations Center (EOC). The EOC will serve as the City's "command center" for any major disaster occurring in the City. When the new building is complete, the Police Department will be utilizing the current Fire Administration Building. The architectural theme of the building is that of an historic fire station. This conforms to the "Historic Downtown Chandler" theme and also brings some distinctive recognition to the building. This building will be one of the City's first buildings designed to the standards required for certification within the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED version 2.2) program. It is being built to achieve a "Silver" level certification.

This change order is for the installation of two emergency generators to ensure operation of the Fire Administration Building and in particular, the City's Emergency Operations Center (EOC) in case of a power outage.

8. EVALUATION: City staff verified the costs submitted by Layton Construction and found them to be consistent with recent similar work.

9. FINANCIAL IMPLICATIONS:

Cost:	Original Contract Amount:	\$6,971,988	
	Change Order No. 1:	\$ 210,745	3.02% of original contract amount
	Revised Contract Amount:	\$7,182,733	

The funding source is from savings realized on the Fire Station #10 project. These funds are designated for Fire Department Projects. The Fire Administration Building is partially funded from impact fees.

Fund Source:

<u>Acct. No.:</u>	<u>Fund Name:</u>	<u>Program Name:</u>	<u>CIP Funded:</u>	<u>Amount:</u>
475.2250.0000.6210.7FI233	Fire Impact Fees	SE Fire Station	FY06/07	\$210,745

10. PROPOSED MOTION: Move that Council approve Change Order No. 1 in an amount not to exceed \$210,745 to the construction contract with Layton Construction for Chandler Fire Department Administration Building, Project No. FI0605-401, for a revised contract total not to exceed \$7,182,733, and authorize the Mayor to sign the contract documents.

ATTACHMENTS: Location Map, Change Order

APPROVALS

11. Requesting Department

Tom Carlson

Tom Carlson, Assistant Fire Chief

13. Department Head

Jeff Clark

Jeff Clark, Fire Chief

12. City Engineer

William P. Fry, acting

Sheina Hughes, Assistant Public Works
Director/City Engineer

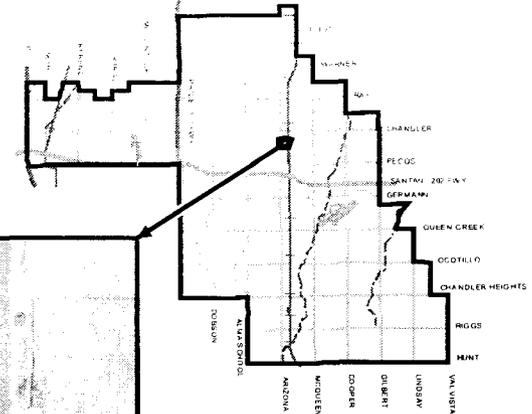
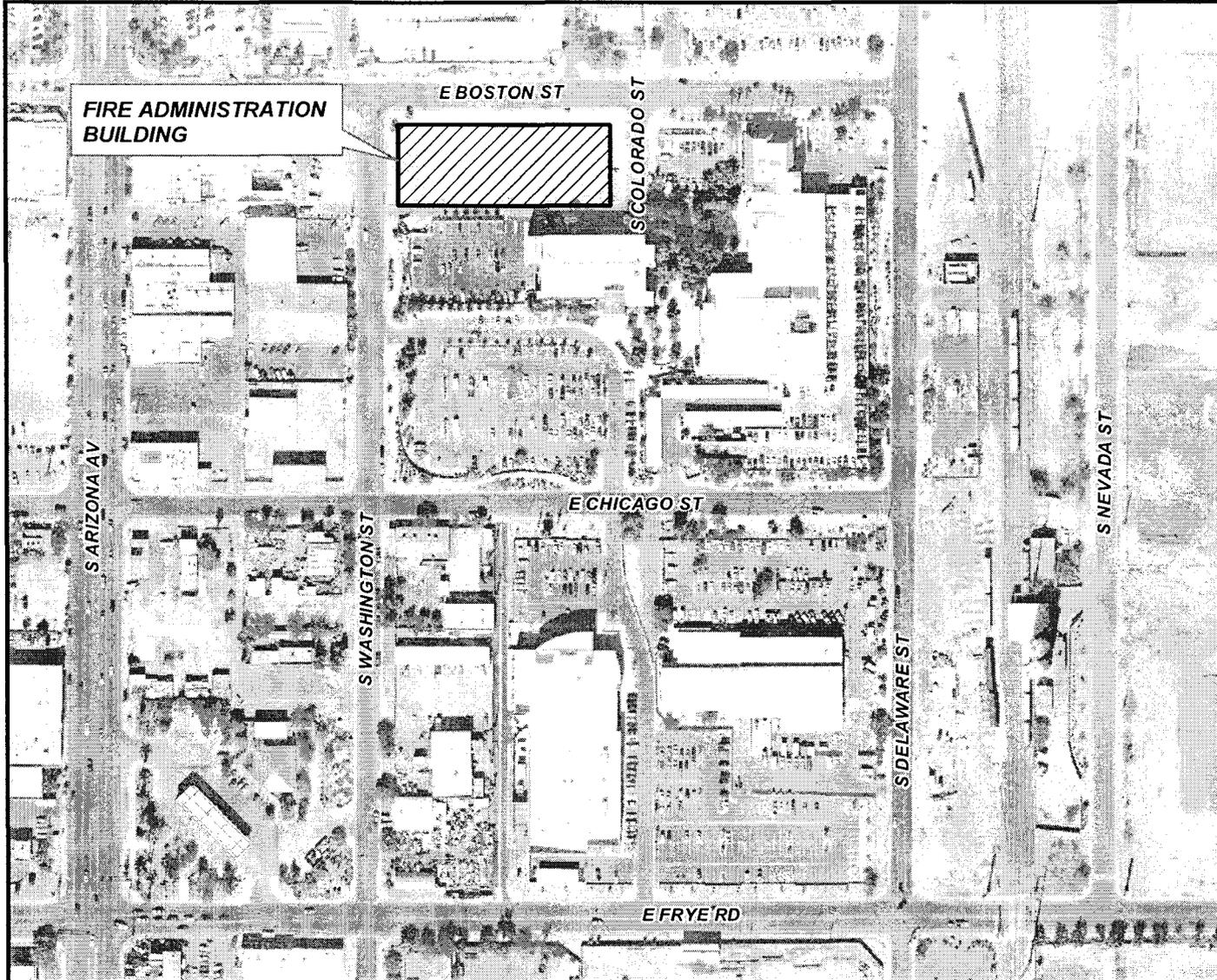
14. City Manager

W. Mark Pentz

W. Mark Pentz



FIRE ADMINISTRATION BUILDING PROJECT NO. FI0605-401



MEMO NO. CA09-144

 PROJECT AREA



NTS
ChandlerGIS

CITY OF CHANDLER CHANGE ORDER
CHANGE ORDER NUMBER 1
DATE 12/15/08

This Change Order is not valid until signed by both the City and the Contractor. Signature of the Contractor indicates agreement herewith, including any adjustments in the Contract Price or Contract Time.

PROJECT NAME	<u>Fire Administration Building</u>	CONTRACTOR	<u>Layton Construction</u>
PROJECT NO.	<u>FI0605-401</u>	COST ACCT #	<u>475.2250.0000.6210.7FI233</u>
USER DEPT	<u>Fire Department</u>	NTP DATE	<u>August 29, 2008</u>

TO: Layton Construction

(CONTRACTOR)

YOU ARE DIRECTED TO MAKE THE FOLLOWING CHANGES TO THIS CONTRACT:

Supply and install two generators, per fee in Exhibits A and B

The contract is amended by adding and the Required Compliance with Arizona Procurement Law, attached hereto as Exhibit C and incorporated by reference.

THESE CHANGES RESULT IN THE FOLLOWING ADJUSTMENTS OF CONTRACT PRICE AND TIME:

ORIGINAL CONTRACT AMOUNT:	<u>\$6,971,988.00</u>
CURRENT CONTRACT PRICE PRIOR TO CHANGE ORDER (Including previous change orders)	<u>\$6,971,988.00</u>
NET CHANGE RESULTING FROM THIS CHANGE ORDER:	<u>\$ 210,745.00</u>
REVISED CONTRACT PRICE INCLUDING THIS CHANGE ORDER:	<u>\$7,182,733.00</u>
CHANGE ORDER IS % OF ORIGINAL CONTRACT AMOUNT:	<u>3.02%</u>

CONTRACT TIME OR COMPLETION DATE PRIOR TO THIS CHANGE ORDER (Including previous change orders):

DAYS DATE

NET CHANGE RESULTING FROM THIS CHANGE ORDER:

0

DAYS

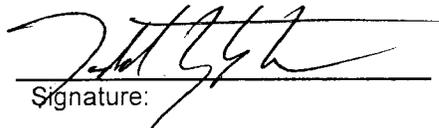
REVISED CONTRACT TIME AND COMPLETION DATE:

DAYS DATE

THE ABOVE IS AGREED TO BY:

Layton Construction

CONTRACTOR


Signature: _____

12/24/08
Date

CITY OF CHANDLER (Date & Name of Owner Dept. verbal approval):

Tom Carlson 12/1/08

For Change Orders of less than \$50,000 and 10% of contract price:

Title: _____

Director or Designee

Signature: _____

Date: _____

Or (but not both)

For Change Orders of \$50,000 or more, or 10% or more of contract price:

MAYOR

Date: _____

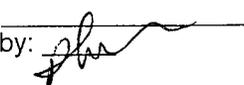
Approved by Council on: _____

Date

Attest: City Clerk

Date

Approved at to Form: _____

City Attorney by: 

**EXHIBIT A
DIRECT COSTS**

Demolition	\$	4,662.00
Landscape Repair	\$	2,940.00
Concrete	\$	2,000.00
Masonry	\$	2,975.00
Trenching	\$	6,600.00
Electrical	\$	40,094.00
Generators (2) (per Tom's agreement with Don at Gen-Tec)	\$	135,860.00

SUB TOTAL - DIRECT COSTS	<u>\$195,131</u>
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INSURANCE, FEE, AND SALES TAX COSTS

SAFETY PROGRAM	\$0
LIABILITY INSURANCE	\$2,146
BLDR'S RISK INSURANCE	\$2,927
FEE	\$0
GROSS RECEIPTS (SALES) TAX	<u>\$10,541</u>
GRAND TOTAL OF THIS CHANGE	\$210,745

Schedule: 13 weeks for generators once approved by CITY - Council to review first part of January - earliest delivery upon approval would be mid April.

Exclusions: Bond, phone line connections (conduit only), permits, unforeseen conditions at existing pad, utility trenching unforeseen conditions (existing lines underground), utility fees

Time: None additional required - superintendent will be onsite during installation

EXHIBIT B Fee Schedule

CHANDLER FIRE ADMINISTRATION BUILDING

2100	Demolition			
	Demolition of existing 4 inch concrete slab	750 sf	\$5.00	\$3,750
	Demolition of existing 4x4x16 CMU wall and footing at existing enclosure			\$412
	Sawcut wall and slab/remove iron fence			\$500
				\$0
				\$0
	Subtotal			\$4,662 4,662
2100	Landscape			
	Repair existing grass, irrigation system, & plants	1 ea	\$1,500.00	\$1,500
	Labor	4 Man crew	\$1,440.00	\$1,440
				\$0
				\$0
				\$0
	Subtotal			\$2,940 2,940
3100	Concrete			
	Concrete pad	1 ea	\$2,000.00	\$2,000
	- 21' x 26' x 8" with #4 rebar @ 12" O.C.			\$0
				\$0
				\$0
	Subtotal			\$2,000 2,000
5100	Masonry			
	Masonry rework to raise existing wall to same elevation	169 sf	\$16.76	\$2,665
	Drill and epoxy at existing block	1 ea	\$310.00	\$310
				\$0
				\$0
	Subtotal			\$2,975 2,975
15100	Plumbing			
	Natural gas line trenching (~300') - Allowance	300 lf	\$22.00	\$6,600
				\$0
	Subtotal			\$6,600 6,600
16100	Electrical			
	Materials - Fixtures	1 ea	\$250.00	\$250
	Miscellaneous Material (conduit, fittings, anchors, wire, lugs, etc.)	1 ea	\$13,449.10	\$13,449.10
	Warranty	1 ea	\$547.96	\$547.96
	Freight/Delivery Charges	1 ea	\$500.00	\$500
	ATS, exterior pad mounted type unit	1 ea	Incl	\$0
	Equipment Rental	1 ea	\$250.00	\$250
	Other Costs - Blueprints	1 ea	\$25.00	\$25
	Labor	1 ea	\$18,941.60	\$18,942
	Crane to unload generators	1 ea	\$750.00	\$750
	Overhead (10%)	1 ea	\$3,471.37	\$3,471
	Profit (5%)	1 ea	\$1,909.25	\$1,909
				\$40,094 40,094
	Generator, 412KWA exterior natural gas, muffler, grounding	2 ea	\$67,930.00	\$135,860
	Subtotal			\$175,954 175,954
	TOTAL WORK TO COMPLETE			\$195,131

EXHIBIT C

REQUIRED COMPLIANCE WITH ARIZONA PROCUREMENT LAW

Compliance with A.R.S. § 41-4401. Pursuant to the provisions of A.R.S. § 41-4401, the Contractor hereby warrants to the City that the Contractor and each of its subcontractors ("Subcontractors") will comply with all Federal Immigration laws and regulations that relate to the immigration status of their employees and the requirement to use E-Verify set forth in A.R.S. §23-214(A) (hereinafter "Contractor Immigration Warranty").

A breach of the Contractor Immigration Warranty shall constitute a material breach of this Contract that is subject to penalties up to and including termination of the contract.

The City retains the legal right to inspect the papers of any Contractor or Subcontractor employee who works on this Contract to ensure that the Contractor or Subcontractor is complying with the Contractor Immigration Warranty. The Contractor agrees to assist the City in the conduct of any such inspections.

The City may, at its sole discretion, conduct random verifications of the employment records of the Contractor and any Subcontractors to ensure compliance with Contractors Immigration Warranty. The Contractor agrees to assist the City in performing any such random verifications.

The provisions of this Article must be included in any contract the Contractor enters into with any and all of its subcontractors who provide services under this Contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

In accordance with A.R.S. §35-393.06, the Contractor hereby certifies that the offeror does not have scrutinized business operations in Iran.

In accordance with A.R.S. §35-391.06, the Contractor hereby certifies that the offeror does not have scrutinized business operations in Sudan."

Contractor Immigration Warranty
To Be Completed by Contractor Prior to Execution of Contract

A.R.S. § 41-4401 requires as a condition of your contract verification of compliance by the contractor and subcontractors with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of its employees.

By completing and signing this form the contractor shall attest that it and all subcontractors performing work under the cited State contract meet all conditions contained herein.

Project Number/Division:	FI0605-401, Fire Administration Building				
Name (as listed in the contract):	Layton Construction of America				
Street Name and Number:	4686 Van Buren St., Ste. 100				
City:	Phoenix	State:	AZ	Zip Code:	85008

I hereby attest that:

1. The contractor complies with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of those employees performing work under this contract;
2. All subcontractors performing work under this contract comply with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of their employees; and
3. The contractor has identified all contractor and subcontractor employees who perform work under the contract and has verified compliance with Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214.

Signature of Contractor (Employer) or Authorized Designee:



Printed Name: TODD LYBBERT

Title: PM

Date (month/day/year): 12/24/08