

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

**DEPARTMENT:** Capital Improvement

**AGENDA DATE:** January 22, 2018

**CONTACT PERSON/PHONE:** Sam Rodriguez, City Engineer, (915) 212-0065  
Steve Marshall, Zoo Director, (915) 212-2800

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL: NO.4:** Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

**SUBJECT:**

A resolution authorizing the City Manager to establish the funding sources to make any necessary budget transfers for the proper execution of the project known as the "El Paso Zoo Chihuahuan Desert Habitat 2016-012R" awarded February 6, 2018 to Jordan Foster Construction, LLC., and, that City Council authorize the City Engineer to approve future contract changes which are necessary for proper execution of work and the intent of the project, and to be authorized to approve a change order in the amount of \$350,000.00 (three-hundred-fifty thousand dollars) for costs associated with utility relocation and additional scope for inclusion of nighttime event lighting, ropes course ticket booth, perimeter security fencing, and restroom remodel. This change order would change the awarded Guaranteed Maximum Price of \$14,280,025.00 to \$14,630,025 (Fourteen-million, six-hundred-thirty and twenty-five dollars). Funds for this increase will be out of the existing Chihuahuan Desert Project budget.

**BACKGROUND / DISCUSSION:**

The El Paso Zoo is currently under construction with the project known as the "Chihuahuan Desert Habitat", a project funded with 2012 Quality of Life Bonds. This project is a Construction Manager At-Risk project awarded to Jordan Foster, LLC. on August 9, 2016 for preconstruction services, and then amended to accept the Guaranteed Maximum Price on February 6, 2018. At the time of award, language, that normally approves the City Manager to approve contract changes and be authorized to make any necessary budget transfers for the proper execution of the budget, was left out of the department head summary and resolution. The action requested from City Council on this resolution will add the language that was omitted in the original GMP resolution and allow for proper execution of the contract.

Additionally, there are items that are required for the successful construction of this project that were omitted from the contractor's scope. These items are:

- (1) Nighttime event exhibit lighting was requested in the design. This was omitted by the designer in error and was designed into the project (at no charge to the City) after GMP was approved. Nighttime lighting for afterhours public events is necessary to host such events at the zoo.
- (2) Water line relocation – A portion of the project is designed over an existing public water main and the El Paso Zoo has agreed to relocate it outside of the constructed building footprint for the safety of guests, staff, and animals.
- (3) Ropes course ticket booth – The project is installing a ropes course as an experiential amenity for our zoo guests. A ticket booth for attendants of the course is being requested to house attendants for payments and cashier equipment.

- (4) Perimeter security fencing – The security fencing at the perimeter of the exhibit needs replacement due to its age and condition.
- (5) Restroom remodel – the existing restroom in the Chihuahuan Desert was not included for any update or remodel, however after further review and discussion, because of the location of the restroom and because these restrooms will specifically serve this project location, we would like the restrooms to match the theme of the new exhibit.

This is a request for City Council to approve the increase in the GMP of \$14,280,025.00 to \$14,630,025 (Fourteen-million, six-hundred-thirty and twenty-five dollars), authorize the City Manager to establish funding sources and make necessary budget transfers, and to authorize the City Engineer to approve a change order in the amount of \$350,000.00 (three-hundred-fifty thousand dollars) for utility relocation and additional scope items.

**SELECTION SUMMARY:**

N/A

**PROTEST**

☒ No protest was received for this requirement.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided? ☐ Yes or ☒ Not Applicable (Routine)  
If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8
- ☐ All Districts

**PRIOR COUNCIL ACTION:**

- February 6, 2018 – City Council approval of Guaranteed Maximum Price of \$14,280,025 with Jordan Foster, LLC for the construction of El Paso Zoo Chihuahuan Desert Habitat
- August 9, 2016 – City Council approval of a contract with Jordan Foster, LLC for construction manager at-risk agreement in the amount of \$23,500 for preconstruction services

**AMOUNT AND SOURCE OF FUNDING:**

\$350,000 – PCP13ZOOA05 Chihuahuan Desert Project

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

A handwritten signature in dark ink, appearing to read "Steve Marshall", is written over a horizontal line.

— Steve Marshall, El Paso Zoo Director

## RESOLUTION

**WHEREAS**, on August 9, 2016, the City of El Paso ("Owner") entered into a Standard Form of Agreement between Owner and Jordan Foster Construction, LLC ("Construction Manager-At Risk") (the "*Agreement*") for a Project known as "**El Paso Zoo Chihuahuan Desert Habitat Solicitation 2016-012R**" (the "*Project*"); and

**WHEREAS**, on February 6, 2018 the Owner and Construction Manager-At-Risk entered into a Guaranteed Maximum Price Amendment to the Standard Form of Agreement to accept the Construction Manager-At-Risk Proposal and to establish a Guaranteed Maximum Price of \$14,280,025.00 for the Project; and

**WHEREAS**, on February 6, 2018 the Owner amended the "2012 Quality of Life Bond Proposed 3 Year Rollout Plan" and allocated \$2,097,276.90 to the Project; and

**WHEREAS**, The Project GMP is subject to additions and deductions by Change Order as provided in the Contract Documents; and

**WHEREAS**, the City desires to grant authority to approve a change order for the Project in the amount of \$350,000.00 for cost associated with utility relocation and additional scope for inclusion of nighttime event exhibit lighting, ropes course ticket booth, perimeter security fencing and restroom remodel; thereby increasing the Project GMP to a total \$14,630,025.00.

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

- (1) That the City Council authorizes the City Engineer to approve a change order for the Chihuahuan Desert 2016-012R project with Jordan Foster Construction, LLC, once the design work is complete, in the amount not to exceed Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) for cost associated with utility relocation and additional scope for inclusion of nighttime event exhibit lighting, ropes course ticket booth, perimeter security fencing and restroom remodel; and
- (2) That the Guaranteed Maximum Price for the Chihuahuan Desert 2016-012R project is increased from Fourteen Million Two Hundred Eighty Thousand Twenty Five and 00/100 Dollars (\$14,280,025.00) to a total amount of Fourteen Million Six Hundred Thirty Thousand Twenty Five and 00/100 Dollars (\$14,630,025.00) and that the City Manager is authorized to establishing the funding sources and make any necessary budget transfers; and
- (3) That the City Engineer be authorized to approve future contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law and do not make changes to the prices and are within the appropriate budget.

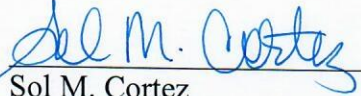
**THE CITY OF EL PASO**

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Dee Margo  
Mayor

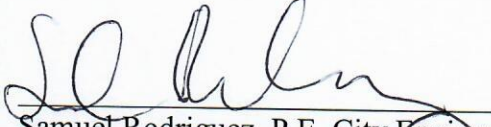
**ATTEST:**

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Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Sol M. Cortez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E. City Engineer  
Capital Improvement Department