

CITY CLERK DEPT  
2019 NOV 7 AM 11:25

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

**DEPARTMENT:** Capital Improvement

**AGENDA DATE:** November 12, 2019

**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., City Engineer, (915) 212-1845

**DISTRICT(S) AFFECTED:** 1, 2, 4 & 7

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

**SUBJECT:**

That the City Manager be authorized to sign a Third Amendment to Agreement for Professional Services by and between the City of El Paso and **PARKHILL, SMITH & COOPER, INC.**, a Texas Corporation, for a project known as "**REGIONAL AQUATIC FACILITIES**", for eliminating the scope of work related to an aquatic facility in the amount of THREE HUNDRED NINETY FOUR THOUSAND THREE HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$394,394.00) and for the Consultant to provide additional basic services for planning and opening services, and to resolve design and construction complexities associated with unforeseen site conditions as a result of additional park amenities at an additional cost of FOUR HUNDRED THIRTY NINE THOUSAND EIGHT HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$439,852.00) for a net contract change of FORTY FIVE THOUSAND FOUR HUNDRED FIFTY EIGHT 00/100 DOLLARS (\$45,458.00) for an amended total contract amount not to exceed ONE MILLION, NINE HUNDRED THIRTY FOUR THOUSAND, THREE HUNDRED FIFTY THREE AND 00/100 DOLLARS (\$1,934,353) and that the City Manager be authorized to establish funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

**BACKGROUND / DISCUSSION:**

The agreement for professional services with Parkhill, Smith, and Cooper was approved by City Council on January 16, 2018 and amended by City Council action on April 3, 2018 and again on December 11, 2018. This amendment is for professional services as detailed below:

<b>Amendment 3 Credit and Additional Services</b>	
<b>Total Contract Amount</b>	<b>\$1,888,895</b>
<b>Added/Deleted Scope Elements</b>	<b>Cost</b>
Removal of design and construction administration for District 1 Aquatic Facility	-\$394,394 (Credit)
District 1 Site Selection Analytics Study/Report	\$11,512
Additional design and construction administration services to resolve design and construction complexities associated with unforeseen site conditions and additional park amenities.	\$274,126
Design and construction administration services for the addition of a bell tower to District 7 Water Park	\$16,504
Creation of Revit (Construction) files for contractor for each park	\$3,750
Design and construction administration services for addition of park area to District 7	\$20,000
Addition of Food & Beverage operational planning and opening services	\$113,960
<b>Amendment 3 Total</b>	<b>\$45,458</b>
<b>Total Adjusted Contract Amount</b>	<b>\$1,934,353</b>

**PROTEST**

No protest received for this requirement.

Protest received.

**COUNCIL REPRESENTATIVE BRIEFING:**

Was a briefing provided?  Yes or  No  
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:**

January 16, 2018 – City Council approved an agreement with Parkhill, Smith & Cooper for professional services for four Regional Aquatic Facilities for a contract amount of \$1,517,669.00.

April 3, 2018 – City Council approved the first amendment for additional professional services in the amount of \$193,380.00.

December 11, 2018 – City Council approved the second amendment for additional professional services in the amount of \$177,846.00.

**AMOUNT AND SOURCE OF FUNDING:**

\$8,000,000 – 2012 Quality of Life Bond

\$8,324,000 – 2017 Capital Plan

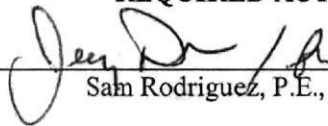
\$14,000,000 – 2018 Capital Plan

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**



Sam Rodriguez, P.E., City Engineer

**RESOLUTION**

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

That the City Manager be authorized to sign a Third Amendment to Agreement for Professional Services by and between the City of El Paso and **PARKHILL, SMITH & COOPER, INC.**, a Texas Corporation, for a project known as “**REGIONAL AQUATIC FACILITIES**”, to amend the scope of work to remove the design work for District 1 Water Park resulting in a deduction of \$394,394.00 and to add professional services for additional park amenities and unforeseen site conditions for an amount of \$439,852.00, for a net contract change of \$45,458.00, thereby amending the total contract amount to \$1,934,353.00

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.**


**CITY OF EL PASO:**

\_\_\_\_\_  
Dee Margo  
Mayor

**ATTEST:**

\_\_\_\_\_  
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

0.2

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**THIRD AMENDMENT  
AGREEMENT  
FOR PROFESSIONAL SERVICES**

This Third Amendment to that certain Agreement for Professional Services is made this \_\_\_ day of November 2019, by and between the City of El Paso, a Texas municipal corporation (the "Owner"), and Parkhill, Smith & Cooper, Inc. (the "Consultant").

**WHEREAS**, on January 23, 2018, the Owner entered into an Agreement for Professional Services for (the "Agreement") with the Consultant for a Project known as "Regional Aquatic Facilities" (the "Project");

**WHEREAS**, the Agreement may be amended under the provisions of Section 3.1 and Attachment "C" for the Consultant to provide additional services; and

**WHEREAS**, on April 3, 2018, the Owner and Consultant entered into First Amendment Agreement for Professional Services for Consultant to provide Additional Services for theming concept design services at an additional cost of \$193,380.00, thereby extending the contract amount from \$1,517,669.00 to \$1,711,049.00 ; and

**WHEREAS**, on December 11, 2018, the Owner and Consultant entered into a Second Amendment Agreement for Professional Services for Consultant to provide Additional Services for design services at an additional cost of \$177,846.00, thereby extending the contract amount from \$1,711,049.00 to \$1,888,895.00; and

**WHEREAS**, the parties hereto desire to enter into a third amendment to the Agreement to eliminate the scope of work related to an aquatic facility in the amount of \$394,394.00 and for the Consultant to provide additional basic services as a result of additional park amenities and unforeseen site conditions at an additional cost of \$439,852.00, for a total the amended contract amount of \$1,934,353.00.

**NOW THEREFORE**, in consideration of the mutual promises set forth in this Amendment and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Scope of Services.** The Owner hereby authorizes the Consultant to continue to perform the Services in the Agreement and as amended through the detail in Attachment "A" of this Third Amendment.
2. **Payments to Consultant.** The City will be credited \$394,394.00 for the deletion of the scope of work related to District 1 Aquatic Center. Additionally the City will compensate Consultant for the additional design services detailed in Attachment "A" for an amount not to exceed \$439,852.00

3. **Time of Completion.** The additional services the subject of this Third Amendment shall be completed within the original project schedule as set forth in the Agreement, following the Owner's written Notice to Proceed to the Consultant.
4. **Terms and Conditions.** All terms and conditions of the Agreement and all subsequent Amendments thereto, except as herein revised, shall remain in full force and effect.

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

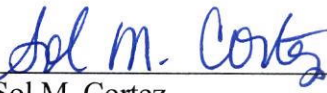
**THE CITY OF EL PASO**

\_\_\_\_\_  
Tomás González,  
City Manager


**CONSULTANT**

\_\_\_\_\_  
Marcelino N. Trujillo, P.E.  
Principal-in-Charge

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

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

*(Acknowledgements Begin on the Following Page)*

**ACKNOWLEDGEMENT FOR CITY**

**THE STATE OF TEXAS   §  
                                  §  
COUNTY OF EL PASO   §**

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by **Tomás González**, as **City Manager** of the **City of El Paso, Texas**.

\_\_\_\_\_  
**Notary Public, State of Texas**

**My commission expires:**

\_\_\_\_\_

**ACKNOWLEDGEMENT FOR CONSULTANT**

**THE STATE OF TEXAS   §  
                                  §  
COUNTY OF EL PASO   §**

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by **Marcelino N. Trujillo, P.E.**, as **Principal-in-Charge** of **Parkhill, Smith & Cooper, Inc.**

\_\_\_\_\_  
**Notary Public, State of Texas**

**My commission expires:**

\_\_\_\_\_

**ATTACHEMENT "A"**



501 W. San Antonio  
El Paso, Texas 79901  
915.533.6811

October 18, 2019

Mr. Jerry DeMuro, PMP  
Assistant Director of Design Capital Improvement Department  
218 N. Campbell St., Second Floor  
El Paso, TX 79901

RE: Additional Services (Amendment 3)  
City of El Paso Regional Aquatic Facilities  
Purchase Order CEP35-1800000134

Dear Mr. DeMuro,

With this letter Parkhill, Smith, & Cooper Inc. (PSC) would like to request an equitable adjustment of the Payment Schedule for the City of El Paso Regional Aquatic Facilities, Purchase Order CEP35-1800000134 resulting in a net credit amount of \$68,502.00. This adjustment is a result of six issues as described below.

**1. Removal of the District 1 Aquatic Facility from the scope of work. (\$394,394.00)**

PSC has been informed that the District 1 Aquatic Facility will not be designed and constructed at this time. Our contract with the city budgeted \$394,394.00 for the design and construction phase services of this park. This amount will be credited back to the city.

**2. District 1 Site Selection Analytics Report. \$11,512.00**

In April of 2018, PSC provided an analysis of District 1 to determine possible locations for a new Regional Aquatics Facility.

**3. Additional design and Construction Administrative Services to resolve design and construction complexities associated with unforeseen site conditions and additional park amenities. \$274,126.00**

The design fees that we prepared in December of 2017 were based on a construction budget of \$14,550,000 for the three pools. The GMP for the three pools is currently \$29,324,778. This GMP reflects the added design complexities and amenities that were unforeseen at the time of fee development.

Also consider that our construction phase fee was developed anticipating that the four pools would be constructed administratively as 2 projects, one for each CMAR. (Two weekly meetings, two document control databases, two submittal streams, two sets of subcontractors and so forth.) Each pool has turned into its own individual project. There are three weekly meetings, three individual document control databases, three submittal review streams, and three sets of subcontractors. The amount of additional effort to support three individual construction projects is more than we anticipated when we developed our fee and is reflected in our proposed Construction Phase amounts.

**(Please note that our proposed fee does not include construction phase effort beyond Memorial Day of 2020.)**

**4. Bell Tower Addition to District 7 Water Park. \$16,504.00**

On November 16<sup>th</sup>, 2018 a fee was negotiated for additional survey, geotech, theming, civil engineering and landscaping for the three parks. On December 4<sup>th</sup>, 2018, PSC was directed to add a Bell Tower to the District 7 Water Park. On December 7<sup>th</sup>, 2019 a fee proposal was submitted for the Bell Tower addition in the amount of \$16,504.00 (see attached). This work was not included in the additional services amendment to the contract approved by council on December 11<sup>th</sup>, 2018. In the interest of keeping the project on schedule for a park opening

MNT

Enclosures

\\Data1\Projects\2018\7102.18\00A\_ADMIN\00\_CONTR\00\_FEE\Equitable Fee Adjustment\Equitable Adjustment Ltr Rev2.doc



prior to Memorial Day of 2020, PSC designed the Bell Tower addition and included it with the final construction documents without an approved amendment to our contract.

**5. CAD and REVIT Files for CMAR. \$3,750.00**

**6. Design and Construction Phase Services for Additional Park Area at D7. \$20,000.00**

See attached email dated 9/10/19 from Brad Thompson, Construction Manager.

Summary of Additional Fee request:

1. Removal of District 1 Design	(\$394,394)
2. District 1 Site Selection Analytics	\$11,512
3. Additional Design and CA Services	\$274,126
4. District 7 Bell Tower Addition	\$16,504
5. CADD and REVIT Files for CMAR	\$3,750
6. District 7 Additional Park area	\$20,000

Adjustment Total (Credit)	(\$68,502)
Total Adjusted Contract Amount	\$1,820,393

Please note that the current CMAR GMP for all three water parks is \$29,324,778. With this request for an equitable adjustment, our proposed total fee of \$1,820,393 which includes theming, and miscellaneous surveying and geotechnical costs, is 6.21% of construction. This is very much in line with industry norms for a project of this complexity.

If you have any questions, I can be reached at 915-533-6811 or on my cell at 915-543-0253.

Sincerely,

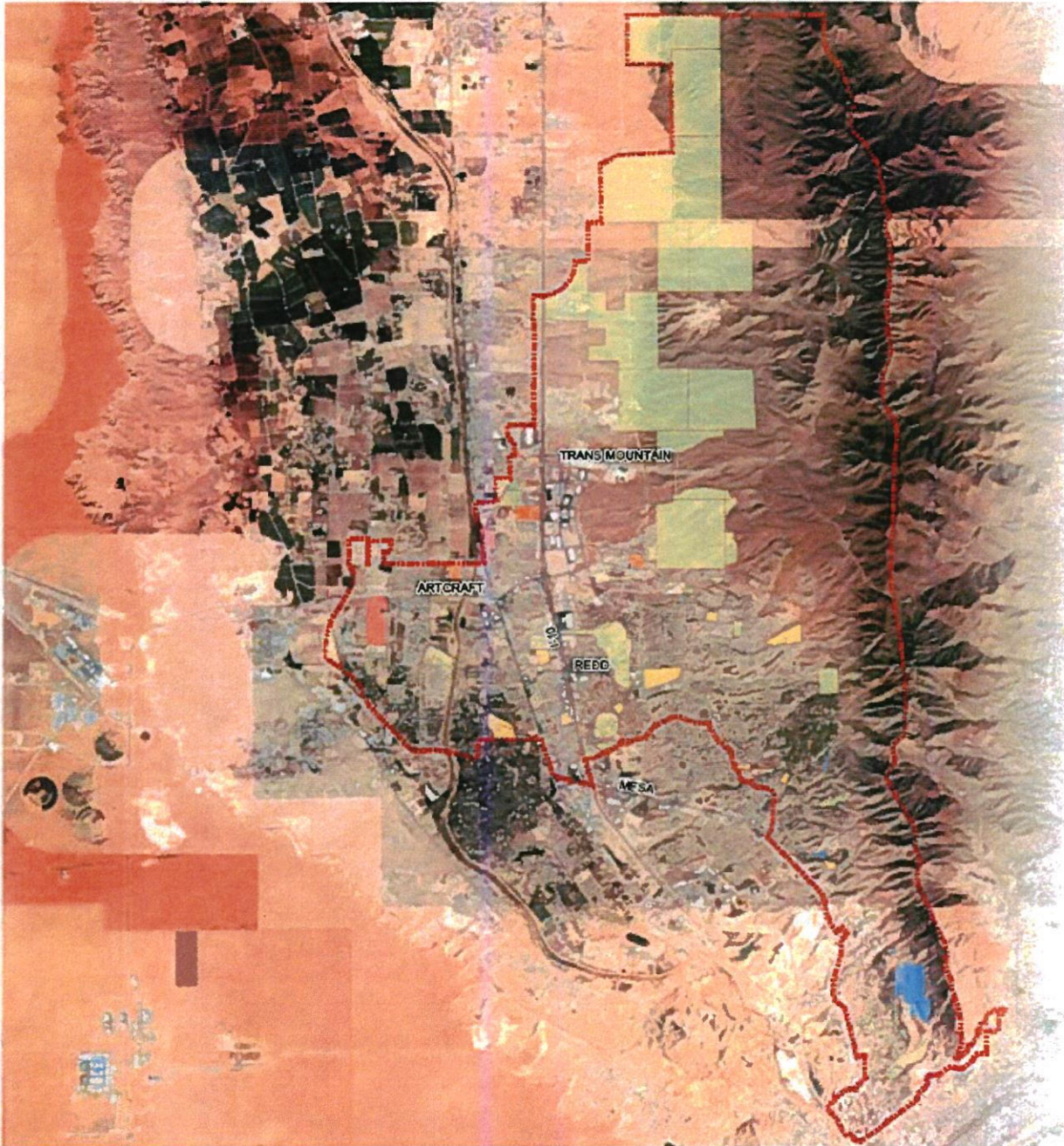
PARKHILL, SMITH & COOPER, INC.

By   
Marcelino N. Trujillo, P.E.  
Principal

MNT

Enclosures

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# City of El Paso

## Regional Aquatic Facilities

### District 1 Site Selection Analytics

June 2018



Prepared By:  
Sandra Moreno Hernandez, PE, CFM, CNU-A

This analysis was prepared by Parkhill, Smith & Cooper, Inc. for The City of El Paso Texas. The information and recommendations presented in this analysis are based on information provided by The City of El Paso, Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community and are correct to the best of Parkhill, Smith & Cooper, Inc.'s, knowledge and belief. Parkhill, Smith & Cooper prepared this analysis using the standard of care and skill exercised by members of the profession under similar circumstances at the time and in the same or similar locality. No other warranty, expressed or implied is made or intended by providing this analysis.



501 W. San Antonio  
El Paso, Texas 79901  
915.533.6811

December 7, 2018

Ms. Monica Castrejon AAIA, LI, CNU-a  
Project Manager  
Capital Improvement Department  
218 N. Campbell St., Second Floor  
El Paso, TX 79901

RE: City of El Paso – Regional Aquatic Facilities – P.O. CEP35-1800000134  
Additional Services - District 7 Bell Tower Addition

Dear Ms. Castrejon,

With this letter Parkhill, Smith, & Cooper, Inc. (PSC) would like to request an amendment to our contract of \$16,504.00, and a change to our District 7 Final Drawings deliverable date to January 14, 2019. These additional services and change in deliverable date are for the addition of a bell tower at the District 7 Water Park administrative building. These changes, requested by CID, are summarized below and in the attached schematics.

- Addition of a four sided tower approximately 25' to 30' tall with a bell, and red, clay tiled roof with wood beams over a stucco soffit. (Tower dimensions to be determined by architect so that it is proportional to rest of building.)
- Accent lighting added to the inside of the tower, and on exterior to highlight the tower.
- Wrought iron bars and decorative metal added to (4) niches at east elevation 'bump out'.
- Wood beams set at angles over the arched entrance.
- Wood beams at northwest side of Administrative area to be set at angles.
- Large, (exterior rated) glulam wood beam over decorative gates near front entrance.
- Decorative tile medallions to be removed on east and west elevations.
- Structural columns along with lateral bracing to support the bell.
- Relocate HVAC, plumbing, interior walls, and interior lighting as needed to accommodate structural support.

Also attached is a budget sheet that summarizes the additional design fee. If you have any questions, I can be reached at 915-533-6811 or on my cell at 915-543-0253.

Sincerely,

PARKHILL, SMITH & COOPER, INC.

By   
Marcelino N. Trujillo, P.E.  
Principal

MNT  
Enclosures



# D.7 WATER PARK

SPANISH  
COLONIAL  
STYLE

**PARKHILL, SMITH & COOPER, INC.**  
**PROJECT BUDGET SHEET (Billing Rates)**

LOCATION CODE: 03  
 PROJECT NAME: COEP Regional Aquatic Facilities  
 JOB NO.: 03-7102-18  
 TASK: TBD  
 DATE: 12/07/18



FEE TYPE: Lump Sum  
 PREPARED BY: MNT  
 PRINCIPAL: MNT  
 PROJ. MANAGER: MS

MARKUP ON REIMB: 5.00%  
 MARKUP ON DIRECTS: 5.00%

<b>TOTAL FEE:</b> <u>\$16,504</u>	<b>LABOR:</b> <u>\$16,504</u>
<b>LABOR:</b> <u>\$16,504</u>	<b>DIRECTS:</b> _____
<b>REIMBURSABLE CONSULTANTS:</b> _____	<b>SUBTOTAL:</b> <u>\$16,504</u>
<b>REIMBURSABLE EXPENSES:</b> _____	<b>REIMB.</b> _____
<b>DIRECT CONSULTANTS:</b> _____	
<b>DIRECT EXPENSES:</b> _____	<b>TOTAL FEE:</b> <u>\$16,504</u>

**LABOR BUDGETS:**

DESCRIPTION	LABOR CODE	SS or PL Level	HOURS	RATE	COSTS
Sr Practice Leader Mech/Elec	Y8	PL VI		\$217.00	
Project Manager Arch	A7	PL V	23	\$176.00	\$4,048
Arch Intern I	B6	PL I	48	\$98.00	\$4,704
Prof Eng II Civil/Struct	X8	PL IV	32	\$154.00	\$4,928
Sr Eng Mech/Elec	Z2	PL V	8	\$157.00	\$1,256
Eng III-1 Civil/Struct	Y3	PL III		\$130.00	
Eng II Mech/Elec	Z8	PL I	16	\$98.00	\$1,568

FEE ESTIMATING SHEET

PROJECT: C013 Regional Aquatic Facilities  
Additional Services 03

JOB NO.: 01-710-10

TASK: 001

SALARY

Discipline, Title, Labor Code, Rates

Staff Initials (optional) -->	1	2	3	4	5	6	7	TOTAL
	MNT	MS	CR	MB	BB	LM	BR	
Staff Discipline -->	Arch/QAQC	Arch	Arch	Civil_Struct	MEP	Civil_Struct	MEP	
Staff Title -->	Sr Practice Leader Mech/Elec	Project Manager Arch	Arch Intern I	Prof Eng II Civil/Struct	Sr Eng Mech/Elec	Eng III-I Civil/Struct	Eng II Mech/Elec	
Support Staff (SS) or Professional Level (PL) -->	PL VI	PL V	PL I	PL IV	PL V	PL III	PL I	
Labor Code -->	Y8	A7	B6	X8	Z2	Y3	Z8	
Billing Rate -->	\$217.00	\$176.00	\$98.00	\$154.00	\$157.00	\$130.00	\$98.00	
TASK	Trips							
District 7 Bell Tower								
Architectural Changes (5 sheets)		16	48					64
Structural Changes (4 sheets)		4		32				36
Mechanical Changes (1 sheet)		1			4			5
Electrical/Lighting Changes (1 sheet)		1					16	17
Plumbing Changes (1 sheet)		1				4		5
<b>BUDGET SUBTOTALS:</b>	<b>HOURS/</b>	<b>Trips -</b>						
<b>SALARY</b>			\$4,018	\$4,704	\$4,928	\$1,256	\$1,568	\$16,504

## Marcy Trujillo

---

**From:** Thompson, Brad R. <ThompsonBR1@elpasotexas.gov>  
**Sent:** Tuesday, September 10, 2019 10:42 AM  
**To:** Marcy Trujillo; Vonasek, Michael J.; Guerrero, Gilbert; DeMuro, Gerald  
**Cc:** Mary Stills  
**Subject:** RE: Additional Services Request for D& Lionel Forti Water Park

Marcy

Your assumptions are correct

Item 1 site survey is indicated on DWG C-107

Item 2 all utilities south of the water park are to be new and will be coordinated with the utility companies prior to installation

I will prepare the PO Modification for the work described, for the \$20,000 dollar allotment

Please have your group to start working on the drawing modifications  
10% design to be required within 10 calendar days



**Brad R Thompson**  
Project Manager  
Capital Improvement Department  
218 N Campbell St., Second Floor  
El Paso, Texas 79901  
[Thompsonbr1@elpasotexas.gov](mailto:Thompsonbr1@elpasotexas.gov) | 915-212-1806

**From:** Marcy Trujillo <MTrujillo@team-psc.com>  
**Sent:** Friday, August 30, 2019 1:19 PM  
**To:** Thompson, Brad R. <ThompsonBR1@elpasotexas.gov>; Vonasek, Michael J. <VonasekMJ@elpasotexas.gov>; Guerrero, Gilbert <GuerreroGX@elpasotexas.gov>; DeMuro, Gerald <DeMuroG@elpasotexas.gov>  
**Cc:** Mary Stills <mjstills@team-psc.com>  
**Subject:** FW: Additional Services Request for D& Lionel Forti Water Park

Brad,

To clarify, your revised request for additional services, as depicted on the attached documents, **removes** the following work:

- Work on the north side of the Water Park, (thus reducing the amount of additional green space to approximately 10,000 sq. ft.)
- The rock wall for the irrigation pump,
- Hardscape,
- Lighting,
- Trees, shrubs, ground cover, picnic tables, benches, trash receptacles and other amenities.

If I am correct in my statement above, then PSC can perform the work for \$20,000. However please note the following:

1. We do not have survey for anything outside of the walking path. The city will provide any additional survey needed to accomplish the assigned work.
2. There are utility lines south of the Water Park. PSC will not be responsible for designing the relocation or lowering of existing utilities encountered with this work.

Thank you,  
Marcy

**Marcelino N. Trujillo**  
*Electrical Engineer | Principal*

**PARKHILL SMITH & COOPER**  
915.533.6811 | [team-psc.com](http://team-psc.com)  
915.543.0253 mobile

**From:** Thompson, Brad R. <[ThompsonBR1@elpasotexas.gov](mailto:ThompsonBR1@elpasotexas.gov)>  
**Sent:** Thursday, August 29, 2019 4:37 PM  
**To:** Marcy Trujillo <[MTrujillo@team-psc.com](mailto:MTrujillo@team-psc.com)>  
**Cc:** Mary Stills <[mjstills@team-psc.com](mailto:mjstills@team-psc.com)>; Vonasek, Michael J. <[VonasekMJ@elpasotexas.gov](mailto:VonasekMJ@elpasotexas.gov)>; DeMuro, Gerald <[DeMuroG@elpasotexas.gov](mailto:DeMuroG@elpasotexas.gov)>; Guerrero, Gilbert <[GuerreroGX@elpasotexas.gov](mailto:GuerreroGX@elpasotexas.gov)>  
**Subject:** Additional Services Request for D& Lionel Forti Water Park  
**Importance:** High

Marcy

Attached is a copy of the revised request for additional services. The limit for additional design services is twenty thousand US dollars (\$20,000.00) to include design and construction admin.

Please advise me if PSC is able to perform the requested work for the above mentioned value, if not we will need to terminate negotiations for these services.



**Brad R Thompson**  
Project Manager  
Capital Improvement Department  
218 N Campbell St., Second Floor  
El Paso, Texas 79901  
[Thompsonbr1@elpasotexas.gov](mailto:Thompsonbr1@elpasotexas.gov) | 915-212-1806