

Council Meeting Date: 11/06/08

Agenda Item Number: 27

SUBJECT: Request approval of **job order no. 2** with ForeSite Design and Construction, Inc., for the construction of a restroom building at Tempe Beach Park, project contingency and authorization to spend funds from Rio Salado Capital Improvement Fund No. 6501731.

DOCUMENT NAME: 20081106PWDR02 TEMPE BEACH PARK (0706-38) PROJECT NO. 6501755

SUPPORTING DOCS: Yes.

COMMENTS: Total amount for **job order no. 2** is \$535,175 and the project contingency is \$50,000.

PREPARED BY: Donna Rygiel, Engineering Contract Administrator (x8520)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

LEGAL REVIEW BY: Judi Morgan, Assistant City Attorney (x8227)

FISCAL NOTE: Sufficient funds are available in Capital Improvement Fund No. 6501731 (town lake boathouse). Upon approval, funds will be transferred into Project No. 6501755 to fund this project.

RECOMMENDATION: Approve **job order no. 2** with ForeSite Design and Construction, Inc., in the amount of \$535,175, through the existing job order contract no. C2008-138, approve a project contingency of \$50,000 and authorize the transfer of funds from Fund No. 6501731.

ADDITIONAL INFO: The scope of work for this project includes construction of a new restroom building in Tempe Beach Park. The new building will replace the existing restrooms and eliminate the need for the sewer pump station. The building will have 12 stalls and will connect to the main sanitary sewer. The existing restroom building will be converted to a storage facility.

The project contingency has been established at \$50,000, which is approximately 10 percent of the job order amount, to cover possible unforeseen conditions during construction.

Staff has reviewed the proposal from ForeSite Design and Construction, Inc. and found it to be in order. ForeSite is one of three contractors previously selected through a qualifications based process consistent with A.R.S. §§ 34-601-611 for job order general construction services.

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

JOB ORDER NO. 2 TO FORESITE DESIGN & CONSTRUCTION, INC.
THROUGH EXISTING CONTRACT NO. 2008-138

 **COPY**

TEMPE BEACH PARK RESTROOMS

PROJECT NO. 6501755

This JOB ORDER No. 2 is entered into on this 6th day of November 2008, to ForeSite Design & Construction, Inc. (“**JOC CONTRACTOR**”) through the existing Contract made and entered into by and between the parties on July 22, 2008, (Contract No. 2008-138).

ARTICLE I – DESCRIPTION OF WORK, CONTRACT PRICE AND WORK

LOCATION: The JOC Contractor shall furnish any and all plant, materials, labor, construction equipment, services and transportation (all applicable taxes included) required for performing all work for the construction of the Tempe Beach Park Restrooms, (Project No. 6501755) (“Project”) for the sum of five hundred thirty nine thousand five hundred eighty seven dollars (\$535,175.00), as detailed in the Proposal (Exhibit “A”), and the work as described in the Technical Specifications (Exhibit “B”) and to completely and totally construct the same and install the materials therein for the Project, in a good and workmanlike and substantial manner and to the satisfaction of the City or its properly authorized agents and strictly pursuant to and in conformity with the Specifications and Plans for the Project and other documents that may be requested by the City through the Engineer or other properly authorized agents, as provided herein. The full street or physical address of the construction work location (“Work Location”) is 100 West Rio Salado Parkway. The JOC Contractor shall list the Work Location in any subcontract related to this job order at any level and each subcontractor shall likewise include the Work Location in any of its subcontracts.

ARTICLE II – REQUIRED SUBMITTALS: The JOC Contractor shall submit the completed forms referenced in the Forms Appendix (Exhibit “C”) to the City for approval, prior to receipt of a Notice to Proceed issued by the City for the Project.

ARTICLE III – AMENDMENT: City of Tempe Contract No. 2008-138 and all exhibits attached thereto and to this Job Order No. 2 are by this reference incorporated herein. All provisions of the underlying Contract where not inconsistent with this Job Order No. 2 shall remain binding on the parties.

ARTICLE IV – CONTRACT TERM: Work shall start as soon as practicable, and in no case later than seven (7) calendar days after the Notice to Proceed is issued by the City, and shall be completed within one hundred fifty (150) calendar days thereafter.

[SIGNATURE PAGE TO FOLLOW]

Tempe Beach Park Restrooms
Project No. 6501755

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

DATED this _____ day of _____, 2008.

CITY OF TEMPE, ARIZONA

By: _____
Mayor

By: _____
Public Works Manager

ATTEST:

Recommended By:

City Clerk

Deputy PW Manager/City Engineer
AC

APPROVED AS TO FORM:

City Attorney

DATED this _____ day of _____, 2008.

FORESITE DESIGN & CONSTRUCTION, INC.

By: _____
Name

Its: _____
Title

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

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist

October 07, 2008

Via e-mail: Chris_Kabala@tempe.gov

JOC PROPOSAL FORM:

Mr. Chris Kabala
City of Tempe
31 East 5th Street
Tempe, Arizona 85281

RE: Tempe Town Lake Restroom Building
City comment set of documents

Dear Mr. Kabala,

ForeSite Design & Construction, Inc. proposes to furnish all labor, materials, tools and equipment necessary for the renovations of the above referenced project for the total sum of: **Five Hundred Thirty-five Thousand One Hundred Seventy-five and 00/100th Dollars (\$ 535,175.00)**

All work shall be in accordance with the following documents:

Plans: (47 sheets) entitled "Tempe Beach Park Restrooms, 100 West Rio Salado Parkway, Project No. 6501755", dated 09/11/08, incorporating Delta 1 dated 9-2-08 as prepared by Wilson Engineers.

Within the above cost is an allowance value of **Twenty Thousand Four Hundred Eighteen and NO/100th Dollars (\$ 20,418.00)** for the demolition of the East Restroom building, electrical removal of Panel 1A, modifications to Panel 1B, and the proposed concrete infill of the area as outlined by Wilson Engineers in their letter dated 8-14-2008.

In submitting this proposal, we agree:

1. To hold the proposal open for thirty (30) days after the date of this proposal.
2. To commence with the project within ten (10) days upon written notice to proceed and City of Tempe building permit.
3. To accomplish the work in accordance with the contract documents and the following clarifications and exclusions listed below.

Sincerely,
ForeSite Design & Construction, Inc.


David Holt
Director of Preconstruction Services

Clarifications and qualifications:

1. Our approach to this project is based on a continuous work flow. Once the project team develops a schedule and we mobilize to start work, work will continue without significant "stops". All owner provided scopes of work and owner provided material and equipment will be furnished timely based on the schedule.
2. The stainless steel plumbing fixtures have an 8 week lead time after approved submittals are returned. The start of construction will be delayed until these fixtures are ordered and a confirmed delivery date is obtained.
3. The landscape and irrigation scope of work has been included as a \$9,400 allowance.
4. Per the soils report, we have anticipated that the native soil material can be used as engineered backfill for the over-excavation of the building pad.
5. The proposal anticipates the removal and disposal of the five existing trees as shown on the plan documents.
6. Reference the attached cost reduction form for additional suggestions to reduce the cost of the project.

Exclusions:

- Asbestos abatement or hazardous material removal
- Building Permit
- Development fees & utility company charges
- Material acceptance testing and/or special inspections
- Hard rock excavation
- Energy management system, thermostats, controls or wiring of same
- Data, telephone, CCTV, security or fire alarm systems or relocations



City of Tempe

Job Order Price

COT Project Name: **Tempe Town Lake Restroom Building** 10/7/2008
COT Project Number: **6501755**

Price of Subcontractor(s)	\$423,423
Price of Subconsultant(s) (If applicable)	\$0
General Conditions	\$42,373
Preconstruction Labor (If applicable)	
Construction Labor	\$0
Subtotal	\$465,796
Overhead and Profit (8 %)	\$27,948
Total	
Insurance (1.79%)	\$9,580
Bonds (0.95%)	\$5,084
Sales tax (5.265%)	\$26,768
Combined Total	\$535,175
Contractor's Contingency	\$0
Owner's Contingency	\$0