



COMMISSIONERS COURT
COMMUNICATION

AGENDA DATE : August 5, 2013

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO
(IF APPLICABLE): KK-2013-0311

SUBJECT: Authorize the County Judge to execute CO#4 of the contract with Dan Williams Company for Phase 1 of the M.F. Aguilera Hwy.(2013-0311) Authorize the County Auditor to issue a check in the amount of \$229,993.09 to Dan Williams Company as the full and final payment on the contract, and authorize the County Attorney's Office to issue a letter on behalf of the County explaining the basis for the County's changes A(in the amount of \$357,683.80) against the final payment. PRP approved. Funds have been allocated in CPCAPITAL07

BACKGROUND/DISCUSSION OF TOPIC: To include statutory requirement, operational impact, or performance goal.

This change order compensates the contractor additional work in excavation and placed embankment, the amounts were reviewed and approved by SEA engineers.

Original contract award date – 2/7/2011. 336 working days.

FISCAL IMPACT: \$63,601.00

PRIOR COMMISSIONERS COURT ACTION (IF ANY): Bid No. 10-095. Contract 2011-0069
Current total contract price, before deduction for Liquidated Damages is \$7,796,056.88.

RECOMMENDATION: Approval

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Cygne Nemir

LEGAL REVIEW: Approved as to Form as Submitted

LEGAL REVIEW NOTES (If Applicable):

DATE: 7/23/2013

SUBMITTED BY:

Ernesto Carrizal III. P.E. Public Works Director. Public Works Dept. 915-546-2015



COMMISSIONERS COURT CONTRACT FORM

CONTRACT SUMMARY

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE (lit)SECTION 551.071.

Discuss the status of the contract for the Manuel F. Aguilera Road, Phase I and the contract disputes with Dan Williams including delays in project completion and request for Change Order #4. Related contract No. KK-11-069 and proposed contract No. 2013-0311.

Regular:

Discuss and take appropriate action regard authorizing the County Judge to execute Change Order #4 to Dan Williams Company's construction contract on Phase I of the M.F. Aguilera Highway. Funds are available in CPCAPITAL07.

ADDITIONAL BACKGROUND:

FISCAL IMPACT:

PRIOR COURT ACTION:

BASIC CONTRACT DETAILS

CONTRACT NO.: 2013-0311

CONTRACT TITLE: POE/ M.F. Aguilera Hwy / Phase I Road Construction / Change Order 4

SECOND PARTY: Dan Williams Company

CONTRACT TYPE: Construction

TERM AND BUDGET DETAILS

TERM: One-Time/One-Shot

EXTENSION OPTIONS (If Applicable): N/A - None Available/Remaining

EFFECTIVE DATE: June 25, 2013

EXPIRATION DATE (If Applicable):

EXTENSION DEADLINE DATE (If Applicable):

AMOUNT: (250,000.00)

APPROVALS

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Cygne Nemir

LEGAL REVIEW: Approved as to Form as Submitted

LEGAL REVIEW NOTES (If Applicable): Amount may change due to ongoing negotiations with Dan Williams over contested

amounts for fill and number of weather days.

DATE: June 18, 2013

DIRECTOR/DEPARTMENT HEAD APPROVAL

The undersigned hereby certifies that he/she has read the contract, understands and approves the contract terms and conditions and further certifies that the contract conforms to the bid specifications, if any, and acknowledges that he/she is responsible for administering all terms and conditions.

DIRECTOR/DEPARTMENT HEAD/DESIGNEE: Ernie Carrizal

DEPARTMENT CONTACT: Carrizal, Ernie

DEPARTMENT: Public Works

DATE: June 18, 2013

The County of El Paso – Road & Bridge Department

Date of Issuance: July 1, 2013

Effective Date:

Project: Tornillo-Guadalupe New International Bridge
 Major Arterial Roadway Project – Phase I
 Project No. 020325-1
 Bid No. 10-095

Change Order: No. 4
 Agenda Item:

Contractor: Dan Williams Company
 P.O. Box 80069
 Austin, Texas 78708

Contract Award Date: 02-07-11

You are hereby requested to comply with the following changes from the contract plans and specifications. This document shall become an amendment to the contract and all provisions of the contract shall apply thereto.

Item No.	Descriptions of Changes in Quantities, Units and Unit Prices	Decrease in Contract Price	Increase in Contract Price
CO3-A 110-220	Add'l Excavation Qty (18,583CY @ \$ 2.00/CY)		\$ 37,166.00
CO3-B 132-200	Add'l Embankment Qty – Type B (10,574 CY @ \$ 2.50/CY)		\$ 26,435.00
Original Contract: \$ 7,411,744.90		Total Increase: \$	63,601.00
Original Contract Time: 288 working days		Total Decrease: \$	0.00
		Net Change(-): \$	63,601.00
Justification: As a result of multiple changes to the profile of the Phase 1 roadway alignment, the total quantities for embankment and excavation on the project required adjustment. This change order adjusts the quantities for embankment and excavation to reflect final quantities of work performed. Alignments were adjusted near SH 20 tie-in to Phase 2 and over the I-341 irrigation canal that was installed underground in a pipe by EPCWID#1.			
Contract price including previous change order: \$ 7,732,455.88		Contract time including previous change orders: 336 working days	
Net Decrease: \$ 63,601.00		Net change resulting from this change order: <u>0</u> working days	
Current contract price including this change order: \$ 7,796,056.88		Current contract time including this change order: <u>336</u> working days	

2013-0311

Tornillo-Guadalupe New International Bridge
 Major Arterial Roadway – Phase 1 – Project #020325-1

C.O.# 4
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