



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**Topic:** Approval of Amendment No. 2 to the Design-Build Contract with Leyendecker Construction of Texas, Inc. for Ricardo Molina Middle School to Increase the Contract Guaranteed Maximum Price Amount for landscaping improvement, including Improvements to the football field playing surface.

**Submitted by:** Cordelia Jackson / Ignacio Alaniz **Of:** Director of Purchasing/ Director of Construction

**Approved for transmittal to the Business Committee Meeting:** August 10, 2021

### Procurement Recommendation:

The Administration recommends approval of Amendment No. 2 to the Design Build Contract with Leyendecker Construction of Texas, Inc. for Ricardo Molina Middle School for an increase to the Contract Sum (GMP) in the amount of \$133,071.93, for providing an improved football practice field playing surface by utilizing TifSport Bermuda Grass.

Please see attached exhibits of the AIA G701 Change Order No. 3 for an increase to the Contract GMP, including the cost proposal breakdown from the Design-Builder, Leyendecker Construction of Texas, Inc., for this recommended upgrade.

The purpose for upgrading the specifications for the practice field is to improve the performance qualities of the football field playing surface and provide a reduction in grounds maintenance and operation costs by utilizing a hybrid Bermuda grass that has superior wear performance compared to other Bermuda grass varieties. Additionally, TifSport hybrid grass is much more resistant to insects, disease, weed growth, and high temperatures conditions.

### Rationale:

Staff has complied with all applicable federal, state and local purchasing policies and procedures in obtaining pricing information for the items listed above.

### Budgetary Information:

2013 Phase III Bond Proceeds

Contract Sum Amount (GMP) for Ricardo Molina Middle School:	\$21,790,896.00
Amendment No. 1, CREDIT amount for Deletion of the Fire Protection Storage Tank:	<u>(\$ 139,150.00)</u>
Revised Contract Sum Amount (GMP) after Amendment No. 1 credit (Change Order No. 2):	\$21,651,746.00
Proposed Amendment No. 2, Increase GMP to Upgrade Football Field (Change Order No. 3):	<u>+\$133,071.93</u>
Revised Contract Sum Amount (GMP) after Amendment No. 2 increase (Change Order No.3):	\$21,784,817.93

### Board Policy Reference and Compliance

Board Policy Reference and Compliance

CV Legal – Facilities Construction

Texas Education Code 44.031, 44.035, 44.035, 44.036, and 44.039

**AMENDMENT No. 2 SUPPLEMENTAL AGREEMENT TO DESIGN-BUILD  
CONTRACT BETWEEN OWNER AND DESIGN/BUILDER  
FOR CONSTRUCTION OF MIDDLE SCHOOL NO. 11**

**DATE:** August 18, 2021

**CONTRACT DATE:** June 2, 2014

**OWNER:** United Independent School District  
201 Lindenwood  
Laredo, Texas 78041  
Telephone Number: (956) 473-6219

**CONTRACTOR:** Leyendecker Construction of Texas, Inc.  
4220 Sanders  
Laredo, Texas 78041  
Telephone Number: (956) 722-0531

**PROJECT:** Design Build Contract for Construction of Middle School No. 11, currently known as Ricardo Molina Middle School

**WHEREAS** United Independent School District (hereinafter referred to as “Owner”) and Leyendecker Construction of Texas, Inc. (hereinafter referred to as “Design/Builder”) and collectively referred to as the “Parties” entered into a Design Build Contract on June 2, 2014, consisting of design/build services for three new middle schools, including Middle School No. 11, on behalf of Owner, (“Design-Build Contract”);

**WHEREAS**, on or about September 17, 2019, Owner and Design/Builder executed a Supplemental Agreement (“Supplemental Agreement”) to the Design-Build Contract providing for the design and construction of Middle School No. 11;

**WHEREAS**, the Supplemental Agreement provided a Guaranteed Maximum Price (“GMP”) for the Project in the amount of **TWENTY-ONE MILLION SEVEN HUNDRED NINETY THOUSAND DOLLARS EIGHT HUNDRED NINETY-SIX DOLLARS (\$21,790,896.00)**, which included a construction contingency allowance and technology equipment and systems allowance as well as architect and engineering fees.

**WHEREAS**, on August 18, 2021, Owner approved Contract Amendment No. 1 providing for Design-Builder’s GMP in the amount of **TWENTY-ONE MILLION SIX HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS (\$21,651,746.00)**.

**WHEREAS**, the Supplemental Agreement includes allowances for landscaping and top soil in the amount of Two Hundred and Ninety Thousand Dollars (\$290,000.00).

**WHEREAS**, after performance of the contract began, landscaping improvements, including improvements to the football field playing surface were requested.

**WHEREAS**, Owner and Design/Builder desire to and agree to amend the Supplemental Agreement to the Design-Build Contract to deduct Sixty Thousand Dollars (\$60,000.00) from the Landscape and Top Soil Allowances and add ONE HUNDRED NINETY-THREE THOUSAND, SEVENTY-ONE DOLLARS and NINETY-THREE CENTS (\$193,071.93) for landscaping improvements, including the football field playing surface.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Article 1 Guaranteed Maximum Price of the Supplement Agreement shall be revised as detailed in **Exhibit A, which is attached to and made a part of this Contract Amendment No. 1.**:

Design Builder’s GMP for the Work described in the Agreement (the (“GMP”), including the Cost of the Work, (Cost of Construction plus Design Service Fee), the Construction allowance and Technology Equipment and Systems allowance, is **TWENTY-ONE MILLION SEVEN HUNDRED EIGHTY-FOUR THOUSAND EIGHT HUNDRED SEVENTEEN DOLLARS AND NINETY-THREE DOLLARS. (21,784,817.93)**. The attached Exhibit “A” is a part of the Supplemental Agreement and Contract Documents as if it was physically incorporated therein:

2. Except as set forth in this Amendment, the Supplemental Agreement and Design-Build Contract are unaffected and shall continue in full force and effect in accordance with its terms.

3. The recitals set forth above are incorporated into and made a part of this Contract Amendment.

**Contractor:** Leyendecker Construction of Texas, Inc.

\_\_\_\_\_  
Gary Leyendecker  
President

\_\_\_\_\_  
Date

**Owner:** United Independent School District

\_\_\_\_\_  
David H. Gonzalez  
Superintendent of Schools

\_\_\_\_\_  
Date

# CONTRACT AMENDMENT NO. 2

## **EXHIBIT A**

AIA Form G701 Change Order No. 3  
Leyendecker Construction of Texas, Inc Proposal Dated 7/27/21  
CT Fieldsapes Estimate Dated 7/15/21



**Contract Administration**  
G701 Change Order

**Distribution List:**

Owner UISD  
Architect M&Co  
Contractor Leyendecker

**AIA**

**PROJECT** (Name and address):  
UISD – Cuatro Vientos Middle School  
Laredo, Texas

**CHANGE ORDER NUMBER:** 03

**DATE:** July 27, 2021

**TO CONTRACTOR** (Name and address):  
Leyendecker Construction of Texas, Inc.  
4220 Sanders Avenue  
Laredo, Texas 78044

**ARCHITECT'S PROJECT NUMBER:** 14026.00

**CONTRACT DATE:**

**CONTRACT FOR:** General Construction

**THE CONTRACT IS CHANGED AS FOLLOWS:**

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

1. Provide labor, materials, equipment and supervision for improving the football field playing surface to install a higher quality system with stainless steel Hunter sprinklers, laser graded topsoil mix designed for playing surfaces, and Sport Tiff Bermuda rolled sod for a complete turn-key installation by the specialized landscaping subcontractor to cover the football field area, in lieu of the plain field with regular Bermuda, no added topsoil, and basic pvc irrigation system included in the GMP amount, including GC fees and bond cost. ADD \$193,071.93

2. Deduct amount of \$60,000.00 from Landscape / Irrigation Allowances. DEDUCT (\$ 60,000.00)

SUBTOTAL ADD \$133,071.93

ATTACHMENTS: Leyendecker Const. of Texas proposal (2 pgs.) dated 27-Jul-2021.

Original Landscape/Irrigation Total Allowance Sum:	\$ 290,000.00
Allowance Expenditures Prior to this Authorization:	\$ 0.00
Allowance Balance Prior to this Authorization:	\$ 290,000.00
Allowance Sum will be Decreased by this Authorization:	\$ 60,000.00

Landscape/Irrigation Total Balance: \$ 230,000.00

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The original (Contract Sum) (~~Guaranteed Maximum Price~~) was \$21,790,896.00  
 Net change by previously authorized Change Orders \$ (139,150.00)  
 The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was \$21,651,746.00  
 The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (increased) (~~decreased~~) (~~unchanged~~) by this Change Order in the amount of \$ 133,071.93  
 The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be \$21,784,817.93  
 The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by zero (-0-) days.  
 The date of Substantial Completion as of the date of this Change Order therefore is December 15, 2021.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>Muñoz and Company, Inc.</u> ARCHITECT (Firm name) <b>723 South Flores</b> <b>San Antonio, Texas 78204</b> ADDRESS	<u>Leyendecker Construction of Texas, Inc.</u> CONTRACTOR (Firm name) <b>4220 Sanders Avenue</b> <b>Laredo, Texas 78044</b> ADDRESS	<u>United Independent School District</u> OWNER (Firm name) <b>3501 E. Saunders</b> <b>Laredo, Texas 78041</b> ADDRESS
BY (Signature) <b>Randall L. Hohlaus, AIA</b> (Typed name) <b>July 27, 2021</b> DATE	BY (Signature)  (Typed name)  DATE	BY (Signature)  (Typed name)  DATE

CAUTION: You should sign an original AIA Contract Document. An original assures changes will not be obscured.

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expires on 8/29/2021.

**LEYENDECKER CONSTRUCTION OF TEXAS, INC.  
CONSTRUCTORS AND ENGINEERS**

**LAREDO, TEXAS 78041**

TELEPHONE (956)-722-0531  
FAX (956)-722-8215

P. O. BOX 1827  
4220 SANDERS

27-Jul-21  
UISD Cuatro Vientos Middle School #12  
**C/O Mr. Enrique Rangel, P. E. Assistant Superintendent**  
C/O Mr. Ignacio Alaniz, Construction Director  
C/O Mr. Ernesto Castillo Mena, P. E.  
3501 East Saunders  
Laredo, Texas 78040

**UISD Cuatro Vientos Middle School  
Proposed Change Order #3 - Sports Tiff football Field**

**DESCRIPTION**

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Provide required labor, materials, equipment, and supervision to install a sprinkler system, top soil and Sport Tiff Bermuda Rolled Sod for a complete installation to cover the football field area.

1. Sport Tiff Football Field		\$ 179,540.00
2. Less Amount from Landscape Contingency		\$ (60,000.00)
Subtotal		\$ 119,540.00
GC fee at	10%	\$ 11,954.00
Subtotal		\$ 131,494.00
Bond Cost	1.20%	\$ 1,577.93
Total		\$ 133,071.93

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Delete go fee and bond cost if deducted from allowance balance.

Thank you.

Sincerely,

*Angel V Garcia*

Angel V. Garcia  
encl

cc: P.A. Leyendecker, job file

CT Fieldscapes

PO Box 785  
 McQueeney TX 78123  
 (830) 534-7201

# Estimate

Date	Estimate #
7/15/2021	1934

Name / Address
Leyendecker Construction

			Project
Description	Qty	Cost	Total
Football Field Build at Cuatro Vientos Middle School	1	0.00	0.00T
Installation of Sprinkler System. The system will consist of Rain Bird ESP-LX controls, two-wire wire path, Hunter Valves and Hunter 6" Stainless Heads	1	63,980.00	63,980.00T
Enriched Top Soil (50% Compost, 50% Top Soil) Price per yard to achieve 4 inches of fill. Rough Grade to be set by customer	720	78.50	56,520.00T
Installation, grading, and rolling the top soil after installation	720	25.00	18,000.00T
Sport Tiff Bermuda. Rolled sod to cover the Football Field Area. 120 yards X 50 yards	54,000	0.51	27,540.00T
Installation, cutting in, and rolling of the Bermuda Sod	54,000	0.25	13,500.00T
		<b>Subtotal</b>	\$179,540.00
		<b>Sales Tax (0.0%)</b>	\$0.00
		<b>Total</b>	\$179,540.00