



## UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**Topic:** Approval of Amendment of Guaranteed Maximum Price (GMP) for Arndt Elementary School Classroom Wing Addition

**Submitted by:** Mrs. Cordelia Jackson/Mr. Ignacio R. Alaniz of: Purchasing Department/Construction Dept.

**Approved for transmittal to school board:** October 21, 2015

### **Procurement Recommendation:**

The Administration recommends approval of and Amendment to the Guaranteed Maximum Price (GMP) for Arndt Elementary Classroom Wing Addition in the amount of \$42,390.66. This amendment is a result of modifications to the scope of work related to additional storm drainage utilities that need to be built as a result of the classroom wing addition.

When the GMP was submitted, the specifications did not require underground storm drainage systems, but the final plans and specifications developed by the Architect and Civil Engineer, require additional improvements to the existing campus to ensure adequate functionality and compliance with ADA regulations. (Please see attached exhibit with site plan and cost proposal breakdown information).

### **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 II Bond Proceeds

### **Board Policy Reference and Compliance**

CV Legal – Facilities Construction

Texas education code 44.031, 44.035, 44.036, and 44.039

**FIRST AMENDMENT TO  
CONSTRUCTION MANAGER AT RISK AGREEMENT  
BETWEEN THE UNITED INDEPENDENT SCHOOL DISTRICT AND  
LEYENDECKER CONSTRUCTION OF TEXAS, INC.  
INVOLVING THE  
ARNDT ELEMENTARY SCHOOL CLASSROOM WING ADDITION  
AND PARKING LOT EXPANSION**

This First Amendment to the Construction Manager at Risk Agreement (this Amendment”) is made by and between the **United Independent School District** (the “Owner”) and **Leyendecker Construction of Texas, Inc.** (the “CM”) regarding the construction involving Arndt Elementary School

**RECITALS**

**WHEREAS**, the Owner and CM entered into that Certain Construction Manager at Risk Agreement (“AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Constructor where the basis of Payment is the Cost of Work Plus a Fee with a Guaranteed Maximum Price” also known as the “Agreement or Contract”) for the construction of a Classroom Wing Addition and Parking Lot Expansion at Arndt Elementary School; and

**WHEREAS**, Article 5 section 5.3.1. of the Agreement allows the Owner, without invalidating the Contract, order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, and

**WHEREAS**, Article 5, section 5.3.2 of the Agreement allows for adjustments to the Guaranteed Maximum Price on account of changes in the Work subsequent to the execution of the Guaranteed Maximum Price; and

**WHEREAS**, The Owner and CM desire to enter into this Amendment to amend the Agreement which reflects a change and additions in the scope of the Work

**AGREEMENT**

1. Article 5 §5.3.1. Owner is seeking to modify the Scope of Work related to additional storm drainage utilities that are needed to be built as a result of the classroom wing addition which is to be considered as an addition to the general scope of Work under the Contract. The site plan for the proposed storm drain is attached and incorporated herein as **Exhibit “A”**

2. Article 5 § 5.3.2. CM has submitted a Guaranteed Maximum Price for the construction of the storm drain. The Guaranteed Maximum Price for the construction of the storm shall not exceed FORTY-TWO THOUSAND THREE HUNDRED NINETY DOLLARS SIXTY-SIX CENTS (\$42,390.66) as set out on page 2 of Exhibit "B" which is attached and incorporated herein.

3. Article A.1 §1.1.1. The Guaranteed Maximum Price set out under Article A.1 §A.1.1.1 shall be increased by an amount not to exceed FORTY-TWO THOUSAND THREE HUNDRED NINETY DOLLARS SIXTY-SIX CENTS (\$42,390.66) to construct the storm drain.

4. Article A.1 §1.1.2. Exhibit "B" to this amendment is to be included as part of the itemized statement set out under Article A.1 §1.1.2.

### **Miscellaneous**

a. **Capitalized Terms.** Capitalized terms not defined herein shall have the same meaning assigned to such terms in the Agreement.

b. **Amendment to Agreement.** The Owner and the CM acknowledge and agree that the Amendment has not been amended or modified in any respect, other than by this Amendment. The term "Agreement" shall mean the Agreement as amended by this Amendment unless the context requires otherwise.

c. **Full Force and Effect.** Except as expressly amended hereby, all other items and provisions of the Agreement remain unchanged and continue in full force and effect.

d. **Conflicts.** The terms of this Agreement shall control over any conflicts between the terms of the Agreement and the terms of this Amendment.

e. **Counterparts.** This Amendment may be executed by the parties in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one of the same agreement. All signatures need to be on the same counterpart.

EXECUTED to be effective as of the later date set forth below:

**OWNER: UNITED INDEPENDENT SCHOOL DISTRICT**

BY: \_\_\_\_\_

Name: Roberto J. Santos

Title: Superintendent of Schools

Date: \_\_\_\_\_

**CM: LEYENDECKER CONSTRUCTION OF TEXAS, INC.**

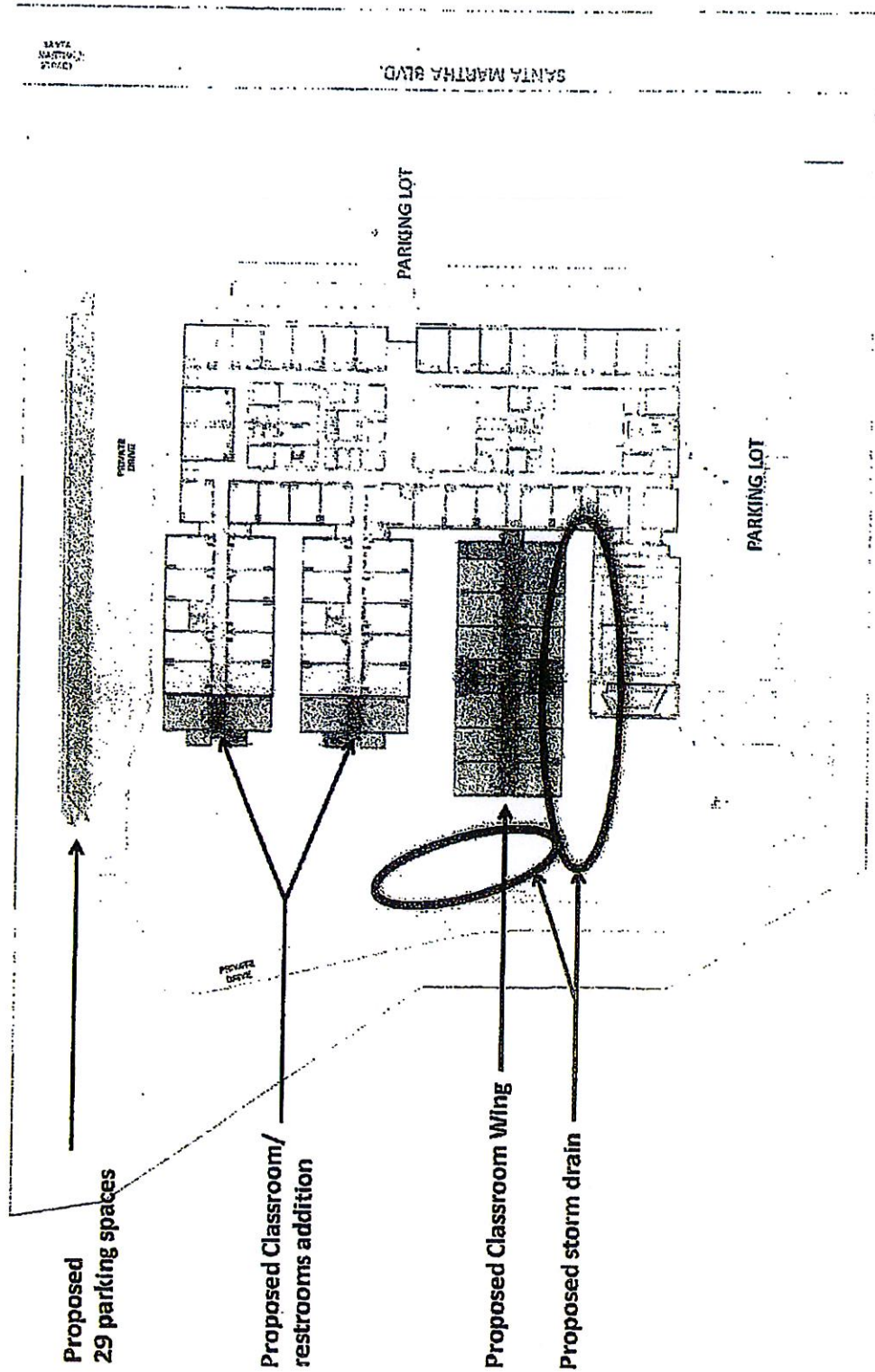
BY: \_\_\_\_\_

Name: Gary Leyendecker

Title: \_\_\_\_\_

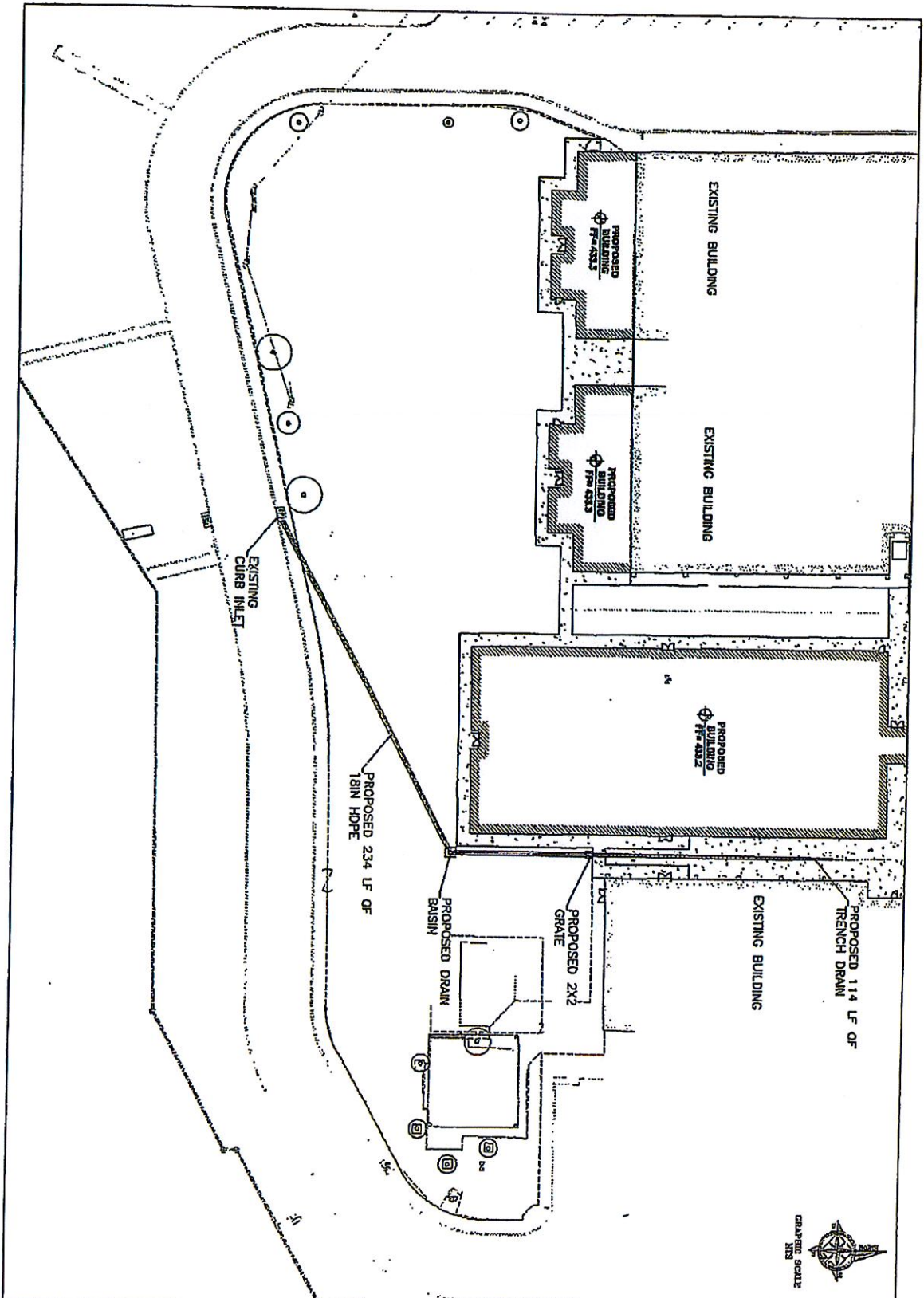
Date: \_\_\_\_\_

# SITE PLAN



# OVERALL SITE PLAN

Exhibit A



<p>DATE: 11/11/11          DRAWN BY: [Name]          CHECKED BY: [Name]          PROJECT NO: [Number]</p>	<p><b>UISD ARNDT ELEMENTARY SCHOOL</b>  <b>CLASSROOM WING ADDITION &amp; PARKING LOT EXPANSION</b>          SANTA MARTHA BLVD. LAREDO, TX.</p>	<p><b>FLUIGER</b>          ARCHITECTS          1000 WEST 15TH STREET          LAREDO, TEXAS 77901          TEL: 361.721.1111          FAX: 361.721.1112          WWW.FLUIGERARCHITECTS.COM</p>
---	--	--

Exhibit A

**Construction Manager at Risk (CMAR)  
Amendment of Guaranteed Maximum Price (GMP)  
Arndt Elementary School  
Additions and Improvements Project**

- PROJECT CONSTRUCTION APPROVED GMP : \$2,889,835.00  
( includes a contingency allowance of \$100,000.00 )
- PROPOSED COST FOR STORM DRAINAGE IMPROVEMENTS: \$ 18,823.00  
(See attached project site plan and civil drainage plan)
- PROPOSED COST FOR CONSTRUCTION OF STORM DRAIN: \$ 23,567.66

**TOTAL: \$ 42,390.66**

• **RECOMMENDATION:**

Approve the proposed Amendment to the GMP for Additional Storm Drainage Improvements at Arndt Elementary School Classroom Wing Addition Project in the amount of \$42,390.66.



**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

10-Sep-15  
UISD Arndt Elementary School  
C/O Mr. Enrique Rangel, P. E. Assistant Superintendent  
C/O Mr. Ignacio Alaniz, Construction Director  
3501 East Saunders  
Laredo, Texas 78040

**Arndt Elementary School  
Proposed Cost on Scope Modification**

**DESCRIPTION**

Provide required labor, materials, equipment, and supervision for the construction of trench system for site drainage between existing building and new classroom wing.  
Concrete forming, concrete pour, concrete materials, and reinforcing on trench  
Trench grate and frame

\$ 6,987.00  
\$ 9,945.00

Subtotal		\$ 16,932.00
CMAR fee	9.85%	\$ 1,667.80
Subtotal		\$ 18,599.80
Bond Cost	1.20%	\$ 223.20
Total		\$ 18,823.00

Thank you.

Sincerely,

*Rene Cortes, Jr.*

Rene Cortes, Jr.



**Renee Cortes Jr.**

**From:** Juan.Silva@Ferguson.com  
**Sent:** Monday, August 17, 2015 9:33 AM  
**To:** cortes@leycon.net  
**Subject:** ARNDT ELEM TRENCH QUOTE

Good morning mr renee , see quote for trench grates and frames per you request! thank you

**From:** Juan Silva - 1160 TEXAS [mailto:juan.silva@ferguson.com]  
**Sent:** Monday, August 17, 2015 9:30 AM  
**To:** Silva, Juan [Ferguson] - 1160 Laredo  
**Subject:** Email Bid# B804992

**Price Quotation # B804992**

**FERGUSON ENTERPRISES INC #1160**

5711 MCPHERSON ROAD  
SUITE 305  
LAREDO, TX 78041-6837  
Phone : 956-284-2393  
Fax : 956-726-8050

**Bid No.:** B504992  
**Bid Date:** 08/17/15  
**Quoted By:** JUA  
**Customer:** LEYENDECKER CONSTRUCTION INC  
PO BOX 1827  
LAREDO, TX 78044-1827

**Cust Phone:** 956-722-0531  
**Terms:** NET 10TH PROX  
**Ship To:** LEYENDECKER CONSTRUCTION INC  
PO BOX 1827  
LAREDO, TX 78044-1827

**Cust PO#:** ARNDT ELEM

**Job Name:** ARNDT ELEM

Item	Description	Quantity	Net Price	U/M	Total
SP-N4992415	24"LONG 1-1/2"TYPE SIDE FC.FRAME	120	18.750	FT	2250.00
SP-N49903149	HEAVY DUTY TRENCH GRATE W/TYPE P AD	120	-51.250	FT	6150.00

**Subtotal:** \$8400.00  
**Inbound Freight:** \$1545.00  
**Tax:** \$0.00  
**Order Total:** \$9945.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at [http://www.leycon.com/terms\\_conditions/Sale.html](http://www.leycon.com/terms_conditions/Sale.html). Govt Buyers: All items quoted are open market unless noted otherwise. **LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with "NIP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.**

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

11-Sep-15  
 UISD Arndt Elementary School  
 C/O Mr. Enrique Rangel, P. E. Assistant Superintendent  
 C/O Mr. Ignacio Alaniz, Construction Director  
 3501 East Saunders  
 Laredo, Texas 78040

Arndt Elementary School  
 Proposed Cost on Scope Modification Storm Drain

DESCRIPTION		
Provide required labor, materials, equipment, and supervision for the construction of storm drain as indicated on final documents prepared by AE		\$ 21,200.00
240 ft of 18" HDPE pipe		
1 each 2x2 junction box		
1 each 18" basin		
Subtotal		\$ 21,200.00
CM/AR fee 9.85%		\$ 2,088.20
Subtotal		\$ 23,288.20
Bond Cost 1.20%		\$ 279.46
Total		\$ 23,567.66

Thank you.  
 Sincerely,  
*Romee Cortez, Jr.*  
 Romee Cortez, Jr.

**Amendment of Guaranteed Maximum Price (GMP)  
Arndt Elementary School  
Additions and Improvements:  
Classroom Wing Addition  
Parking Lot & Drainage Improvements**



**Advisory Bond Oversight Committee Meeting  
September 14, 2015**

**Construction Manager at Risk (CMAR)  
Amendment of Guaranteed Maximum Price (GMP)  
Arndt Elementary School  
Additions and Improvements Project**

- PROJECT CONSTRUCTION APPROVED GMP : \$2,889,835.00  
( includes a contingency allowance of \$100,000.00 )
- PROPOSED COST FOR STORM DRAINAGE IMPROVEMENTS: \$ 18,823.00  
(See attached project site plan and civil drainage plan)
- PROPOSED COST FOR CONSTRUCTION OF STORM DRAIN: \$ 23,567.66

**TOTAL: \$ 42,390.66**

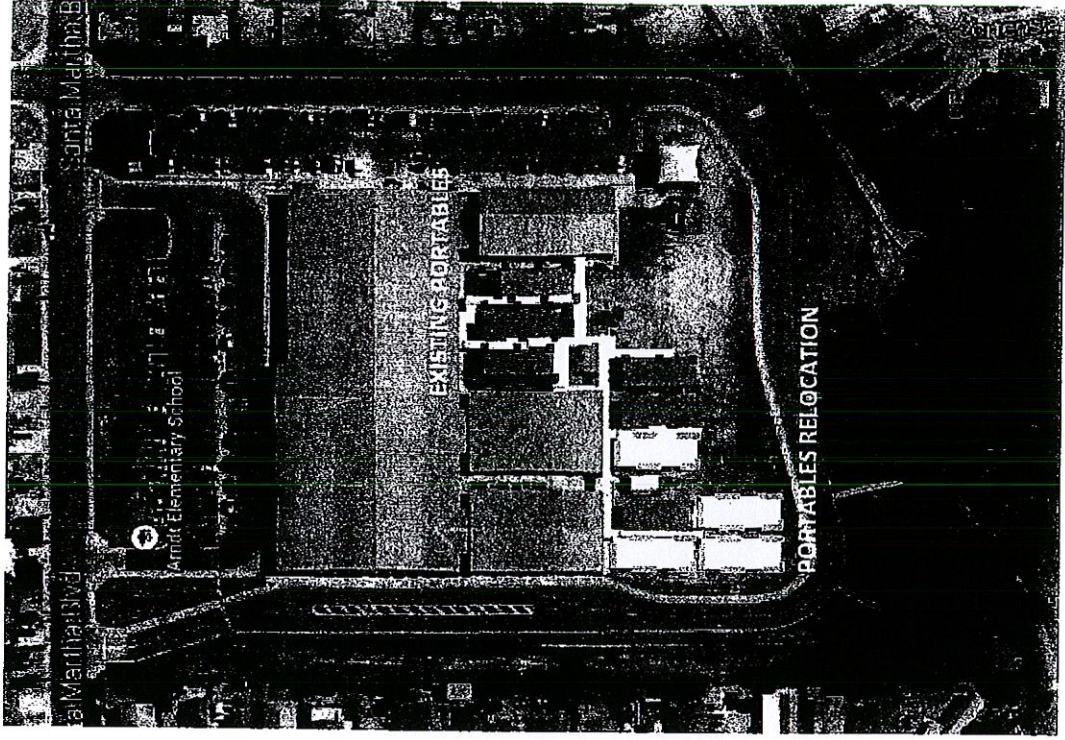
• **RECOMMENDATION:**

Approve the proposed Amendment to the GMP for Additional Storm Drainage Improvements at Arndt Elementary School Classroom Wing Addition Project in the amount of \$42,390.66.

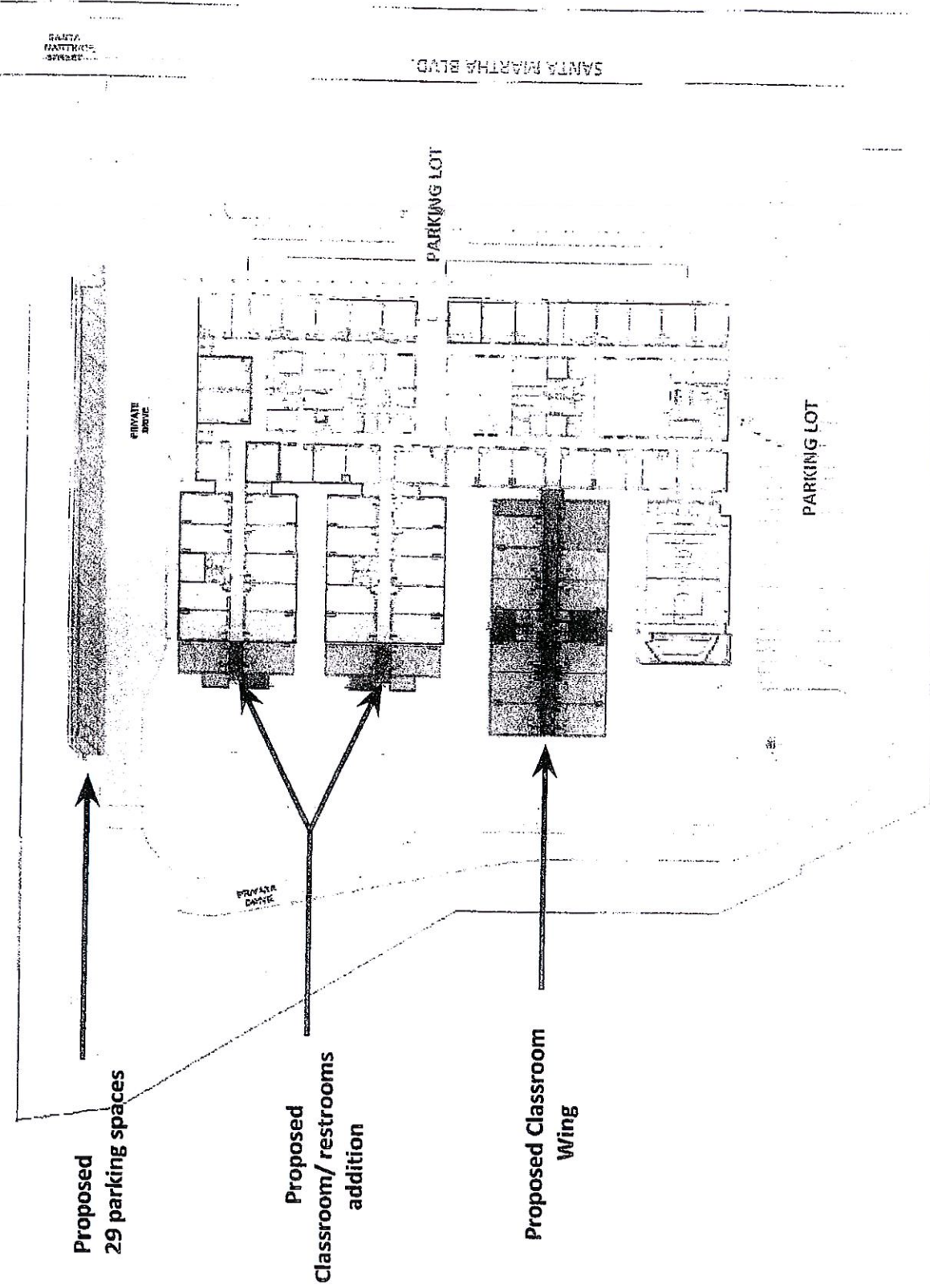


# SCOPE OF WORK

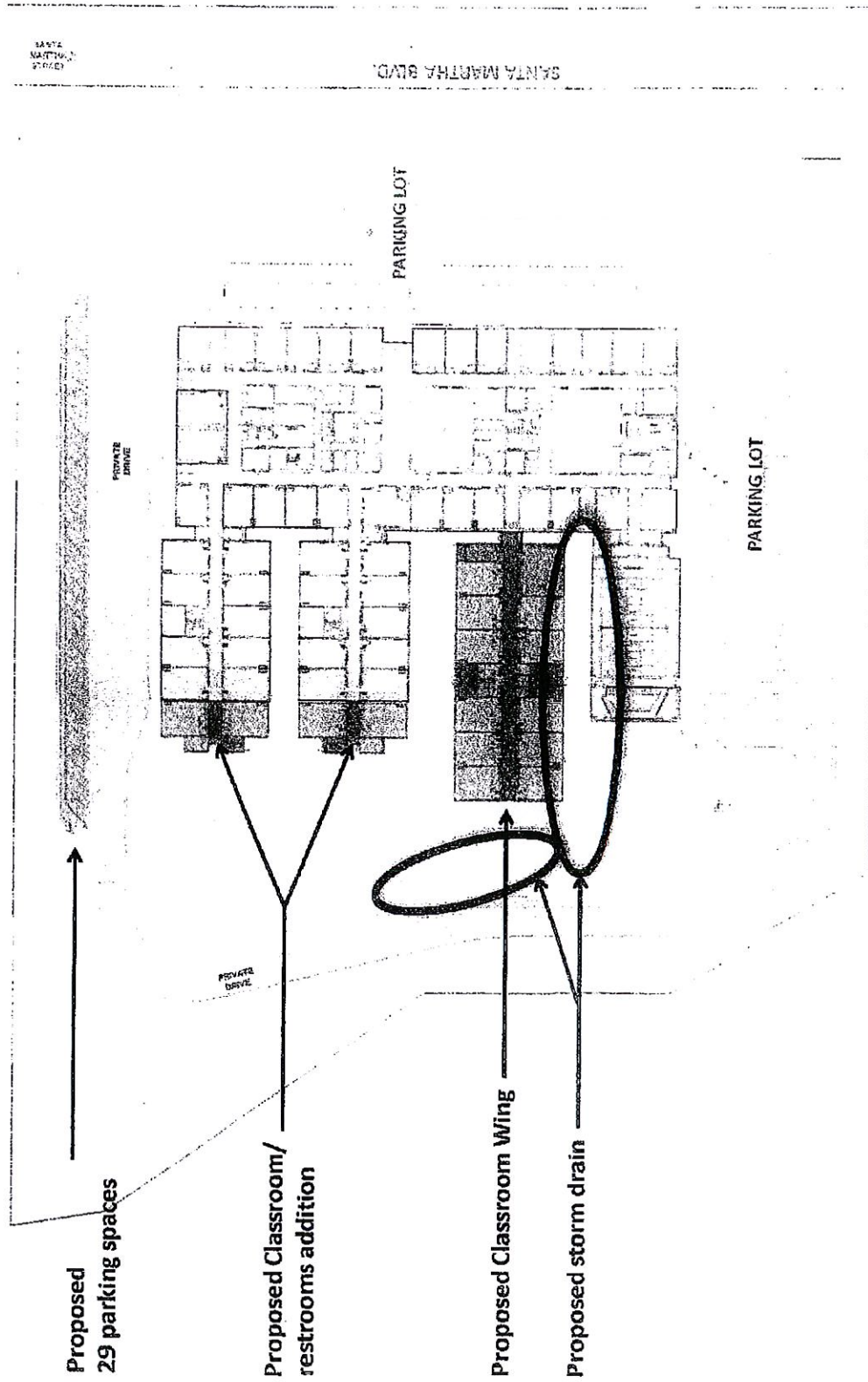
- Add 29 parking spaces
- Add 15 classrooms
- 1 Science Classroom
- Re-design playground
- Parking lot drainage improvements
- Portable classroom relocation
- Add student restrooms
- Add staff restrooms



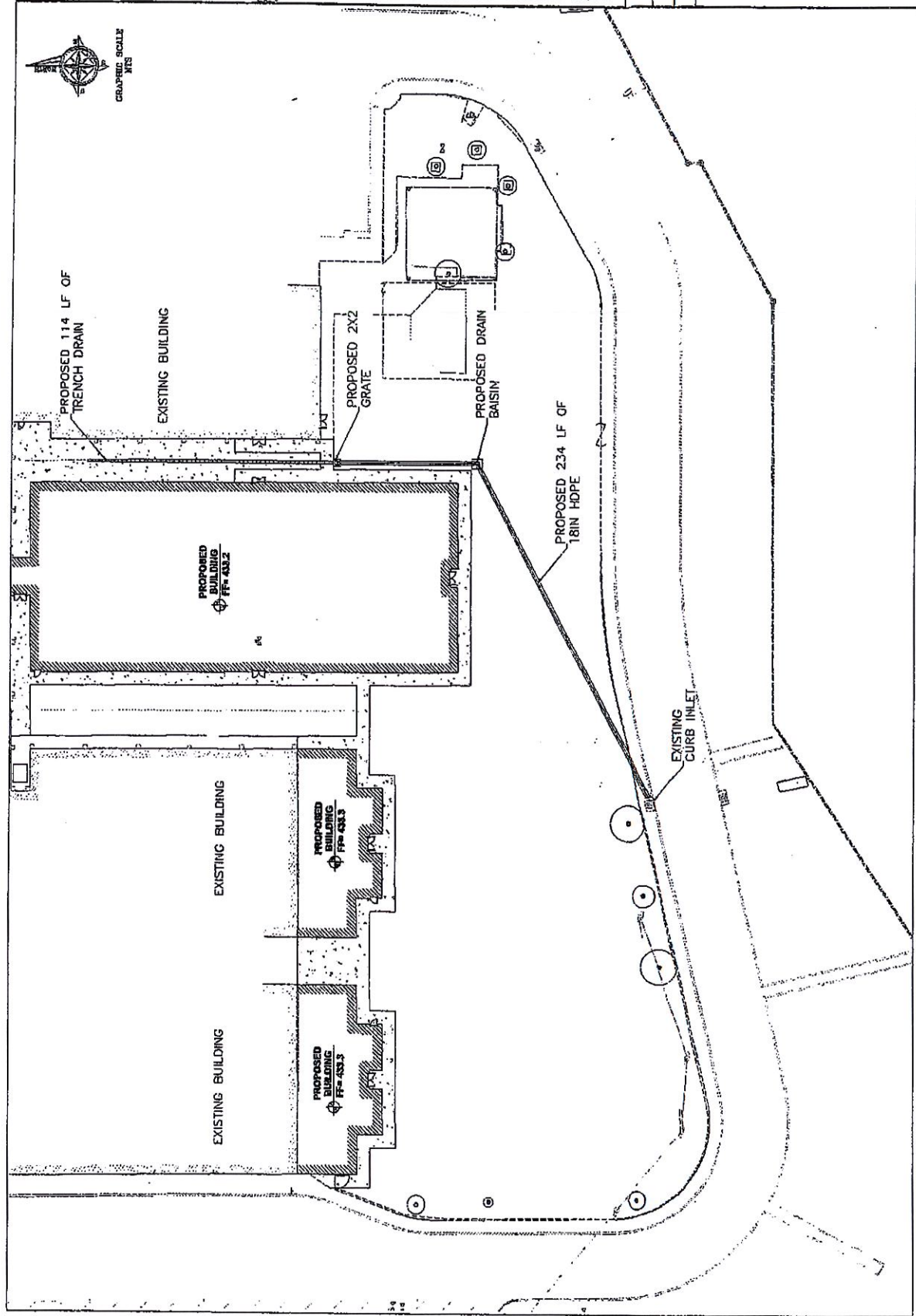
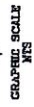
# SITE PLAN



# SITE PLAN



OVERALL SITE PLAN





**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

10-Sep-15  
UISD Arndt Elementary School  
C/O Mr. Enrique Rangel, P. E. Assistant Superintendent  
C/O Mr. Ignacio Alaniz, Construction Director  
3501 East Saunders  
Laredo, Texas 78040

**Arndt Elementary School  
Proposed Cost on Scope Modification**

**DESCRIPTION**

Provide required labor, materials, equipment, and supervision for the construction of trench system for site drainage between existing building and new classroom wing.  
Concrete forming, concrete pour, concrete materials, and reinforcing on trench  
Trench grate and frame

\$ 6,987.00  
\$ 9,945.00

Subtotal		\$ 16,932.00
CMAR fee	9.85%	\$ 1,667.80
Subtotal		\$ 18,599.80
Bond Cost	1.20%	\$ 223.20
Total		\$ 18,823.00

Thank you.

Sincerely,

*Renee Cortes, Jr.*

Renee Cortes, Jr.

**Renee Cortes Jr.**

**From:** Juan.Silva@Ferguson.com  
**Sent:** Monday, August 17, 2015 9:33 AM  
**To:** cortes@leycon.net  
**Subject:** ARNDT ELEM TRENCH QUOTE

Good morning mr renee , see quote for trench grates and frames per you request! thank you

**From:** Juan Silva - 1160 TEXAS [mailto:juan.silva@ferguson.com]  
**Sent:** Monday, August 17, 2015 9:30 AM  
**To:** Silva, Juan [Ferguson] - 1160 Laredo  
**Subject:** Email Bid# B804992

**Price Quotation # B804992**

**FERGUSON ENTERPRISES INC #1160**

5711 MCPHERSON ROAD  
SUITE 305  
LAREDO, TX 78041-6837  
Phone : 956-284-2393  
Fax : 956-726-8050

**Bid No.:** B804992  
**Bid Date.:** 08/17/15  
**Quoted By:** JUA  
**Customer.:** LEYENDECKER CONSTRUCTION INC  
PO BOX 1827  
LAREDO, TX 78044-1827

**Cust Phone:** 956-722-0531  
**Terms.:** NET 10TH PROX  
**Ship To.:** LEYENDECKER CONSTRUCTION INC  
PO BOX 1827  
LAREDO, TX 78044-1827

**Cust PO#.:** ARNDT ELEM

**Job Name.:** ARNDT ELEM

Item	Description	Quantity	Net Price	UM	Total
SP-N4992415	24"LONG 1-1/2"TYPE SIDE FC.FRAME	120	18.750	FT	2250.00
SP-N49903149	HEAVY DUTY TRENCH GRATE W/TYPE P AD	120	51.250	FT	6150.00

Subtotal: \$8400.00  
Inbound Freight: \$1545.00  
Tax: \$0.00  
Order Total: \$9945.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at [http://walseyva.com/terms\\_conditionsSale.html](http://walseyva.com/terms_conditionsSale.html). Govt Buyers: All items quoted are open market unless noted otherwise. LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with \*NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.

**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

11-Sep-15  
UISD Arndt Elementary School  
C/O Mr. Enrique Rangel, P. E. Assistant Superintendent  
C/O Mr. Ignacio Alaniz, Construction Director  
3501 East Saunders  
Laredo, Texas 78040

**Arndt Elementary School  
Proposed Cost on Scope Modification Storm Drain**

**DESCRIPTION**

Provide required labor, materials, equipment, and supervision for the construction of storm drain as indicated on final documents prepared by AE  
240 lf of 18" HDPE pipe  
1 each 2x2 junction box  
1 each 18" basin  
\$ 21,200.00

Subtotal		\$ 21,200.00
CMAR fee	9.85%	\$ 2,088.20
Subtotal		\$ 23,288.20
Bond Cost	1.20%	\$ 279.46
Total		\$ 23,567.66

Thank you.

Sincerely,

*Renee Cortes, Jr.*

Renee Cortes, Jr.