

# BOARD OF TRUSTEES AGENDA

<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Regular	<input type="checkbox"/>	Special
--------------------------	----------	-------------------------------------	---------	--------------------------	---------

- (A)  Report Only  Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation.

- (B)  Action Item
- Presenter(s): **SAMUEL MIJARES, SUPERINTENDENT OF SCHOOLS  
ISMAEL MIJARES, DEPUTY SUPT. FOR BUSINESS AND FINANCE  
ROLANDO SALINAS, DEPUTY SUPT. FOR DISTRICT OPERATIONS  
LUIS VELEZ, PURCHASING DIRECTOR  
PEDRO FELAN, FACILITIES AND MAINTENANCE DIRECTOR  
DAVIS POWELL, ARCHITECT OF RECORD**

Briefly describe the action required.

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE CHANGE ORDER NUMBER ONE (1) ON SEALED PROPOSAL 242704 ON EPHS TRACK RELOCATION AS PER BOARD POLICY CV, AND STATE GUIDELINES AND TO AMEND THE BUDGET ACCORDINGLY TO INCLUDE MATTERS RELATED TO THIS PROJECT.

- (C) Funding source: Identify the source of funds if any are required.

BUDGETED FUNDS

- (D) Clarification: Explain any question or issues that might be raised regarding this item.

SEE ATTACHED MEMORANDUM



# EAGLE PASS INDEPENDENT SCHOOL DISTRICT

---

## MEMORANDUM

**To:** Mr. Ismael Mijares, Deputy Superintendent for Business and Finance

**From:** Mr. Luis A. Vélez, Purchasing Director

**Date:** Thursday, October 31, 2024

**Subject:** **Change Order Number 1 on Sealed Proposal 242704 for  
EPHS Track Relocation**

---

In accordance with Board Policy CV, attached for your review is the written cost estimate of the proposed change order to Sealed Proposal 242704 for EPHS Track Relocation submitted to Eagle Pass I.S.D. by Mr. Davis Powell, Architect of record for the district. As required by board policy CV (local), a change order valued at or above \$75,000 requires school board approval.

If you have any questions or need more information regarding this matter, please contact me at the Purchasing Department.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

*Gov't Code 2269.060*

**Uniform General  
Conditions for  
Contracts**

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

**Right to Work**

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

*Gov't Code 2269.054*

**Collective  
Bargaining**

A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

*Gov't Code 2269.0541(a)*

**Out-of-State Bidders**

For legal requirements regarding out-of-state bidders, see CH.

**Change Orders**

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

***Education Code 44.0411***

Unsigned Change  
Orders

A vendor may elect not to proceed with additional work directed by a district under a public work contract if:

1. The vendor has not received a written, fully executed change order for the district-directed additional work; and
2. The aggregate actual or anticipated value of the additional work under the vendor's contract terms plus any previous district-directed additional work for which the vendor has not received a written, fully executed change order exceeds 10 percent of the vendor's original public work contract amount.

A subcontractor may elect not to proceed with additional work directed by a vendor under a subcontract if:

1. The subcontractor has not received a written, fully executed change order for the district-directed additional work from the vendor; and
2. The aggregate actual or anticipated value of the additional work under the subcontractor's subcontract terms plus any previous district-directed additional work for which the subcontractor has not received a written, fully executed change order exceeds 10 percent of the subcontractor's subcontract amount.

A vendor or subcontractor who elects not to proceed with additional work is not responsible for damages associated with the election not to proceed.

*Gov't Code 2251.0521*

**Inspection,  
Verification, and  
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for

**Compliance with Law**

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

**Construction Contracts**

Except when using the competitive bidding method, prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above \$75,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

**Initial Phase**

Bidding for District construction projects for which the architect is contracted shall be handled by the architect, who will be responsible for receiving and recording all bonds, deposits, and other documents as required. Performance and pay bonds in the amount of the estimated cost of the project shall be required before contracts for construction are signed.

---

**Note:** For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

---

**Change Orders**

Change orders permitted by law shall be approved prior to any changes being made in the approved plans or the actual construction of the facility.

Change orders valued at or above \$75,000 shall require Board approval. The Superintendent shall be authorized to approve change orders of a lesser amount.

In all change orders, the District's architect shall give a written cost estimate of the proposed change and submit it to the administration. The signature of the Superintendent or designee shall be required before a change order may be executed.

**Emergency**

When emergencies arise that require an immediate response, the architect may issue a field order when the amount in question is not over \$1,000. However, a cost estimate shall be submitted and



1152 ferry street suite b  
eagle pass, tx 78852  
830-757-6750

October 31, 2024

Mr. Samuel Mijares, Superintendent  
Eagle Pass Independent School District  
587 Madison Street  
Eagle Pass, TX 78852

Re: Eagle Pass Independent School District  
Eagle Pass High School Track Relocation Project  
Synthetic Turf Installation Proposal

Dear Mr. Mijares,

We would like to provide the following recommendation for a Change Order that would include synthetic turf and other improvements to the scope of work for the Eagle Pass High School Track Relocation project. Per the terms of procurement, the total change order amount for a project may not exceed 25% of the original contract value or \$1,266,450. The following recommendation will discuss each improvement individually and is summarized on the Job Status Report dated 10/29/24 item PR#1 and the drawing Sheet C02, a summary sketch of the proposed improvements. This recommendation will not include all improvements but remain within the 25% or \$1,266,450.

PR#1 a: 11550 s.f. parking addition \$80,602.00

EPISD requested to double the parking lot size adjacent to the project. The current parking lot has capacity for 41 cars, this proposal would increase the parking lot size to 76 cars. In regard to need, the EP High campus is woefully short in parking, currently having approximately a 460 car capacity. The cost is \$6.98 per s.f. which is reasonable for the required scope of work for this parking lot. **However, this item is not recommended due to procurement limitation.** This item may be bid separately.

PR#1 b: 360 l.f. of 8' chain link fence w/ 20' gate \$16,000.00

EPISD requested to fence the perimeter of the track area. As a result, 360 linear feet of 8' chain link fence will be needed wrapping around the parking lot and tying into the fence at the day care facility. A 20' swinging vehicle gate will also be included. The proposed cost for this work is \$16,000 and indicates a linear foot cost of \$40.00 with the gate cost of \$1600 which is reasonable for the scope of work.

PR#1 c: Move building 12' Eastward to avoid AEP easement No cost

Building location on the plans needed to adjusted to avoid AEP easement. This item is instructional and did not add or deduct any cost from the scope of work.



1152 ferry street suite b  
eagle pass, tx 78852  
830-757-6750

PR#1 d: Relocate water line 12' Eastward No cost  
Water line location on the plans needed to adjusted with the building. This item is instructional and did not add or deduct any cost from the scope of work.

PR#1 e: Delete new primary electrical service No cost  
It was determined the existing electrical service could stay in place and be utilized to power the new building. This item is instructional and did not add or deduct any cost from the scope of work.

PR#1 f: Run new secondary from existing transformer No cost  
It was determined the existing electrical service could stay in place and be utilized to power the new building. Therefore, a new secondary run will be needed from the existing transformer to the new building. This item is instructional and did not add or deduct any cost from the scope of work.

PR#1 g: Place 2 additional sports lighting poles at track \$3000.00  
This item includes adding 2 of the salvaged sports lighting from the softball field to the 4 lights originally shown installed at the track for a total of 6. The work will include installing, wiring, and refocusing 2 additional sports lights. The proposed cost is \$1500 per pole and represents a good value for the scope of work.

PR#1 h: Add Hellas artificial turf in lieu of sod \$1,199,683.00  
This item replaces grass practice field with Hellas synthetic turf, "cushdrain" system, and "ecootherm" heat reduction system. This item also includes a synthetic track endzone for high jump and pole vault. It should be noted the contractor agreed to reduced his OH&P to 5% on this item to accommodate EPISD on this large expenditure. The cost is considered a good value for this scope of work in part due to the contractor's generous offer.

PR#1 i: Add 7200 s.f. of synthetic turf to West endzone No Cost  
This item was included in item PR#1 h.

PR#1 j: Add 280 l.f. of chain link fencing along South property line \$11,200.00  
EPISD requested to fence the perimeter of the track area. As a result, 280 linear feet of 8' chain link fence will be needed between the day care fence and the retaining wall fence of the track. The proposed cost for this work is \$11,200 and indicates a linear foot cost of \$40.00 which is reasonable for the scope of work.

PR#1 k: Add 480 l.f. of 8' CL fencing in lieu of 6' at South retaining wall \$6,188.00  
The original scope of work included a 6' high fence at the perimeter of the track to serve as fall protection and a security fence. EPISD has requested all fencing be 8'. Therefore, this change addresses that request at the cost \$12.89 per l.f. which is reasonable for the scope of work.



1152 ferry street suite b  
eagle pass, tx 78852  
830-757-6750

PR#1 l: Add 1180 l.f. of 8' CL fencing in lieu of 6' at perimeter track walk. \$15,212.00  
The original scope of work included a 6' high fence at the perimeter walk of the track to serve as a security fence. EPISD has requested all fencing be 8'. Therefore, this change addresses that request at the cost \$12.89 per l.f. which is reasonable for the scope of work.

PR#1 m: Add 2100 s.f. of concrete pavement \$16,800.00  
It was noticed there was no vehicular access directly to the track by pavement. Therefore 2100 s.f. of concrete was added to allow vehicles direct access to the track. The cost is \$8.00 per s.f. which is reasonable for concrete pavement for vehicle use. **However, this item is not recommended due to procurement limitation.** This item may be bid separately.

PR#1 n: Add 750 l.f. of R panel fencing on East property line \$56,250.00  
EPISD requested replacing the chain link fence on the East property line with a 12' high visual screen fence. The proposed cost is \$56,250 or \$75 per s.f.. The cost is reasonable for the scope of work.

PR#1o: Add 5000 s.f. of sidewalk @ Antonio Garcia per planning department  
Five months after we had submitted plans for a permit we received comments from the City of EP including the addition of 5000 s.f. of sidewalk along Antonio Garcia. **However, this item is not recommended due to procurement limitation.** We are recommending bidding this item with the pavement work associated with the additional parking, item PR#1a and pavement Item PR#1m.

**In summary, the total cost for recommended items of PR#1 is \$1,307,533.00.**

When offset by the \$50,000 betterment allowance, the recommended Change Order will increase the contract amount by \$1,257,533.00. **Approval of this Change Order would increase the contract amount to \$6,323,333.00 which is approximately \$9,000 less than 25% of the original contract value. The change order will also extend the completion date 64 days until July 31, 2025.**

We appreciate your consideration of this recommendation. Please call 361.215.3441 with any questions or comments regarding this information.

Thank you,

A handwritten signature in black ink, appearing to read 'Davis Powell', written in a cursive style.

Davis Powell, Architect

CC: Rolando Salinas



Job Status Report: Eagle Pass Independent School District  
 Eagle Pass High School  
 Track Relocation

Date: 10/29/24  
 Owner: Eagle Pass ISD  
 Rolando Salinas  
 830-758-7058

Original Contract Amount: \$ 5,065,800.00  
 Contract Start date: 6/20/24  
 Original Completion Date: 5/27/25  
 Adjusted Completion Date: 7/31/2025

Approved Change Orders:  
 1. PR#1 \$ 1,257,533.00  
 2. \$ -

Current Contract Amount: \$ 6,323,333.00

Betterment Allowance: \$ 50,000.00

Proposal Request:

PR#1 a Add 11550 s.f. parking lot **Not Recommended due to procurement limit** \$ -  
 PR#1 b Add 360 l.f. of 8' CL fencing w/ 20' gate @ parking lot \$ (16,000.00)  
 PR#1 c Move building 12' to E to avoid AEP easement \$ -  
 PR#1 d Relocate water line 12' to E adjacent to building \$ -  
 PR#1 e Delete proposed elec power primary - use existing transformer \$ -  
 PR#1 f Run new 400A circuit from existing transformer \$ -  
 PR#1 g Add placement of 2 additional existing sports light poles and fixtures \$ (3,000.00)  
 PR#1 h Add artificial turf by Hellas w/ Cushdrain and Ecotherm pad \$ (1,199,683.00)  
 PR#1 i Add 7200 s.f. of athletic track mat'l for high jump and pole vault \$ -  
 PR#1 j Add 280 l.f. of 8' CL fencing at South PL \$ (11,200.00)  
 PR#1 k Add 480 l.f. of 8' CL fencing in lieu of 6' at South track edge \$ (6,188.00)  
 PR#1 l Add 1180 l.f. of 8' CL fencing in lieu of 6' at perimeter walk @ track \$ (15,212.00)  
 PR#1 m Add 2100 s.f. of concrete pavement for access to track. **Not Recommended due to procurement limit** \$ -  
 PR#1 n Add 750 l.f. of R panel fencing on East PL \$ (56,250.00)  
 PR#1 o Add 5000 s.f. of sidewalk @ Antonio Garcia. **Not Recommended due to procurement limit** \$ -

Betterment Allowance Balance: \$ (1,257,533.00)

Testing Allowance \$ 40,000.00  
 Amount used \$ -  
 Testing Allowance Balance \$ 40,000.00

Plaque Allowance \$ 2,000.00  
 Amount Used \$ -  
 Plaque Allowance Balance \$ 2,000.00

Data IT Allowance \$ 12,000.00  
 Amount Used \$ -  
 Data IT Allowance Balance \$ 12,000.00

Issues List

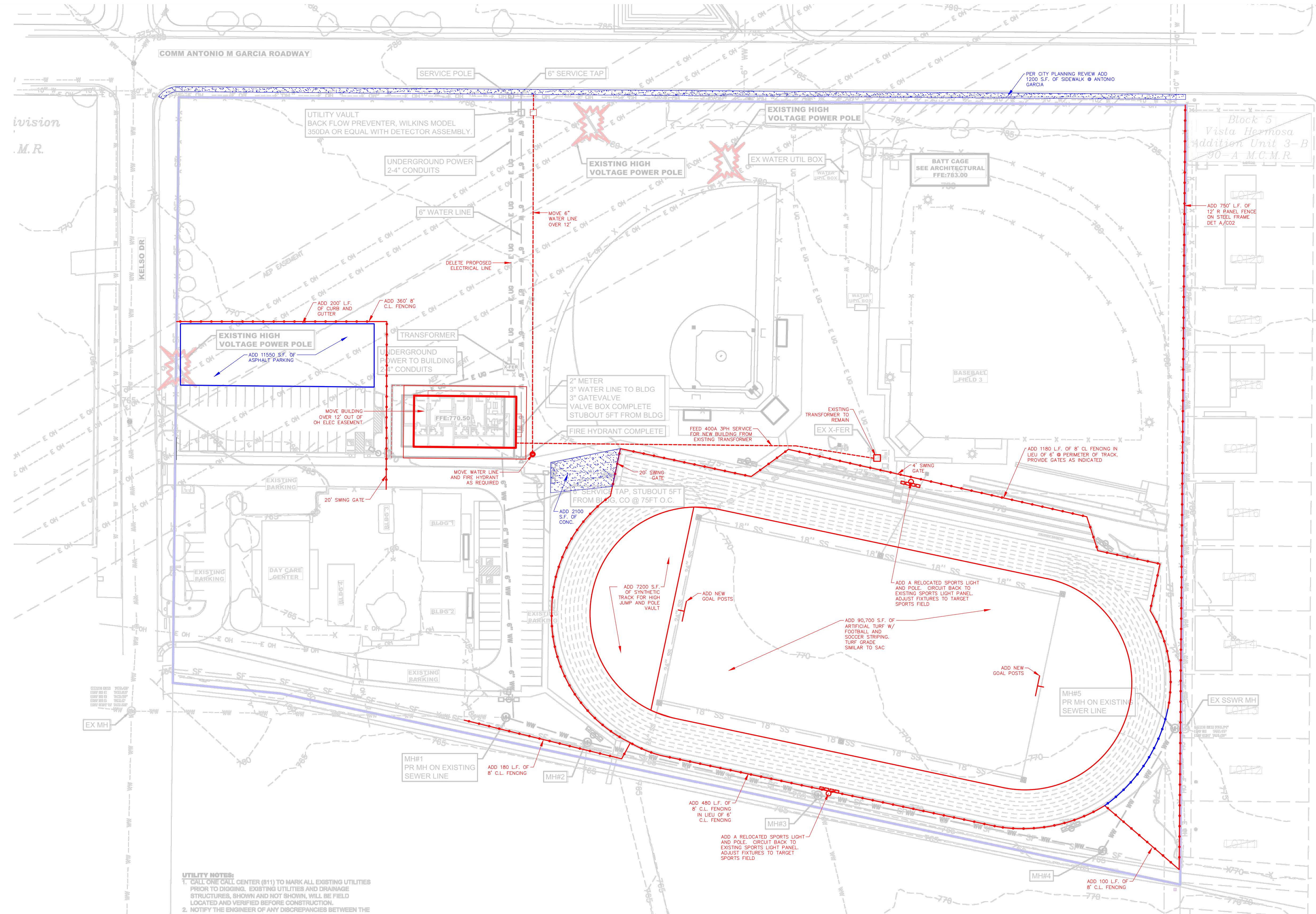
1 Maximum CO allowed is \$1,266,450

2

3

4





**UTILITY NOTES:**  
 1. CALL ONE CALL CENTER (811) TO MARK ALL EXISTING UTILITIES PRIOR TO DIGGING. EXISTING UTILITIES AND DRAINAGE STRUCTURES, SHOWN AND NOT SHOWN, WILL BE FIELD LOCATED AND VERIFIED BEFORE CONSTRUCTION.  
 2. NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE

**PR#1 NOTES:**  
 PR#1 BLUE ITEMS: NOT RECOMMENDED DUE TO PROCUREMENT LIMIT  
 PR#1 RED ITEMS: RECOMMENDED IMPROVEMENTS

PR#1 10/29/24 REV  
**SITE PLAN**  
 SCALE: 1"=50'-0"



Eagle Pass Independent School District  
 Eagle Pass High Track Relocation  
 Eagle Pass, TX

DATE:	
REVISED:	
4/9/24	ADDENDUM 2
7/17/24	PR#1
10/29/24	PR#1 REV

SHEET:  
**C02**