



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

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

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

Approved for transmittal to school board: October 21, 2015

Procurement Recommendation:

The Administration recommends approval of Second Amendment to the Guaranteed Maximum Price (GMP) for Trautmann Elementary Classroom Wing Addition in the amount of \$18,599.30. This amendment is being recommended due to modifications to the scope of work related to an additional sanitary sewer utilities that needs to be installed as part of the classroom wing addition.

Rationale:

When the GMP was submitted, the specifications stipulated using an existing sanitary sewer line, but after further detailed inspection of the existing sewer utility line and evaluating its current condition at some sections of the underground system, it was determined that it would be advisable to replace the sanitary sewer line. (Please see attached exhibit with site plan and cost proposal breakdown information).

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

**SECOND AMENDMENT TO
CONSTRUCTION MANAGER AT RISK AGREEMENT
BETWEEN THE UNITED INDEPENDENT SCHOOL DISTRICT AND
LEYENDECKER CONSTRUCTION OF TEXAS, INC. INVOLVING THE
CLASSROOM WING ADDITION AND MAIN BUILDING RENNOVATIONS AT
TRAUTMANN ELEMENTARY SCHOOL**

This Second 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 a classroom wing addition and main building renovations at Trautmann 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 Main Building Renovations at Trautmann 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 further amend the Agreement which reflects a change and additions in the scope of the Work

AGREEMENT

1. Article 5 §5.3.1. Owner is recommending modifications to the to the general scope of the Work under the Contract related to adding an additional sanitary sewer utility that needs to be installed as part of the classroom wing addition.. The site plan for the new sanitary sewer line 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 new sanitary sewer line. The Guaranteed Maximum Price for the construction of the sanitary sewer line shall not exceed EIGHTEEN THOUSAND FIVE HUNDRED NINETY-NINE DOLLARS THIRTY CENTS (\$18,599.30) as set out on IN 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, which already includes the Guaranteed Maximum Price pursuant to Contract Amendment Number One, by an amount not to exceed EIGHTEEN THOUSAND FIVE HUNDRED NINETY-NINE DOLLARS THIRTY CENTS (\$18,599.30,) to construct the sanitary sewer line.

4. Article A.1 §1.1.2. Exhibit "B" to this amendment is 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: _____

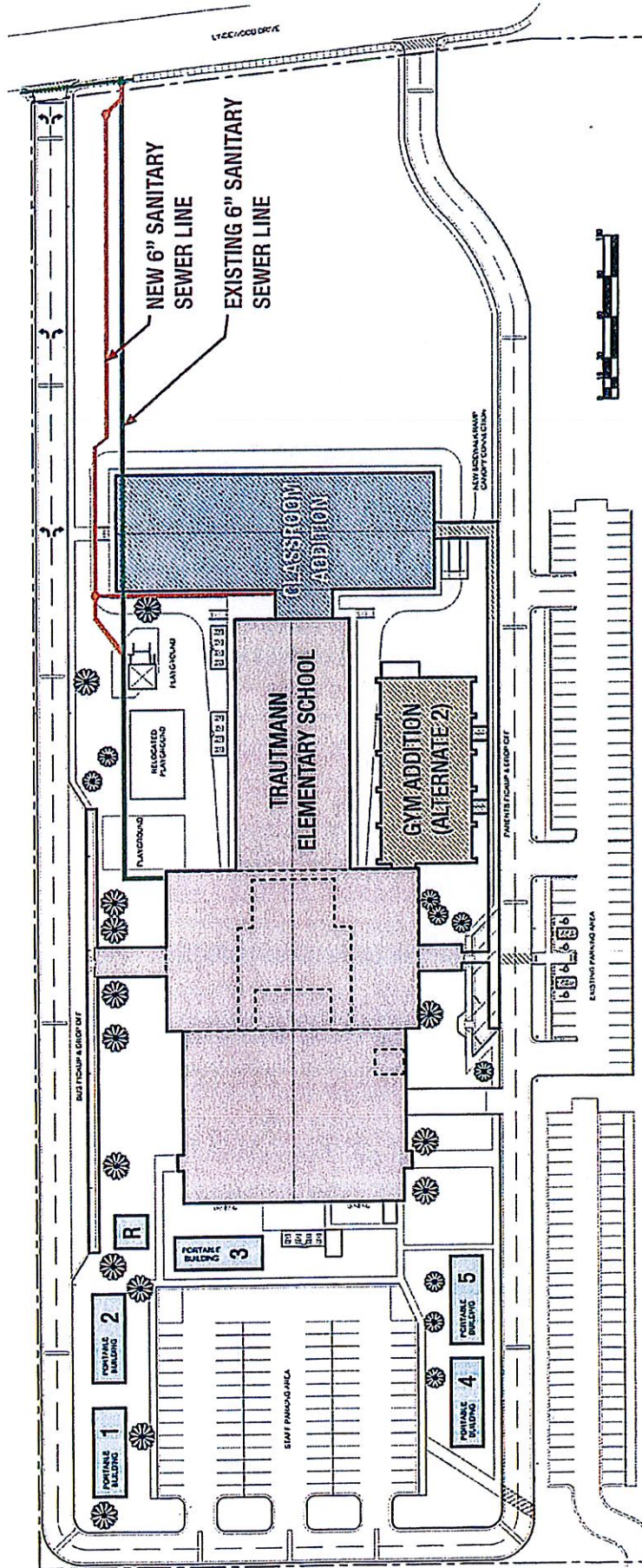
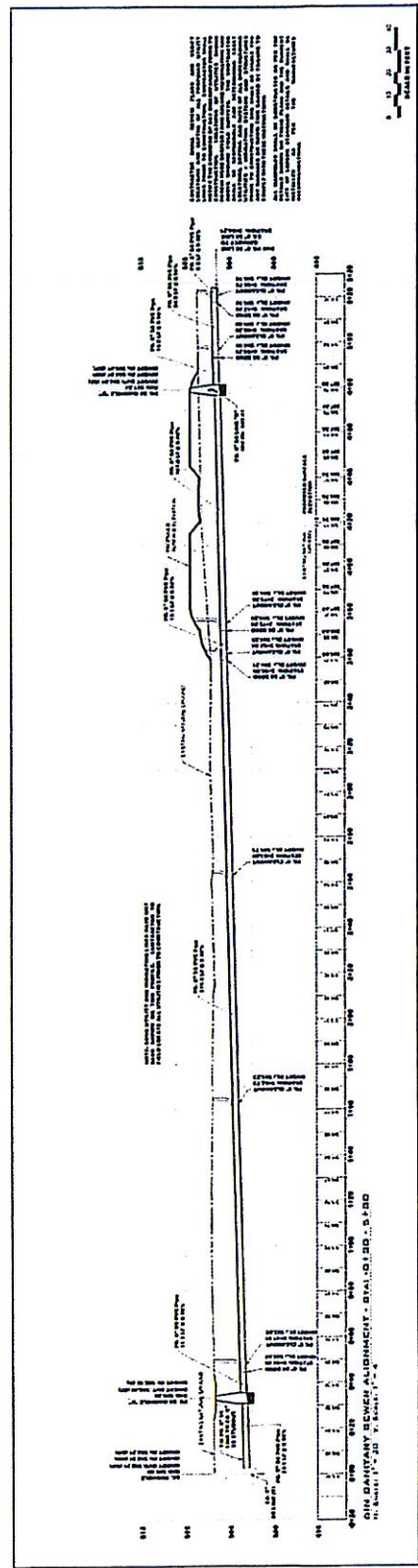
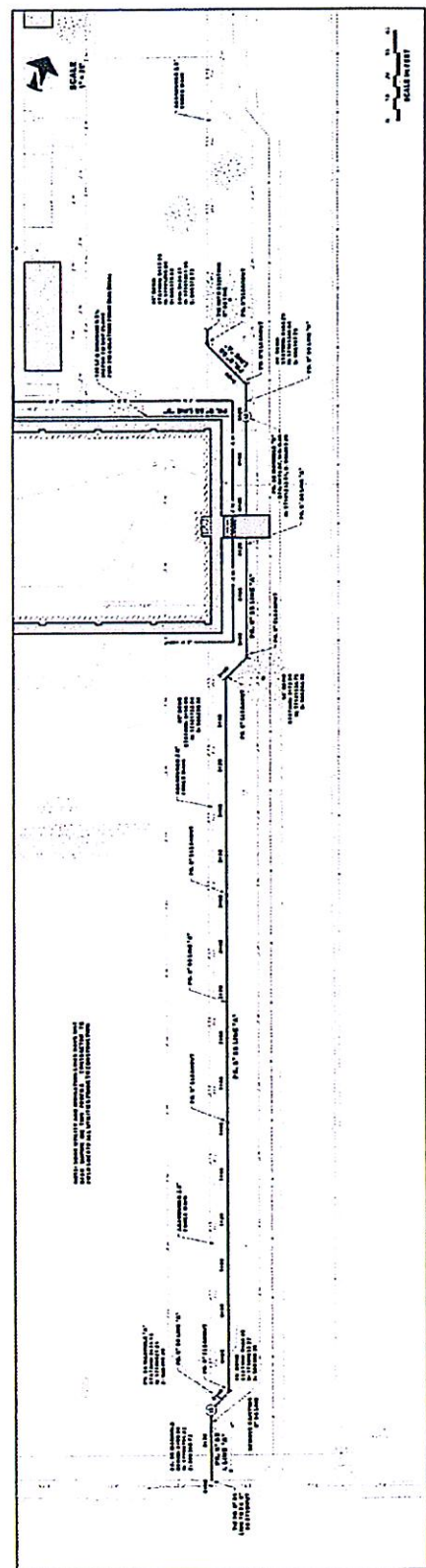


Exhibit A



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

| | |
|----------------------------------|--|
| TELEPHONE FAX | LAREDO, TEXAS 78041 P. O. BOX 1827 4220 SANDERS |
| (956)-722-0531 (956)-722-8215 | |

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

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|--|---|
| DESCRIPTION Provide required labor, materials, equipment, and supervision for the construction of sanitary sewer including sewer line, fittings, and clean outs as indicated on construction documents prepared by CEC dated August 18, 2015 and as submitted by City Plumbing Co. | Trautmann Elementary School Proposed Cost on Scope Modification-Sanitary Sewer \$ 16,900.00 |
|--|---|

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|-----------|-------|--------------|
| Subtotal | | \$ 16,900.00 |
| CMAR fee | 8.75% | \$ 1,478.75 |
| Subtotal | | \$ 18,378.75 |
| Bond Cost | 1.20% | \$ 220.55 |
| Total | | \$ 18,599.30 |

Thank you.
 Sincerely,
Renee Cortes, Jr.
 Renee Cortes, Jr.

| | | |
|---|-------------------------------------|------------------------------------|
| Proposed by: City Plumbing Co. 315 Iturbide St. Laredo, Texas 78040 (956) 723-9513 Tel. M-11765 | | Page No. _____ of _____ Pages |
| Proposed by: Leysendecker Construction 4220 Sanders Laredo, Texas 78041 (956) 722-0531 | Project No.: 956-722-0531 | Date: September 09, 2015 |
| Project Description: Trautmann Elementary School Addition 810 Lindenwood Drive Addition & Renovation | | |
| Provide all required labor, material, equipment, supervision, for complete, sewer system as per plans and specifications. | | |
| Materials: 480'-6" sch40 4- 6" 45's 25- 6" coupling 5- 6x6 comb 5- 6" cleanouts | | |
| Note: #1 Tap to future manholes with new 6" sewer line according to plans. | | |
| The Proprietor hereby certifies that the above information is true and correct, and that the same is complete in accordance with above specifications, for the sum of: Sixteen thousand nine hundred and 00/100— Dollars \$ 16,900.00 | | |
| Our offices are fully insured by the State of Texas for the sum of \$100,000.00 per year for each and every contract. | | |
| Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined herein. Date of Acceptance: _____ | | |

Joe Barrera (owner)
Master Plumber

CITY PLUMBING CO
315 Iturbide St.
Laredo, TX 78040