

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

cc: WR
Amend No. _____

Date prepared: March 23, 2009

Council Meeting Date: April 21, 2009

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager *JAD*
FROM: J.P. de la Montaigne, Community Services Director *J.P.*
PREPARED BY: Kirk Haines, Parks Manager *K.H.*
SUBJECT: Contract Amendment to ELS Construction, Inc. for Design and Construction of an Underpass at Grand Avenue for the New River Trail

RECOMMENDATION:

Discussion and possible action to approve a contract amendment with ELS Construction, Inc., Contract No. ACON29808 P2, in the amount of \$668,000, to design and construct an underpass at Grand Avenue as part of the New River Trail system. Funds are available in the FY09 Capital Improvement Program, Grand Avenue Underpass project for this expense.

SUMMARY:

ELS Construction, Inc. (ELS) was selected as one of the two Job Order Contractors (JOC) to perform work for the City of Peoria for Right of Ways, retention basins and park landscape installation. The JOC selection process included a solicitation for proposals and a professional selection in accordance with A.R.S. Title 34. Staff has determined that, of the two approved JOC contractors, ELS would provide the best value for the construction of the Grand Avenue Underpass project. Therefore, ELS was hired in July 2008 to begin preliminary engineering services to construct a trail extension under the Burlington Northern Railroad and Grand Avenue bridges at New River, and build an accessible ramp along the soil cement wall that was built the Flood Control District of Maricopa County (District).

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# _____ LIC. # _____
Action Date:

ACON29808P2

The amount of the initial contract was \$16,930 and it provided for geological testing and sampling, site surveying, project understanding with direction provided by the District, and information to determine the project costs for design and engineering. ELS has been in contact with the Army Corps of Engineers (ACOE), and determined that a 404 Wetlands Permit (Permit) will be required for this project. An application for the Permit has already been submitted to ACOE to start the process. The Permit can be rather lengthy to acquire. However, the construction duration is only ninety days so we are hopeful the project will be completed by early 2010.

This underpass connection is a critical missing link between two segments of the New River Trail system. In 2006, the City and Flood Control District of Maricopa County constructed two miles of trail on both sides of New River between Grand Avenue and Rio Vista Community Park. In 2007, the City of Peoria constructed another two miles of trail on the west side of New River between Grand and Olive Avenue. Additionally, there are trail extensions planned and ready for construction from Rio Vista Park along the Skunk Creek Channel (2 miles), and another 2.5 miles of path completed north of Rio Vista Park along New River and the Greenway Channel. Therefore, this project closes the gap that currently exists and will provide for more than eight (8) miles of continuous multi-use and accessible trails in our city.

Fiscal Note: Funds are available in the Grand Avenue Underpass project account No. 4210-4210-543005-CIPRT-CS00084 (\$668,000).

ATTACHMENT: Contract Amendment
 Project Location Map

ORIGINAL



CONTRACT AMENDMENT Change Order

Materials Management
Procurement
8314 W. Cinnabar Ave.
Peoria, AZ 85345
Telephone: (623) 773-7115
Fax: (623) 773-7118

Solicitation No.: P08-0069BP2 Page 1 of 2

Amendment No.: One (1) Date: March 27, 2009

Buyer: Christine Finney

Project No.: CS00084

Agreement Date: 7/30/2008

Project Description: New River Trail Underpass at Grand Avenue

Completion Date: 1/28/2010

Change Order Type: Owner Initiated Errors & Omissions Unknown Conditions Phased Award

*The changes as shown on the attached sheet are hereby made to the contract.

Contract Price Change:

Original Contract Price:	\$16,929.85
Total of previous change orders:	\$0.00
Original contract price plus previous change order(s):	\$16,929.85
The contract price due to this change order will be increased/decreased by:	\$668,000.00
The new contract price including this change order will be:	\$684,929.85

Contract Time Change:

The contract time will be increased. See Page 2
The new date for completion of all work will be 1/28/2010

Contractor hereby acknowledges receipt and agreement. A signed copy shall be filed with the City of Peoria, Materials Management Division.

Signature	Date	Typed Name and Title	Company Name
		Gary Hirsch	ELS Construction, Inc.
3329 East Southern Ave		Phoenix	AZ 85040
Address		City	State Zip Code

Attested By:

Mary Jo Kief, City Clerk

[Signature]
J.P. de la Montaigne, Community Services Director

[Signature]
Kirk Haines, Parks Manager

[Signature] 3/27/09
Christine Finney, Buyer

CC Number

ACON29808P2A
Contract Number

Approved as to Form: Stephen M. Kemp, City Attorney
The above referenced Contract Amendment is hereby Executed
_____ at Peoria, Arizona

Carl Swenson, City Manager

City Seal

Official File

Grand Avenue Underpass

Location Map

