

BOARD OF TRUSTEES AGENDA

<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Regular	<input type="checkbox"/>	Special
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- (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 TWO (2) ON SEALED PROPOSAL 241610 ON EPHS COUNSELING OFFICE REMODEL 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: Friday, December 6, 2024

Subject: **Change Order Number 2 on Sealed Proposal 241610 for
EPHS Counseling Office Remodel**

In accordance with Board Policy CV, attached for your review is the written cost estimate of the proposed change order to Sealed Proposal 241610 for EPHS Counseling Office Remodel 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
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December 6, 2024

Mr. Samuel Mijares, Superintendent
Eagle Pass Independent School District
1420 Eidson Road
Eagle Pass, TX 78852

Re: Eagle Pass Independent School District
Eagle Pass High School Counseling Office Remodel
Draft Change Order #2 Recommendation

Dear Mr. Mijares,

We would like to make the following recommendation for Change Order #2 for modifications to the structure of the elevator shaft as requested by Otis elevator. Change order #2 will also include repairs and modifications to the fire alarm system that served the counseling offices to bring it into compliance with current codes.

The items of this change order are included in Proposal Request #9 and Proposal Request #17 for this project as noted and highlighted in red on the attached 12/6/24 Job Status Report. The attached Job Status Report summarizes the requests and their associated value. In summary, the proposed change order will add \$91,289.91 to the contract amount, increasing the contract amount from \$1,221,964.35 to \$1,313,254.16.

The following is a narrative and recommendation for each Proposal Request:

Proposal Request #9 Elevator Shaft Modifications Background:

Otis elevator issues a planning document that suggests a 12' clear dimension to the bottom of structure is necessary for the installation of their equipment. The original drawings for the school showed a 12'4" height available to the bottom of the roof deck. Unfortunately, once everything was removed and measured, Otis Elevator insisted that a 12'-8" clear height to the bottom of the roof deck was necessary. This was reviewed with EPISD administration and the additional work was authorized. A drawing noting the necessary modifications is attached for reference.

Proposal Request #9:

To minimize the associated work to accommodate clearances for the elevator, a 7" adjustment of the shaft location was necessary to align the shaft with existing roof trusses. The work included welding support angles to the added foundation support beams and extending the pit floor decking over to align with the trusses. See attachment 1 of this recommendation letter and note the adjusted foundation structure. The proposed cost for this work is \$12,500.00.

The shaft structure had to be extended approximately 18” through the existing roof deck. The roof deck had to be cut and shored up, and a new perimeter wall needed to be built around the shaft extended through the roof. The proposed cost for this work was \$14,000.00

The roof penetration had to be flashed and a new roof applied to the extended shaft structure. The cost for this work was \$16,324.00. See photo:



The finish selected for the interior of the cab was stainless steel adding \$725.00.

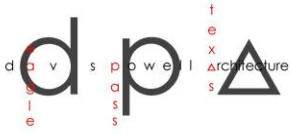
The electrical information provided on the Otis planning sheet requested 3 phase power but did not specify a voltage. In the shop drawings Otis required a 480V 3 phase service with 3 additional 120V circuits to support the elevator function. The proposal includes \$8246.77 for electrical per Otis shop drawings.

This project did not include a testing allowance. However, the foundation, platforms, and shaft, required special steel inspections per the building code. This proposal includes \$7,431.00 to accommodate the special inspections for code compliance.

The total proposed cost for PR#9 is \$59,226.77.

Proposal Request 17: Updating Fire Alarm

No scope of work for upgrading the fire alarm was included in this project. Instead, the fire alarms have been being upgraded as needed through a separate contract by EPISD with Sentry Security. However, once the project was underway, it was advantageous to bring the Fire Alarm company in while the ceilings and walls were open. PR#17 asked the contractor to include the fire alarm in their scope of work. The proposed cost for PR#17 is \$22,092.00 and will bring the counseling office area into compliance with current codes as well as provide necessary protection for the elevator.



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The contractor is eligible to add for insurance, overhead, and profit. The proposal for this is \$9971.14 or 12% of the proposed change order.

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

Thank you,

Davis Powell, Architect

CC: Rolando Salinas

Job Status Report: Eagle Pass Independent School District
 Eagle Pass High School
 Counseling Office Remodel

Date: 12/6/24
 Owner: Eagle Pass ISD
 Rolando Salinas
 830-758-7058

Original Contract Amount:	\$	1,201,410.00
Contract Start date:		11/8/2023
Original Completion Date:		6/10/2024
Adjusted Completion Date:		12/16/2024

Approved Change Orders:		
1. Includes PR#1, #2, #3, #4, #5, #6, #7, #8,#10, #11, #12, #13, #13A, #14, #15, and #16 offset by \$20000 betterment allowance	\$	20,554.25
2. Includes PR#9 and PR#17	\$	91,289.91

Adjusted Contract Amount: \$ 1,313,254.16

Betterment Allowance: \$ 20,000.00

Proposal Request:	\$	-
PR#1 Revisions to walls and addition of room 225a	\$	(12,700.00)
PR#2 Include Data and IT wiring and face plates	\$	(18,366.67)
PR#3 Delete movable partition, framing, and structure.	\$	41,939.76
PR#4 Revised foundation for Elevator	\$	-
PR#5 Install owner provided night drop box	\$	(275.00)
PR#6 Add 3 tankless water heaters at sink locations	\$	(4,882.22)
PR#7 Add 3 - 208v 30A circuits for water heaters	\$	(3,900.00)
PR#8 Add 8 - Windows into main hall	\$	(10,800.00)
PR#9 Elevator Revisions per Otis field review	\$	-
Revision of foundation	\$	(12,500.00)
Revision of structure to extend above roof	\$	(14,000.00)
Roof replacement	\$	(16,324.00)
Stainless steel finish upgrade	\$	(725.00)
Additional electrical	\$	(8,246.77)
Steel and concrete Testing	\$	(7,431.00)
PR#10 Relocate wall in room 203A for larger office for Attendance Officer	\$	(2,250.00)
PR#11 Add janitor's closet 221A	\$	(8,980.00)
PR#12 PA and Telephone lines	\$	(5,571.64)
PR#13 Flooring in Stairway	\$	(4,050.00)
PR#13A Unclogging 4" drain	\$	(2,000.00)
PR#14 Replace aluminum door in Room 225	\$	(3,450.00)
PR#15 Add light fixture to adjusted room 203A	\$	(800.00)
PR#16 Granite counters in lieu of PL	\$	(2,600.00)
PR#17 Revisions to Fire Alarm and Fire Alarm for elevator	\$	(22,092.00)

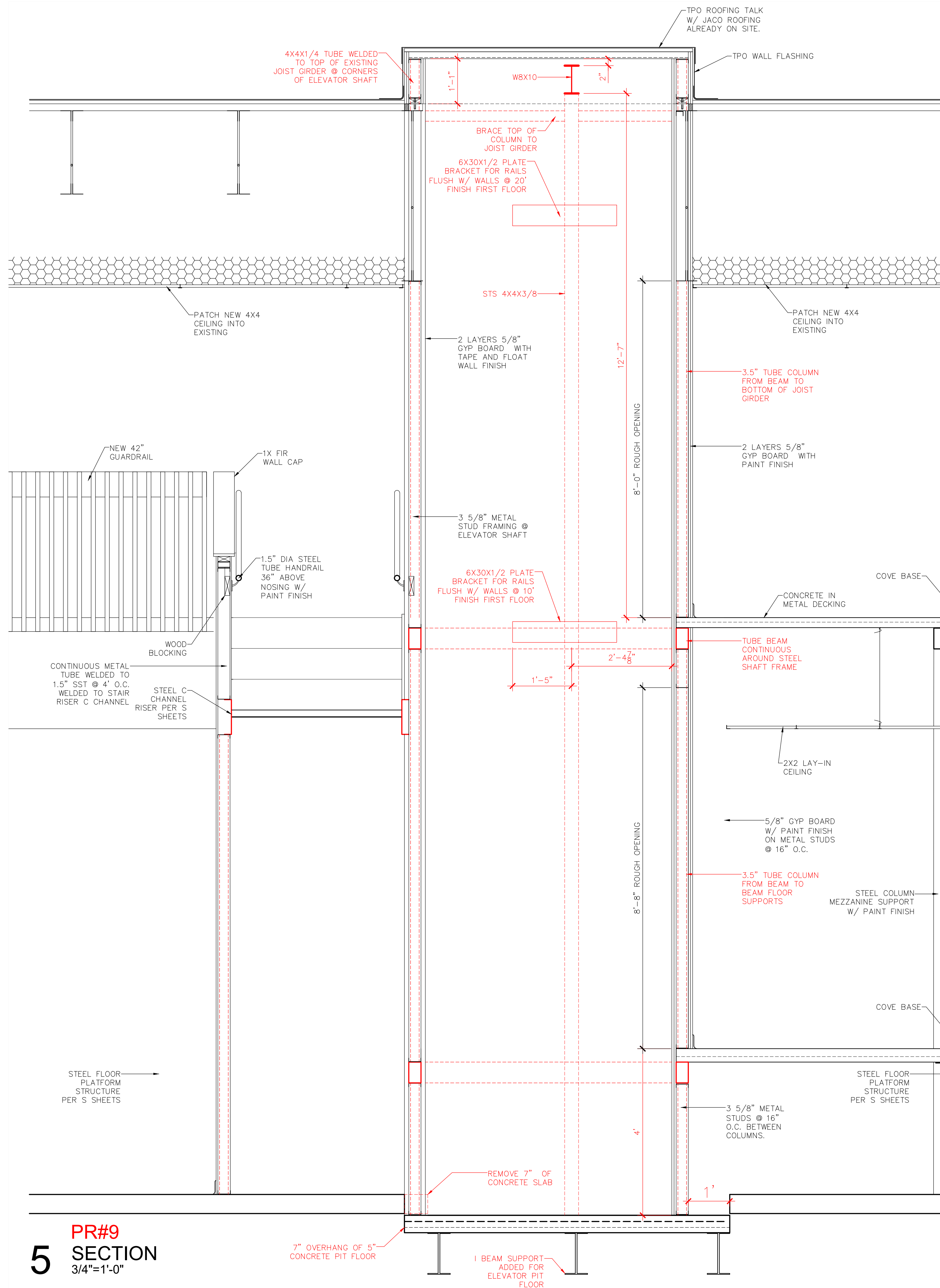
Betterment Allowance Balance: \$ -

Total PR#9 and PR#17 \$ 81,318.77

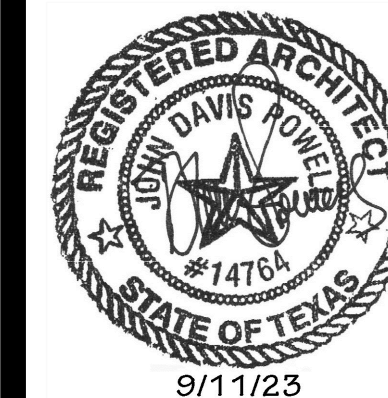
GC mark up including insurance, overhead, and profit \$ 9,971.14

Total Change Order #2 \$ 91,289.91

Issues List
 1



5 PR#9 SECTION
3/4"=1'-0"



9/11/23

EAGLE PASS HIGH SCHOOL
COUNSELING OFFICE REMODEL
2020 SECOND STREET EAGLE PASS, TX

EP

DATE:	6/26/23
REVISED:	10/20/23 ADDENDUM 2
	12/4/23 PR#1
	1/15/24 PR#1 REV
	4/2/24 PR#3,5,6,8,10,11
	4/23/24 PR#9

SHEET:
A10