

RESOLUTION NO. 17-065

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND BRUCE'S GENERAL CONSTRUCTION DECREASING THE CONTRACT AMOUNT BY \$5,000.00 TO A NEW CONTRACT AMOUNT OF \$130,000.00, AND AUTHORIZING ACCEPTANCE OF THE ARCHITECT'S CERTIFICATE OF COMPLETION AND PAYMENT OF RETAINAGE IN THE AMOUNT OF \$6,500 FOR THE CONSTRUCTION OF THE RECREATIONAL AREA INSIDE THE SPUR 93 BUSINESS PARK, FUNDS AVAILABLE IN EDC ACCOUNT NO. 120-1429-582.59-02**

**WHEREAS**, per Resolution 16-071, the City Council awarded a contract for the construction of a recreational area inside the Spur 93 Business Park to Bruce's General Construction in the amount of \$135,000; and

**WHEREAS**, the project manager, The Labiche Architectural Group, Inc., on behalf of Bruce's General Construction submitted change Order No. 1 decreasing the contract amount by \$5,000 to a new contract total of \$130,000 as shown in **Exhibit "A"**; and

**WHEREAS**, the project manager, The Labiche Architectural Group, Inc., has certified the work has been completed in accordance with the Contract Documents, and the contractor is entitled to retainage payment in the amount of \$6,500, as provided in **Exhibit "B"**; and

**WHEREAS**, the retainage for this project is five percent (5%) of the work completed and billed, and the project manager, The Labiche Architectural Group, Inc., has approved final payment to Bruce's General Construction.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:**

**Section 1.** That the facts and opinions in the preamble are true and correct.

**Section 2.** That the City Council authorizes Change Order No. 1 (Exhibit "A") and allows PAEDC to make final retainage payment to Bruce's General Construction in an amount of \$6,500 (Exhibit "B") for construction completion of the recreational area inside the Spur 93 Business Park.

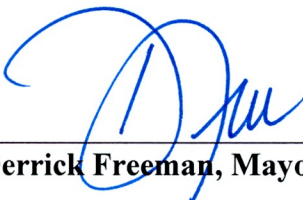
**Section 3.** That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

**READ, ADOPTED AND APPROVED** on this 28<sup>th</sup> day of March A.D., 2017, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: AYES:

Mayor Freeman; Mayor Pro Tem Scott

Councilmembers Hamilton, Albright, Richard  
Lewis, Moses and Frank

NOES: None.

  
Derrick Freeman, Mayor

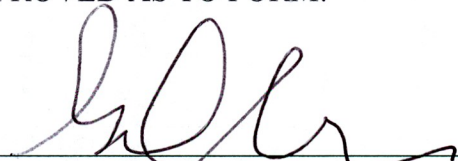
ATTEST:

  
Sherri Bellard, City Secretary

APPROVED:

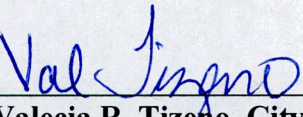
  
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:

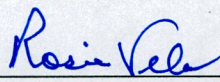
  
Guy N. Goodson, PAEDC Attorney



APPROVED AS TO FORM:

  
\_\_\_\_\_  
**Valecia R. Tizen, City Attorney**

APPROVED AS TO AVAILABILITY OF FUNDS:

  
\_\_\_\_\_  
**Rosie Vela, Interim Finance Director**



# **EXHIBIT “A”**

# CHANGE ORDER

PROJECT: Port Arthur EDC Recreational Area inside Spur 93 Business Park CHANGE ORDER NO: 1

CONTRACTOR: Bruce's General Construction 1175 Reynolds Road Beaumont, Texas 77707 DATE: March 8, 2016

ARCHITECT'S PROJECT NO.: 14042 CONTRACT DATE: March 8, 2016 CONTRACT FOR: Renovations

The Contract is changed as follows:

- Deduct for the deletion of six (6) brick columns

Total Deduct:.....(\$5,000.00)

**\*\*See attached breakdown**

**Not valid until signed by the Owner, Architect, and Contractor.**

The original Contract Sum was ..... \$135,000.00  
Net change by previously authorized Change Orders.....\$0.00  
The Contract Sum prior to this Change Order was..... \$135,000.00  
The Contract sum will be **Decreased** by this Change Order in the amount of ..... (\$5,000.00)  
The new Contract Sum including this Change Order will be ..... \$130,000.00

The Contract Time will be increased by **zero (00) days**.  
The date of Substantial Completion as of the date of this Change Order therefore is  
**Date will be fixed in Notice to Proceed.**

NOTE: The summary does not reflect changes in the Contract Sum or Contract Time which have been authorized by Construction Change Directive.

The LaBiche Architectural Group  
7999 Gladys Avenue, Suite 101  
Beaumont, Texas 77706

By: \_\_\_\_\_

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

Bruce's General Construction  
1175 Reynolds Road  
Beaumont, Texas 77707

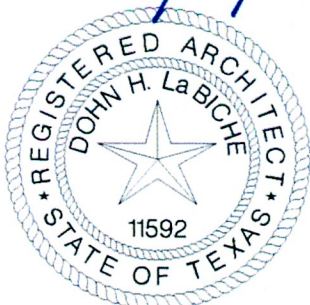
By: \_\_\_\_\_

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

City of Port Arthur Section 4A  
Economic Development Corp.  
P.O. Box 1089  
Port Arthur, Texas 77641

By: \_\_\_\_\_

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



PORT ARTHUR  
Original

# Bruce's General Construction, Inc.

1175 Reynolds Rd  
Beaumont, TX 77707  
Phone: (409) 866-6245  
Fax: (409) 866-8245

## Request for Change Order

To: CITY OF PORT ARTHUR  
P O BOX 1089  
Port Arthur, TX 77641  
Project: COPA16003-EDC RECREATION AREA

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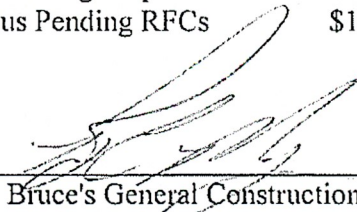
RFC No: 1  
Date: 1/18/2016  
Description: Deduct for the deletion of six (6) brick columns.

The above work is subject to the same conditions as specified in the original contract unless otherwise stipulated.

Upon approval the sum of \$-5,000.00 will be deducted from the contract price.

Original Contract	\$135,000.00
Other Approved Change Orders	\$0.00
Total Contract to Date	\$135,000.00
This Request	\$-5,000.00
Other Pending Requests	\$0.00
Total Contract plus Pending RFCs	\$130,000.00

Authorized Signature: \_\_\_\_\_

  
Bruce's General Construction, Inc.

Date: 1-19-16

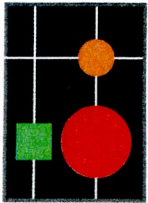
Authorized Signature: \_\_\_\_\_

CITY OF PORT ARTHUR

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

# **EXHIBIT “B”**





The LaBiche  
ARCHITECTURAL GROUP, INC.

RECEIVED  
MAR 02 2017

Dohn H. LaBiche, FAIA  
Principal

January 26, 2017

Greg Wall, AIA  
Principal

7999 Gladys, Suite 101  
Beaumont, Texas 77706  
(409) 860-0197  
Fax: (409) 860-0198  
www.labiche.com

Mr. Floyd Batiste  
City of Port Arthur EDC  
501 Procter Street  
Port Arthur, Texas 77640

RE: **Port Arthur EDC Recreational Area  
inside Spur 93 Business Park**

ARCHITECTURE

Dear Mr. Batiste,

PROJECT  
CONSULTING

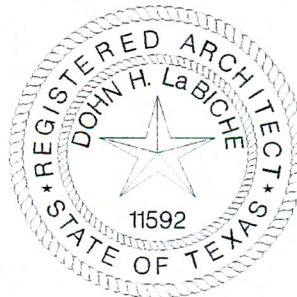
Enclosed herewith is the Contractor's Application and Certificate for  
**Payment No. 6 Retainage** in the amount of **\$6,500.00**. This  
application has been reviewed, and is recommended for payment.

PLANNING

INTERIOR  
DESIGN

Sincerely,

Dohn H. LaBiche, FAIA  
DHL/lb



Enclosure

CC: Bruce's General Construction  
Project #: 14042

*Floyd Batiste*  
3/2/2017



## APPLICATION AND CERTIFICATE FOR PAYMENT

To(OWNER): CITY OF PORT ARTHUR  
444 - 4TH ST  
Port Arthur, TX 77641

Project: COPA16003-EDC RECREATION AREA  
9555 WEST PORT ARTHUR ROAD  
Port Arthur, TX 77641

Application No: 6  
Invoice No: 3038  
Period To: 11/30/2016

From: Bruce's General Construction, Inc.  
P O Box 22534  
Beaumont, TX 77720

Via(Architect): LaBiche Architectural Group

Architect's  
Project No: 16003  
Invoice Date: 11/30/2016  
Contract Date: 4/1/2016

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

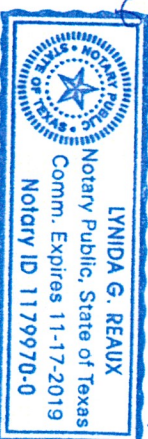
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Approved previous months	0.00	5,000.00
Approved this month	0.00	0.00
TOTALS	0.00	5,000.00
Net change by change orders	-5,000.00	

1. ORIGINAL CONTRACT SUM.....	\$ 135,000.00
2. Net change by Change Orders.....	\$ -5,000.00
3. CONTRACT SUM TO DATE(Line 1 + - 2).....	\$ 130,000.00
4. TOTAL COMPLETED & STORED TO DATE.....	\$ 130,000.00
5. RETAINAGE.....	\$ 0.00
6. TOTAL EARNED LESS RETAINAGE.....	\$ 130,000.00
(Line 4 less Line 5)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT.....	\$ 123,500.00
(Line 6 from prior Certificate)	
8. SALES TAX.....	\$ 0.00
9. CURRENT PAYMENT DUE.....	\$ 6,500.00
10. BALANCE TO FINISH, PLUS RETAINAGE.....	\$ 0.00
(Line 3 less Line 6)	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

State of: Texas County of: Jefferson  
Subscribed and sworn to before me this 30th day of November 2016  
Notary Public: Lynda G. Reaux  
My Commission expires: 11-17-19

By: [Signature] Date: 11-30-16



## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... \$ 6500.00  
(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT: LaBiche Architectural Group

By: [Signature] Date: 1/26/17  
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



# CONTINUATION SHEET

Application Number: 6  
 Application Date: 11/30/2016  
 Period To: 11/30/2016  
 Architect's Project No: 16003

A	B	C	D		E	F	G	H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% G/ C	BALANCE TO FINISH (C-G)	RETAINAGE
			FROM PREV. APPLICATION (D+E)	THIS PERIOD					
1	GENERAL CONDITIONS	12,000.00	12,000.00	0.00	0.00	12,000.00	100	0.00	0.00
2	SUPERVISION	25,000.00	25,000.00	0.00	0.00	25,000.00	100	0.00	0.00
3	SITE WORK	16,000.00	16,000.00	0.00	0.00	16,000.00	100	0.00	0.00
4	CONCRETE SIDEWALKS	21,000.00	21,000.00	0.00	0.00	21,000.00	100	0.00	0.00
5	MASONRY	5,000.00	0.00	0.00	0.00	0.00	0	5,000.00	0.00
6	FENCING	19,000.00	19,000.00	0.00	0.00	19,000.00	100	0.00	0.00
7	PARK EQUIPMENT	14,000.00	14,000.00	0.00	0.00	14,000.00	100	0.00	0.00
8	METAL CANOPY	23,000.00	23,000.00	0.00	0.00	23,000.00	100	0.00	0.00
9	CHANGE ORDER #1	-5,000.00	0.00	0.00	0.00	0.00	0	-5,000.00	0.00
	Totals	130,000.00	130,000.00	0.00	0.00	130,000.00	100	0.00	0.00