

RESOLUTION NO. 08-361

**A RESOLUTION APPROVING CHANGE ORDERS  
NO. 1 AND NO. 2 OF THE CONTRACT BETWEEN  
EXCAVATORS & CONSTRUCTORS AND THE  
CITY OF PORT ARTHUR SECTION 4A ECONOMIC  
DEVELOPMENT CORPORATION, LTD FOR  
CONSTRUCTION OF JADE AVENUE.**

**WHEREAS**, Excavators & Constructors have been retained by the City of Port Arthur Section 4A Economic Development Corporation to extend Jade Avenue; and

**WHEREAS**, Joe M. Wilson, Jr., P.E. with Arceneaux & Gates Consulting Engineers, consultants for the City of Port Arthur Section 4A Economic Development Corporation Board of Directors recommend approval of Change Orders No. 1 and 2 attached as Exhibit "A and B"; and

**WHEREAS**, the revised completion date will be May 15, 2009 and the new contract price will be \$2,528,929.75.

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

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

**Section 2.** That the Change Orders No. 1 and No. 2 are hereby approved as delineated as in Exhibit "A" and "B".

**READ, ADOPTED AND APPROVED ON THE** 26<sup>th</sup> day of August

A.D. 2008, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote:

AYES:

Mayor Prince;

City Council: Mayor Pro Tem Chatman;  
Sefer, Flood, Beard, Wise and  
Henderson.

NOES: None.

Deloris Prince  
DELORIS "BOBBIE" PRINCE, MAYOR

Attest:  
Terrri Hanks  
TERRI HANKS, ACTING CITY SECRETARY

APPROVED:  
Floyd Batiste  
FLOYD BATISTE, EDC CEO

APPROVED AS TO FORM:  
Mark Sokolow  
MARK T. SOKOLOW, CITY ATTORNEY

# EXHIBIT A



# Memo

**To:** Mr. Floyd Batiste, CEO, PAEDC  
**From:** Joe M. Wilson, Jr., PE  
**CC:** Project File  
**Date:** August 6, 2008  
**Email:** fbatiste@paedc.org  
**Fax:** (409) 962-4445  
**Re:** CHANGE ORDER NO. 2  
**Job:** EDC-070

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Mr. Batiste,

Attached is Change Order No. 2 for the Jade Avenue Extension Phase II project. This change order contain both additions and deletions to bid items in the project as well as additions for items not included in the original scope of work. The items included in the change order are necessitated by TxDOT change to the culverts along Hwy 365 while the remainders of the changes are due to small design changes encountered during the construction. We anticipate other deductions to the contract for items that may not be utilized in full which should offset the cost associated with this change order. These will be deducted from the contract with a change order at the appropriate phase of construction. Please call if you have any questions or require further information.



## CHANGE ORDER No. 2

DATE: August 6, 2008 JOB NO. EDC-070, Contract No. 1

AGREEMENT DATE: March 19, 2008

NAME OF PROJECT: JADE AVENUE EXTENSION - PHASE II

OWNER: PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

CONTRACTOR: EXCAVATORS & CONSTRUCTORS, LTD.

The following changes are hereby made to the CONTRACT DOCUMENTS:

### 1. Adjust the following Bid Items.

a. Add (1) Type "C" Manhole (Bid Item No. 18).	[+]	\$ <u>3,575.00</u>
b. Add (64 lf) 48" RCP (Bid Item No. 28).	[+]	\$ <u>23,500.00</u>
c. Delete (1) Type "C" Inlet Offset (Bid Item No. 19).	[-]	\$ <u>2,600.00</u>
d. Delete (1) Type "C" Inlet Modified Offset (Bid Item No. 20).	[-]	\$ <u>2,120.00</u>
e. Delete (74 lf) 24" RCP with Safety End Treatments (Bid Item No. 31).	[-]	\$ <u>8,572.00</u>
f. Delete (9) 16" X 16" X 60' Concrete Piling from Bridge Structure (Bid Item No. 40).	[-]	\$ <u>11,325.60</u>

### 2. Add the following to the Contract.

a. Add (1) 30" x 30" Saddle Inlet on 48 RCP.	[+]	\$ <u>3,200.00</u>
b. Add (5) 24" RCP with Safety End Treatments.	[+]	\$ <u>6,840.00</u>
c. Add removal of trash and debris from R.O.W.	[+]	\$ <u>5,418.57</u>

**TOTAL** \$ 17,915.97



**CHANGE ORDER NO. 2**  
**August 6, 2008**  
**Job No. EDC-070, Contract No. 1**

**CHANGE TO CONTRACT PRICE:**

ORIGINAL CONTRACT PRICE: \$2,509,381.78

CURRENT CONTRACT PRICE adjusted by previous CHANGE ORDER(S): \$2,511,013.78

The CONTRACT PRICE due to this CHANGE ORDER will be [increased]

~~[decreased]~~

by: \$17,915.97 Dollars

The new CONTRACT PRICE, including this CHANGE ORDER, will be  
\$2,528,929.75

**CHANGE TO CONTRACT TIME:**

ORIGINAL CONTRACT TIME: 365 Calendar Days

CURRENT CONTRACT TIME adjusted by previous CHANGE ORDER: 365 Calendar Days

CURRENT DATE OF COMPLETION: May 15, 2009


CONTRACT TIME due to this CHANGE ORDER will be *increased* by 0 Days


The New DATE OF COMPLETION: May 15, 2009

No other Terms and Conditions of the Contract are changed as a result of this Change Order. Contractor's acceptance of Change Order relieves OWNER of any liability for additional costs incurred by Contractor in his performance of the work covered by the Change Order.

RECOMMENDED BY ENGINEER:

ACCEPTED BY:

  
\_\_\_\_\_  
**ARCENEAUX & GATES**  
**CONSULTING ENGINEERS, INC.**

  
\_\_\_\_\_  
[CONTRACTOR, OFFICER OR OWNER]  
**Excavators & Constructors, Ltd.**

ACCEPTED BY:

  
\_\_\_\_\_  
**PORT ARTHUR ECONOMIC DEVELOPMENT CORP.**

DATE: 06/28/2002  
TIME: 0:35 AM

Transit Mix  
505 Orleans, Suite 200  
Beaumont, TX 77701  
409-235-4933

TICKET: 30553  
LOCATION: 1137 /278

12358  
EXCAVATORS & CONSTRUCTORS LTD  
ORDER#: 3555

PRODUCT: 15'  
1.5 SACK STABILIZED SPA907  
CARRIER/VEHICLE: EX067  
FOR

51 FOR JANE AVE 2000-49  
P.O.#: 2008-49  
Customer Job #  
DELIVERY INSTRUCTIONS:  
DAVID 749-0959



TODAY'S LOADS: 1

TODAY'S QTY: 12.05 Ton

PRICE

AMOUNT

QTY 12.05 Ton

FREIGHT

TAX

POUNDS 42,680

TONS 24.84

25,580

12.79

24,100

TOTAL

AVOID BREATHING DUST FROM THIS PRODUCT. Sand and gravel contain crystalline silica. Also see researchers have reported that there is evidence that prolonged and repeated breathing of crystalline silica dust may cause lung cancer. For detailed information, including the manufacturer's position, see the Material Data Safety Sheet before handling this product.  
WEIGHMASTER: CORNELIUS MACK  
Driver Signature:

866256  
Driver Signature: *Tah*

DATE: 05/28/2006  
TIME: 8:38 am

Transit Mkt  
305 Orleans, Suite 200  
Beaumont, TX 77701  
409-835-4933

TICKET: 38594  
LOCATION: 1137 / 278

18398  
EXCAVATORS & CONSTRUCTORS LTD  
ORDER#: 3595

PRODUCT:  
197

CARRIER/VEHICLE  
FOR

1.5 SACK STABILIZED SAE9005 4 EX905

51 FOB JADE AVE 2002-40

P.O.#: 2005-49

Customer Job #

DELIVERY INSTRUCTIONS:

DAVID 742-0759

TODAY'S LOADS: 2

TODAY'S QTY: 23.62 Ton

PRICE AMOUNT

QTY 11.57 Ton

POUNDS TONS

51,660 25.83  
28,520 14.26  
23,140 11.57

FREIGHT

TAX

52

TOTAL

READ WARNINGS AWAY FROM THIS PRODUCT: Sand and Gravel contains crystalline silica -- Crushed Stone may contain crystalline silica. Also see researchers have reported that there is evidence that prolonged and repeated breathing of crystalline silica dust may cause lung cancer. For detailed information, including the manufacturer's position, see the Material Data Safety Sheet before handling this product.

WEIGHMASTER: CORNELIUS MACK

Driver Signature:

Driver Signature:

866257



DATE: 05/28/2009  
TIME: 11:18 am

Transit Mix  
505 Orleans, Suite 200  
Baton Rouge, LA 70701  
409-835-4933

TICKET: 30520  
LOCATION: 1137 7278

18398

EXCAVATORS & CONSTRUCTORS LTD

ORDER#: 3595

PRODUCT

197

1.5 SACK STABILIZED SAND

CARRIER/VEHICLE  
FOS

EX005

51 FOS LADE AVE 2008-49

P.O. #: 2008-49

Customer Job #

DELIVERY INSTRUCTIONS:

DAVID 743-0959

TODAY'S LOADS: 5

TODAY'S QTY: 59.17 Ton

AMOUNT

PRICE

QTY

11.20 Ton

FREIGHT

50,920

25.46

28,520

14.26

22,400

11.20

TAX

52

TOTAL

\* Predeterained Tax

**AND MEANING NOT FROM THIS PRODUCT:** Sand and Gravel contain crystalline silica - Crushed Stone may contain crystalline silica. Also some researchers have reported that there is evidence that prolonged and repeated breathing of crystalline silica dust may cause lung cancer. For detailed information, including the manufacturer's guidelines, see the Material Data Safety Sheet before handling this product.

WEIGHMASTER: CORNELIUS HACK

Driver Signature:

866263 Driver Signature:

DATE: 05/28/2008  
TIME: 10:05 am

Transit Mix  
205 Orleans, Suite 200  
Houston, TX 77201  
409-635-4933

TICKET: 30596  
LOCATION: 1127 / 278

18398

EXCAVATORS & CONSTRUCTORS LTR

ORDER#: 3535

PRODUCT  
197

1.5 SACK STABILIZED SAE1005

BARRIER/VEHICLE  
FDB

51 FDB JADE AVE 2008-49

P.O.#: 2008-49

Customer Job #

DELIVERY INSTRUCTIONS:

DAVID 749-8959

TODAY'S LOADS: 3

TODAY'S QTY: 35.92 Ton

POUNDS	TONS	QTY	PRICE	AMOUNT
55,120	27.56	13.30	92	
28,520	14.26			
26,500	13.30			
				FREIGHT
				TAX
				TOTAL

\* Predetermined Tare

**HEAVY METALS NOT FOR THIS PRODUCT:** Sand and gravel contain crystalline silica -- Elevated Silica may contain crystalline silica. Also see research that has reported that there is evidence that prolonged and repeated breathing of crystalline silica dust may cause lung cancer. For detailed information, including the manufacturer's position, see the Material Data Safety Sheet before handling this product.  
**WEIGHMASTER: CORNELIUS MACK**

Driver Signature:

**866259**mer Signature:

DATE: 06/28/2008  
TIME: 10:09 am

Transit Mix  
505 Orleans, Suite 200  
Beaumont, Tx 77701  
409-835-4933

TICKET: 30597  
LOCATION: 1137 / 278

18398  
EXCAVATORS & CONSTRUCTORS LTD  
ORDER#: 2595

PRODUCT  
197  
1.5 SACK STABILIZED GRAVEL  
CARRIER/VEHICLE  
FOB  
TEX007

51 FOS JADE AVE 2008-49  
P.O.#: 2008-49  
Customer Job #  
DELIVERY INSTRUCTIONS:  
DAVID 749-0959



TODAY'S LOADS: 4  
TODAY'S QTY: 46.97

POUNDS	TONS	QTY	PRICE
43,580	22.84	10.05 Ton	
23,580	12.79		
20,100	10.05		
			TOTAL

FREIGHT  
TAX

\* Predetermined Tare

**AVOID BREATHING DUST FROM THIS PRODUCT:** Sand and Gravel contain crystalline silica - Crushed Stone may contain crystalline all some researchers have reported that there is evidence that prolonged and repeated breathing of crystalline silica dust may cause cancer. For detailed information, including the manufacturer's position, see the Material Data Safety Sheet before handling this product.

WEIGHMASTER: CORNELIUS NACK

Driver Signature:

866260

Customer Signature: *Tape*

Mid County Land Company, Ltd.

PO. Box G  
Nederland, Tx 77627

# Invoice

Date	Invoice #
7/16/2008	886494-1

<b>Bill To</b>
Excavators and Constructors 8869 S HWY 69 Port Arthur, TX 77640



RECEIVED

JUL 23 2008

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Transport Link-belt from Jade Rd to Port Arthur for Jerry Braxton - No Charge	0.00	0
	Transport 200 from office to Jade Rd	275.00	275
<b>Total</b>			<b>\$275.</b>



# INVOICE

Triangle Waste Solutions  
 P O Box 4253-P  
 Houston, TX 77210-4253  
 Tel: (409) 736-3600  
 Fax: (409) 736-2572

**Excavators & Constructors**  
 8869 S Hwy 69  
 Port Arthur, TX 77640

Invoice #: 15246  
 Invoice Date: Jul 31, 2008  
 Page #: 1  
 PO Number: 2008-49

Transaction Date	Type	Charge Code / Description	Unit Rate	Quantity	Amount
		(1) Excavators & Constructors Jade Ave on road that runs on side of our Office Port Arthur, TX 77640 PO Number: 2008-49			
Jul 31, 2008	Period	Construction Toilet - (T4002) Rental (Jul 01, 2008 - Jul 31, 2008)	\$ 90.00	1.00	\$ 90.00
Jul 18, 2008	Service	Roll Off Delivery - Work Order 9803			\$ 75.00
Jul 18, 2008	Service	Empty & Return - Work Order 9881			\$ 382.25
Jul 18, 2008	Service	Empty & Return - Work Order 9880			\$ 382.25
Jul 18, 2008	Service	Empty & Return - Work Order 9892			\$ 382.25
Jul 18, 2008	Service	Empty & Return - Work Order 9891			\$ 382.25
Jul 18, 2008	Service	Empty & Return - Work Order 9849			\$ 382.25
Jul 18, 2008	Service	Empty & No Return - Work Order 9950			\$ 382.25
		(2) Excavators & Constructors Jade Ave Port Arthur, TX 77640 PO Number: 2008-49			
Jul 31, 2008	Period	Construction Toilet - (T1377) Rental (Jul 08, 2008 - Jul 31, 2008)	\$ 90.00	1.00	\$ 90.00
Jul 31, 2008		Fuel Surcharge 16%		16.00 %	\$ 404.51
Jul 31, 2008		State Sales Tax 8.25%		8.25 %	\$ 241.95
				<b>Invoice Total</b>	<b>\$ 3,174.84</b>

# EXHIBIT B



**CHANGE ORDER NO. 1**  
**May 8, 2008**  
**Job No. EDC-070, Contract No. 1**

**CHANGE TO CONTRACT PRICE:**

ORIGINAL CONTRACT PRICE: \$2,509,381.78

CURRENT CONTRACT PRICE adjusted by previous CHANGE ORDER(S): \$2,509,381.78

The CONTRACT PRICE due to this CHANGE ORDER will be [increased]

~~[decreased]~~

by: \$1,632.00 Dollars

The new CONTRACT PRICE, including this CHANGE ORDER, will be

\$2,511,013.78

**CHANGE TO CONTRACT TIME:**

ORIGINAL CONTRACT TIME: 365 Calendar Days

CURRENT CONTRACT TIME adjusted by previous CHANGE ORDER: 365 Calendar Days

CURRENT DATE OF COMPLETION: May 11, 2009

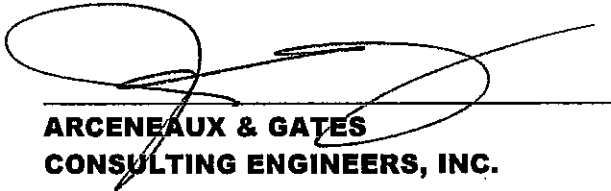
CONTRACT TIME due to this CHANGE ORDER will be *increased* by 0 Days

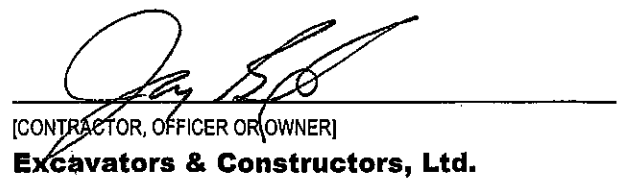
The New DATE OF COMPLETION: May 11, 2009

No other Terms and Conditions of the Contract are changed as a result of this Change Order. Contractor's acceptance of Change Order relieves OWNER of any liability for additional costs incurred by Contractor in his performance of the work covered by the Change Order.

RECOMMENDED BY ENGINEER:

ACCEPTED BY:

  
**ARCENEUX & GATES**  
**CONSULTING ENGINEERS, INC.**

  
[CONTRACTOR, OFFICER OR OWNER]  
**Excavators & Constructors, Ltd.**

ACCEPTED BY:

  
**PORT ARTHUR ECONOMIC DEVELOPMENT CORP.**



**CHANGE ORDER No. 1**

DATE: May 8, 2008 JOB NO. EDC-070, Contract No. 1

AGREEMENT DATE: March 19, 2008

NAME OF PROJECT: JADE AVENUE EXTENSION - PHASE II

OWNER: PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

CONTRACTOR: EXCAVATORS & CONSTRUCTORS, LTD.

The following changes are hereby made to the CONTRACT DOCUMENTS:

**1. Adjust the following Alternate Bid Item No. 45.**

a. Increase test pile length to 60'. [ + ] \$ 1632.00

**TOTAL** \$ 1632.00