

RESOLUTION NO. 10-277

**A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT BETWEEN THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND EXCAVATORS & CONSTRUCTORS, LTD FOR WATER, SEWER, PAVING, AND DRAINAGE FACILITIES TO SERVE THE PORT ARTHUR BUSINESS PARK – PHASE II, CONTRACT NO 3 (A&G NO. EDC-090)**

**WHEREAS**, on April 19, 2010, the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation (the “PAEDC”) approved the bid for the construction of water, sanitary sewer, paving, and drainage to serve the PAEDC Business Park located at 9555 W. Port Arthur Road to Hwy 365 to Excavators & Contractors, Ltd. of Port Arthur, Texas, in the amount of \$ 903,364.35; and

**WHEREAS**, on May 18, 2010, Resolution No. 10-181 was approved by the City Council of the City of Port Arthur, awarding the contract for this project to Excavators & Contractors, Ltd. on the basis of their total amount bid (\$2,074,601.96) with Alternate Deductives A, B, C, D and Alternate Additive E, resulting in a contract price of \$903,364.35; and

**WHEREAS**, based upon street bond fund balance as of April 1, 2010, PAEDC had a funding capacity of \$1,471,626.02; and

**WHEREAS**, it is found to be feasible to amend the contract to allow the PAEDC to add back any deductive alternative or items within a deductive alternate to the project scope, as delineated in Contract Amendment No. 1 attached hereto as Exhibit “A”; and

**WHEREAS**, at the Port Arthur Economic Development Board of Directors meeting on June 28, 2010, the Board of Directors will consider approving Contract Amendment No. 1, as recommended by Arceneaux & Gates Project Consulting Engineers, and Guy Goodson, PAEDC legal counsel; and

**WHEREAS**, Contract Amendment No. 1 is a \$524,344.30 increase in the contract price, making the new contract price \$1,427,708.65; and

**WHEREAS**, the current contract time is 164 calendar days, with proposed completion date of November 22, 2010; and

**WHEREAS**, per Amendment No. 1, the new date for completion will be January 16, 2011; and

**WHEREAS**, pursuant to Section 8.19 of the PAEDC Bylaws, the PAEDC has to submit projects to the City Council for review and approval.

**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.

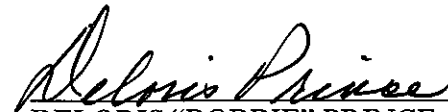
**Section 2.** That the City Council herein approves Contract Amendment No. 1, contingent on final approval by the PAEDC board, for the water, sewer, paving, and drainage facilities to serve the Port Arthur Business Park – Phase II, Contract 3, in the amount of \$524,344.30 with a total contract price of \$1,427,708.65 to Excavators & Contractors, Ltd., in substantially the same form as attached hereto as Exhibit “A”.

**Section 3.** That the construction of PAEDC Business Park Phase II Contract 3 will reflect that the parties to the contract are the PAEDC and Excavators & Contractors, Ltd.

**READ, ADOPTED AND APPROVED** on this 27<sup>th</sup> day of June A.D., 2010, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: **AYES:**

Mayor Prince; Mayor Pro Tem Albright  
Councilmembers Chatman, Segler, Williamson  
Hise and Henderson.

**NOES:** None.

  
DELORIS "BOBBIE" PRINCE, MAYOR

ATTEST:

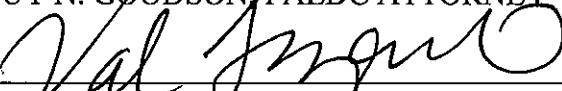
  
TERRI HANKS, CITY SECRETARY *(on behalf of)*

APPROVED:

  
FLOYD BATISTE, PAEDC CEO

APPROVED AS TO FORM:

  
GUY N. GOODSON, PAEDC ATTORNEY

  
VALECIA R. TIZENO, CITY ATTORNEY

APPROVED AS TO THE AVAILABILITY OF FUNDS:

  
DEBORAH ECHOLS, DIRECTOR OF FINANCE

**EXHIBIT "A"**



**CONTRACT AMENDMENT No. 1**

DATE: June 22, 2010 JOB NO. EDC-090, Contract No. 3

AGREEMENT DATE: May 18, 2010

NAME OF PROJECT: Water, Sewer, Paving and Drainage Facilities to serve the Port Arthur Business Park - PHASE II, Contract 3

OWNER: PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

CONTRACTOR: EXCAVATORS & CONSTRUCTORS, LTD.

The following amendments are hereby made to the CONTRACT DOCUMENTS:

**1. Modify the following Bid Items:**

- |    |  |                       |
|----|--|-----------------------|
| a. | Bid Item No. 4<br>Delete 12.00 Ea. Silt Control Inlet Protection       | \$ <u>(396.00)</u>    |
| b. | Bid Item No. 5<br>Delete 3.40 Sta. Roadway Excavation 75' Right of Way | \$ <u>(5,351.60)</u>  |
| c. | Bid Item No. 6<br>Delete 1585.00 S.Y. 8-inch Compacted Subgrade        | \$ <u>(4,041.75)</u>  |
| d. | Bid Item No. 7<br>Delete 28.00 ton Lime for Subgrade                   | \$ <u>(4,004.00)</u>  |
| e. | Bid Item No. 8<br>Delete 1585.00 S.Y. Manipulation of Lime             | \$ <u>(1,743.50)</u>  |
| f. | Bid Item No. 9<br>Delete 1199.00 S.Y. 8-inch Paving                    | \$ <u>(39,447.10)</u> |
| g. | Bid Item No. 10<br>Delete 611.00 6-inch Curb                           | \$ <u>(1,466.40)</u>  |
| h. | Bid Item No. 11<br>Delete 587.00 L.F. 5-foot Sidewalk                  | \$ <u>(8,716.95)</u>  |
| i. | Bid Item No. 12<br>Delete 2.00 Ea. Type I Handicap Ramp                | \$ <u>(1,084.00)</u>  |



**CONTRACT AMENDMENT NO. 1**  
**June 22, 2010**  
**Job No. EDC-090, Contract No. 3**

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j.	Bid Item No. 16 Delete 4.00 Ea. Type "C" Storm Sewer Manhole	\$ <u>(18,608.00)</u>
k.	Bid Item No. 17 Delete 2.00 Ea. Type "C2" Storm Sewer Inlet	\$ <u>(6,700.00)</u>
l.	Bid Item No. 18 Delete 2.00 Ea. Type "C2" Storm Sewer Inlet	\$ <u>(3,730.00)</u>
m.	Bid Item No. 23 Delete 65.00 L.F. 30-inch RCP	\$ <u>(4,013.75)</u>
n.	Bid Item No. 46 Delete Sta. Pavement Markings	\$ <u>(5,006.20)</u>
o.	Bid Item No. 47 Delete Signage	\$ <u>(4,762.80)</u>
p.	Bid Item No. 85 Delete Channel Excavation Alignment "B"	\$ <u>(29,896.00)</u>
q.	Bid Item No. 86 Delete 1 ½-inch HMAC Overlay, Type D, PG 70-22, Surface Aggregate Classification Type B	\$ <u>(6,587.50)</u>
r.	Bid Item No. 87 Delete 6-inch Grade 3, Type A	\$ <u>(5,758.75)</u>
s.	Bid Item No. 88 Delete Type III Fixed Barricade	\$ <u>(1,000.00)</u>

**2. Add the following Items:**

a.	Bid Item No. 15 Add 1734.00 L.F. Trench Safety System	\$ <u>1,560.60</u>
b.	Bid Item No. 20 Add 1.00 Ea. 8-Foot x 6-Foot Concrete Headwall	\$ <u>4,520.00</u>
c.	Bid Item No. 28 Add 642.00 L.F. 7-Foot x 6-Foot RCB	\$ <u>230,157.00</u>
d.	Bid Item No. 29 Add 60.00 L.F. 8-Foot x 5-Foot RCB	\$ <u>15,852.00</u>



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e.	Bid Item No. 30 Add 142 L.F. 8-Foot x 6-Foot RCB	\$ <u>54,173.00</u>
f.	Bid Item No. 31 Add 955 L.F. 9-Foot x 5-Foot RCB	\$ <u>283,730.50</u>
g.	Bid Item No. 33 Add 2.00 L.F. 8-inch PVC Sanitary Sewer	\$ <u>52.50</u>
h.	Bid Item No. 35 Add 2.00 L.F. Trench Safety System for Sanitary Sewer	\$ <u>.50</u>
i.	Bid Item No. 36 Add 1,790.00 L.F. 12-inch PVC Water Line	\$ <u>44,123.50</u>
j.	Bid Item No. 37 Add 1.00 Ea. Fire Hydrant Assembly with Lead	\$ <u>2,758.00</u>
k.	Bid Item No. 38 Add 3.00 Ea. Fire Hydrant Assembly with Gradelock	\$ <u>8,160.00</u>
l.	Bid Item No. 39 Add 3.00 Ea. 8-inch Long Side Water Service	\$ <u>4,695.00</u>
m.	Bid Item No. 40 Add 3.00 Ea. 8-inch Gate Valve and Box	\$ <u>2,394.00</u>
n.	Bid Item No. 41 Add 1.00 L.F. 12-inch Gate Valve and Box	\$ <u>1,520.00</u>
o.	Bid Item No. 45 Add 1.00 L.S. Place and Compact Fill in Existing Ditch	\$ <u>8,754.00</u>

**3. Add the following Bid Items:**

a.	Bid Item No. 89 Add 4.00 Storm Manhole Risers @ 2.652.00	\$ <u>10,608.00</u>
b.	Bid Item No. 90 Add 6.00 Future Storm Risers @ 600.00	\$ <u>3,600.00</u>

**TOTAL** \$ 524,344.30



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**June 22, 2010**  
**Job No. EDC-090, Contract No. 3**

**AMENDMENTS TO CONTRACT PRICE:**

ORIGINAL CONTRACT PRICE: \$903,364.35

CURRENT CONTRACT PRICE adjusted by previous AMENDMENT (S): \$903,364.35

The CONTRACT PRICE due to this AMENDMENT will be [increased] {decreased}  
by: \$524,344.30 Dollars

The new CONTRACT PRICE, including this AMENDMENT, will be \$1,427,708.65

**CHANGE TO CONTRACT TIME:**

ORIGINAL CONTRACT TIME: 164 Calendar Days

CURRENT CONTRACT TIME adjusted by previous AMENDMENT: 164 Calendar Days

CURRENT DATE OF COMPLETION: November 22, 2010


CONTRACT TIME due to this AMENDMENT will be *increased* by 60 Days

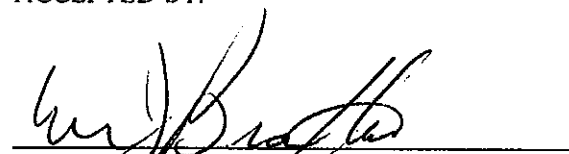
The New DATE OF COMPLETION: January 16, 2011

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

RECOMMENDED BY ENGINEER:

ACCEPTED BY:

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

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

ACCEPTED BY:

  
**PORT ARTHUR ECONOMIC DEVELOPMENT CORP.**