

RESOLUTION NO. 10-363

**A RESOLUTION REQUESTING THE CITY COUNCIL TO APPROVE AN AMENDMENT TO JOB NO. EDC-090, CONTRACT NO. 3, 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 (THE “CONTRACT”) TO INCLUDE THE INSTALLATION OF 3,500 LINEAR FEET OF ELECTRICAL CONDUIT AND RELATED FACILITIES TO ENABLE INSTALLATION OF STREET LIGHTING WITHIN THE BUSINESS PARK IN THE AMOUNT OF \$35,000. ACCOUNT # 301-1601-591-86-00, PROJECT NO. GO-807**

**WHEREAS**, on April 19, 2010, the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation (the “PAEDC”) approved construction of street and related infrastructure improvements to serve the PAEDC Business Park located at 9555 W. Port Arthur Road to Hwy 365 by award of a bid to Excavators & Constructors, Ltd. of Port Arthur, Texas; 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 & Constructors, Ltd.; and

**WHEREAS**, the PAEDC deems it is the public interest to amend the Contract to enable installation of street lighting within the Business Park for the installation of electrical conduits and related facilities; and

**WHEREAS**, the additional cost for the electrical conduit and related facilities is \$35,000;

and

**WHEREAS**, pursuant to Section 8.19 of the 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, TEXAS:**

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

**Section 2.** That the City Council approves PAEDC the amendment to the Contract in the amount of \$35,000 for the installation of 3,500 linear feet of electrical conduit and related facilities.

**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 7<sup>th</sup> day of Sept. 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 Tom Albright,  
Councilmembers Segler, Flood, Beard, Wise  
and Henderson.

NOES: None.

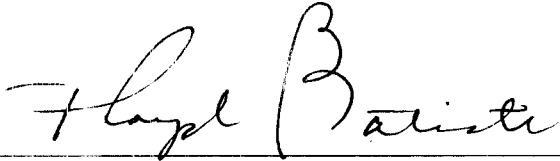
  
Deloris "Bobbie" Prince, Mayor

ATTEST:



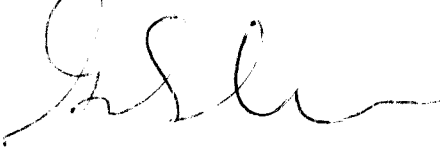
**Terri Hanks, City Secretary Acting**

APPROVED:



**Floyd Batiste, PAEDC CEO**

APPROVED AS TO FORM:



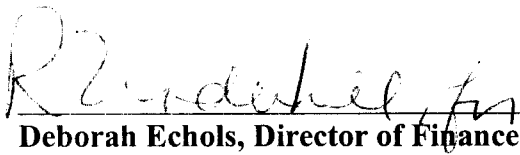
**Guy N. Goodson, PAEDC Attorney**

APPROVED AS TO FORM:

---

**Valecia R. Tizen, City Attorney**

APPROVED AS TO THE AVAILABILITY OF FUNDS:



**Deborah Echols, Director of Finance**

APPROVED AS TO FORM:

Val J. J. J.  
CITY ATTORNEY

# **EXHIBIT “A”**



**CONTRACT AMENDMENT No. 2**

DATE: August 19, 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. Add the following Items to the Scope of Work:**

- a. Install 3,500 L.F. Schedule 40 PVC Electrical Conduit with Pull String \$ 35,000.00

**TOTAL** **\$ 35,000.00**



**AMENDMENTS TO CONTRACT PRICE:**

ORIGINAL CONTRACT PRICE: \$903,364.35

CURRENT CONTRACT PRICE adjusted by previous AMENDMENT (S): \$1,427,708.65

The CONTRACT PRICE due to this AMENDMENT will be [increased] [decreased] by: \$35,000.00 Dollars

The new CONTRACT PRICE, including this AMENDMENT, will be \$1,462,708.65

**CHANGE TO CONTRACT TIME:**

ORIGINAL CONTRACT TIME: 164 Calendar Days

CURRENT CONTRACT TIME adjusted by previous AMENDMENT: 224 Calendar Days

CURRENT DATE OF COMPLETION: January 16, 2011

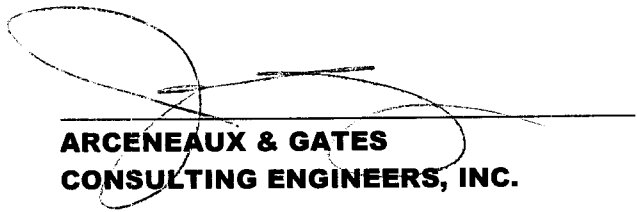
CONTRACT TIME due to this AMENDMENT will be *increased* by 23 Days

The New DATE OF COMPLETION: February 8, 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:

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

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

ACCEPTED BY:

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