

RESOLUTION NO. 12-232

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2
AND NO. 3 TO THE CONTRACT BETWEEN THE CITY OF
PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT
CORPORATION AND APAC-TEXAS, INC. FOR
CONSTRUCTION OF A UTILITY ACCESS ROAD TO
SERVE THE PORT ARTHUR BUSINESS PARK, CONTRACT
NO 1 (JOB NO. EDC-160)**

WHEREAS, on April 6, 2011, the City of Port Arthur, Texas (the "City") received three (3) sealed bids for the construction of a utility access road to serve the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") Business Park, Contract No. 1, Job No. EDC-160 (the "Project"); and

WHEREAS, the lowest, responsive bid for the Project was presented by APAC-Texas, Inc. of Beaumont, Texas in the amount of \$100,191.00 as denoted in the recommendation of award and bid tabulation; and

WHEREAS, on April 18, 2011, the Board of Directors of the PAEDC approved the bid for the construction of a utility access road to serve the PAEDC Business Park located at 9555 W. Port Arthur Road to APAC-Texas, Inc., in the amount of \$ 100,191.00; and

WHEREAS, per Resolution #11-157, the City Council approved the PAEDC awarding the contract for the Project to APAC-Texas, Inc. on the basis of their total amount bid resulting in a contract price of \$ 100,191.00 on May 3, 2011 (the "Contract"); and

WHEREAS, per Resolution #11-447, the City Council approved Change Order No. 1 to the Contract extending the Contract time by an additional sixty (60) calendar days to enable APAC-Texas, Inc. to contact licensed electrical contractor, facilitate meetings between its electrical contractor and Entergy, Texas, procure the necessary City permits and install the

underground conduit. The Contract original expiration date was June 30, 2011, and the revised expiration date was August 29, 2011. Furthermore, the City Council also decreased the original Contract amount by \$450 for a storm sewer manhole riser. The Contract amount including Change Order No. 1 was \$99,741.00; and

WHEREAS, on April 2, 2012, the Board of Directors of the PAEDC approved Change Order No. 2 to increase the Contract for PVC conduit by \$2,759.99 as denoted in **Exhibit "A"**. The new Contract amount including Change Order No. 2 is \$102,500.99; and

WHEREAS, on April 30, 2012, the Board of Directors of the PAEDC also approved Change Order No. 3 to the Contract extending the Contract time by an additional two hundred seventy-six (276) calendar days from August 29, 2011 to May 31, 2012 as denoted in **Exhibit "B"**; and

WHEREAS, pursuant to Section 8.19 of the Bylaws, 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 authorized approving Change Order No. 2 to increase the Contract amount by \$2,759.99 for PVC conduit bringing the total Contract price to \$102,500.99 and Change Order No. 3 to extend the Contract 276 calendar days from August 29, 2011 to May 31, 2012.

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

READ, ADOPTED AND APPROVED on this 10th day of May A.D., 2012,

at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

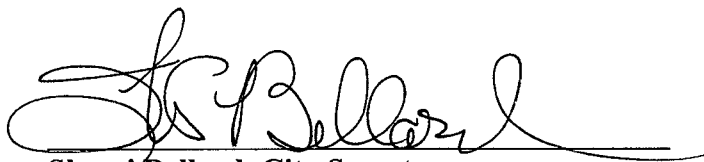
Mayor Prince; Mayor Pro Tem Asuncion;

Councilmembers Scott, Albright, Beards,
Williamson, Freeman & Thomas

NOES: None


Deloris "Bobbie" Prince, Mayor


ATTEST:


Sherri Bellard, City Secretary

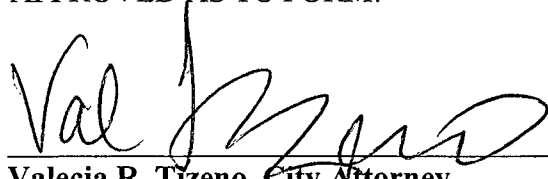
APPROVED:


Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:


Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Val Tizen', written over a horizontal line.

Valecia R. Tizen, City Attorney

Exhibit “A”



CHANGE ORDER No. 2

DATE: April 4, 2012 JOB NO. EDC-160

AGREEMENT DATE: May 10, 2011

NAME OF PROJECT: Utility Access Road to serve the Port Arthur Business Park

OWNER: PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

CONTRACTOR: APAC-TEXAS, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Add the following Bid Items:

- a. Bid Item No. 8
Add 1 L.S. Conduit Installation by Licensed Electrician \$ 2,759.99

TOTAL \$ 2,759.99



CHANGE ORDER NO. 2
April 4, 2012
Job No. EDC-160

CHANGES TO CONTRACT PRICE:

ORIGINAL CONTRACT PRICE: \$100,191.00

CURRENT CONTRACT PRICE adjusted by previous CHANGE ORDER (S): \$99,741.00

The CONTRACT PRICE due to this CHANGE ORDER will be [increased] [decreased]
by: \$2,759.99 Dollars

The new CONTRACT PRICE, including this CHANGE ORDER, will be \$102,500.99

CHANGE TO CONTRACT TIME:

ORIGINAL CONTRACT TIME: 60 Calendar Days

CURRENT CONTRACT TIME adjusted by previous CHANGE ORDER: 90 Calendar Days

CURRENT DATE OF COMPLETION: August 29, 2011

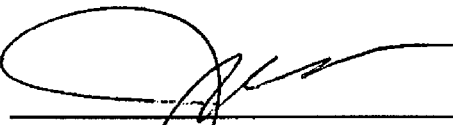
CONTRACT TIME due to this CHNANGE ORDER will be *increased* by 0 Days

The New DATE OF COMPLETION: August 29, 2011

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)
APAC-TEXAS, INC.

ACCEPTED BY:

PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

Exhibit “B”



CHANGE ORDER No. 3

DATE: April 16, 2012 JOB NO. EDC-160

AGREEMENT DATE: May 10, 2011

NAME OF PROJECT: Utility Access Road to serve the Port Arthur Business Park

OWNER: PORT ARTHUR ECONOMIC DEVELOPMENT CORP.

CONTRACTOR: APAC-TEXAS, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

CHANGES TO CONTRACT PRICE:

ORIGINAL CONTRACT PRICE: \$100,191.00

CURRENT CONTRACT PRICE adjusted by previous CHANGE ORDER (S): \$102,500.99

The CONTRACT PRICE due to this CHANGE ORDER will be {increased} [decreased]
by: \$0.00 Dollars

The new CONTRACT PRICE, including this CHANGE ORDER, will be \$0.00

CHANGE TO CONTRACT TIME:

ORIGINAL CONTRACT TIME: 60 Calendar Days

CURRENT CONTRACT TIME adjusted by previous CHANGE ORDER: 90 Calendar Days

CURRENT DATE OF COMPLETION: August 29, 2011

CONTRACT TIME due to this CHNANGE ORDER will be *increased* by 276 Days

The New DATE OF COMPLETION: May 31, 2012



CHANGE ORDER NO. 3

April 16, 2012

Job No. EDC-160

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]

APAC-TEXAS, INC.

ACCEPTED BY:

PORT ARTHUR ECONOMIC DEVELOPMENT CORP.