

RESOLUTION NO. 12-449

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND EXCAVATORS & CONSTRUCTORS, LTD FOR CONSTRUCTION OF SANITARY SEWER, PAVING AND DRAINAGE FACILITIES FOR KERRY "TWIN" THOMAS DRIVE TO SERVE THE SPUR 93 BUSINESS PARK, CONTRACT NO. 1 (JOB NO. EDC-170)**

**WHEREAS**, on May 2, 2012, the City of Port Arthur, Texas (the "City") received two (2) sealed bids for the construction of sanitary sewer, paving and drainage facilities to serve the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") Business Park, Contract No. 1, Job No. EDC-170 (the "Project"); and

**WHEREAS**, the lowest, responsive bid for the Project was presented by Excavators & Constructors, LTD. of Port Arthur, Texas in the amount of \$1,436,249.05 as denoted in the recommendation of award and bid tabulation; and

**WHEREAS**, on May 8, 2012, the Board of Directors of the PAEDC approved the bid for the construction of sanitary sewer, paving and drainage facilities for Kerry "Twin" Thomas Drive to serve the PAEDC Business Park located at 9555 W. Port Arthur Road to Excavators & Constructors, LTD., of Port Arthur, Texas, in the amount of \$1,436,249.05; and

**WHEREAS**, per Resolution 12-234, the City Council approved the PAEDC awarding the contract to Excavators & Constructors, LTD. on the basis of their total amount bid resulting in a contract price of \$1,436,249.05; and

**WHEREAS**, on September 6, 2012, the Board of Directors of the PAEDC approved change order no. 1 to the Contract extending the Contract time by an additional seventeen (17)

calendar days due to weather conditions. The Contract original expiration date was November 19, 2012, and the new expiration date will be December 6, 2012; 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:**

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

**Section 2.** That the City Council authorize change order no. 1 to the Contract extending the Contract time by an additional seventeen (17) calendar days due to weather conditions. The Contract original expiration date was November 19, 2012, and the new expiration date will be December 6, 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 18<sup>th</sup> day of Sept, A.D., 2012, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor

Councilmembers


Prince; Mayor Pro Tem Lewis;  
Segler, Albright, Isucet,  
Freeman and Thomas.

NOES:

None.

Deloris Prince  
Deloris "Bobbie" Prince, Mayor

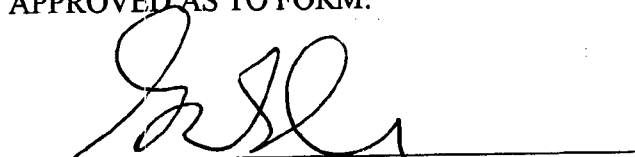
ATTEST:

  
Sherri Bellard, City Secretary

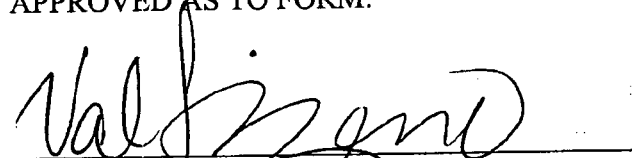
APPROVED:

  
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:

  
Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

  
Valecia R. Tizen, City Attorney

# **Exhibit “A”**



# ARCENEUX & GATES CONSULTING ENGINEERS, INC.

3501 Turtle Creek Drive, Suite #102

Port Arthur, TX 77642

Phone: 409-724-7888

Fax: 409-724-1447

www.ageng.com

RECEIVED SEP 07 2012

## LETTER OF TRANSMITTAL

DATE: September 7, 2012

PROJECT NO.: EDC-170

TO: Port Arthur EDC  
P.O.Box 3934  
Port Arthur, Tx 77642

ATTENTION: Mr. Floyd Bastiste, CEO

RE: Sanitary Sewer, Paving & Drainage Facilities  
PA Business Park, Kerry "Twin" Thomas Dr.

WE ARE SENDING YOU ☐ Attached ☐ Under Separate Cover Via: Hand Delivery The following items:

- ☐ Memo ☐ Monthly Estimate ☐ Plans ☐ Contract Documents ☐ Form  
☐ Letter ☒ Change Order ☐ Specifications ☐ Other \_\_\_\_\_

COPIES	DATE	DESCRIPTION
4	9-7-12	Change Order No. 1

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☐ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Submit \_\_\_\_\_ corrected prints  
☐ For review and comment ☐ Execute and return original ☐ PRINTS RETURNED AFTER LOAN TO US  
☐ FOR BIDS DUE \_\_\_\_\_, 2012

RECEIVED BY: \_\_\_\_\_

COMMENTS:

COPY TO: \_\_\_\_\_

A&G File

SIGNED: \_\_\_\_\_

*Sign Walker*

**A BURROW GLOBAL COMPANY**



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**CHANGE ORDER No. 1**

DATE: September 5, 2012 JOB NO. EDC-170

AGREEMENT DATE: May 15, 2012

NAME OF PROJECT: SANITARY SEWER, PAVING, and DRIANAGE FACILITES  
to Serve PORT ARTHUR BUSINESS PARK, KERRY "TWIN"  
THOMAS DRIVE

OWNER: CITY of PORT ARTHUR

CONTRACTOR: EXCAVATORS & CONTRACTORS, LTD.

The following changes are hereby made to the CONTRACT DOCUMENTS:

**1. Add the following Items to the Contract and Scope of Work:**

- A. Extend contract time by 17 days.  
New completion date December 6, 2012 \$ 0.00



**CHANGE ORDER NO. 1**  
**September 5, 2012**  
**Job No. EDC-170, Contract No. 1**

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**CHANGE TO CONTRACT PRICE:**

ORIGINAL CONTRACT PRICE: \$1,436,249.05

CURRENT CONTRACT PRICE adjusted by previous CHANGE ORDER(S): \$0.00

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 \$1,436,249.05

**CHANGE TO CONTRACT TIME:**

ORIGINAL CONTRACT TIME: 180 Calendar Days

CURRENT CONTRACT TIME adjusted by previous CHANGE ORDER: 180 Calendar Days

CURRENT DATE OF COMPLETION: November 19, 2012

CONTRACT TIME due to this CHANGE ORDER will be *increased* by 17 Days

The New DATE OF COMPLETION: December 6, 2012

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 & CONTRACTORS, LTD.**

ACCEPTED BY:

**CITY of PORT ARTHUR**



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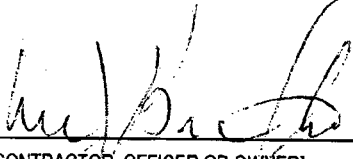
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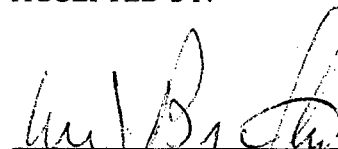
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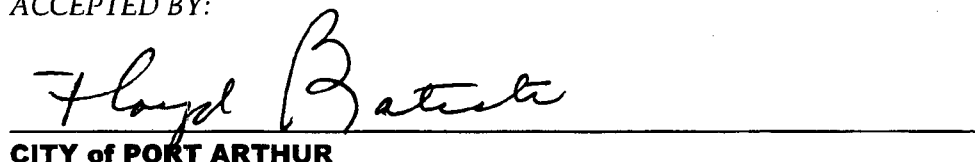
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