

RESOLUTION NO. 24145

A RESOLUTION AUTHORIZING RATIFICATION OF THE PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION'S AWARD OF BID AND EXECUTION OF A CONSTRUCTION CONTRACT AGREEMENT WITH BDS CONSTRUCTORS LLC DBA MK CONSTRUCTORS OF VIDOR, TEXAS FOR THE EMERGENCY REHABILITATION OF THE SPUR 93 BUSINESS PARK LIFT STATION AT A COST NOT TO EXCEED \$399,624.00, FUNDING AVAILABLE IN EDC ACCOUNT NO. 120-80-625-5479-00-000

WHEREAS, it is deemed in the best interest of the citizens of Port Arthur to maintain a healthy and safe environment that promotes business and a quality work location for the Spur 93 Business Park (the "Business Park"); and

WHEREAS, per Resolution No. 23-435, the Port Arthur Section 4A Economic Development Corporation (the "PAEDC") engaged Schaumburg & Polk, Inc. ("SPI") for the engineering services related to anticipated necessary improvements to the Business Park Lift Station for the increased demand for discharge; and

WHEREAS, SPI has completed the design phase of the Lift Station improvements; and

WHEREAS, it has been determined that the lift station cannot currently handle the wastewater/ sewage flow that is demanded from the Business Park's current users and its overflow has caused an immediate public health and safety concern; and

WHEREAS, the PAEDC has deemed the need for the emergency rehabilitation of the Business Park Lift Station for the purpose of public health, safety and welfare; and

WHEREAS, SPI requested three bids for the emergency rehabilitation of the Spur 93 Business Park Lift Station, bid tabulation attached as **Exhibit "A"**; and

WHEREAS, the PAEDC has awarded the bid and contract to BDS Constructors LLC dba MK Constructors of Vidor, TX for the emergency rehabilitation of the Business Park Lift Station; and

WHEREAS, the PAEDC Board of Directors at their March 14, 2024 Board Meeting, has ratified the emergency award and execution of a Construction Contract Agreement with BDS Constructors LLC dba MK Constructors in the same form as the Agreement attached hereto as **Exhibit "B"**.

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 hereby ratifies the Port Arthur Section 4A Economic Development Corporation award of a bid and execution of a Construction Contract Agreement with BDS Constructors LLC dba MK Constructors .

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 ____ day of _____ A.D., 2024, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor Bartie

Councilmembers Mayor Pro Tem Everfield

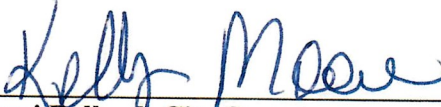
Lewis, Beckcom, Doucet,

Rivland, Frank

NOES: none


Thurman "Bill" Bartie, Mayor

ATTEST:



Sherri Bellard, City Secretary
On behalf of

APPROVED:



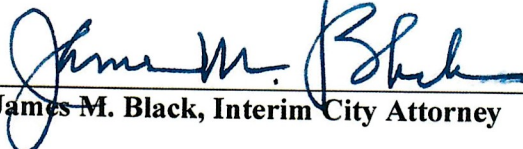
Terry Stokes, PAEDC CEO

APPROVED AS TO FORM:



Charles E. Zech, PAEDC Attorney

APPROVED AS TO FORM:



James M. Black, Interim City Attorney

APPROVED AS TO AVAILABILITY OF FUNDS:



Lynda Boswell, Finance Director

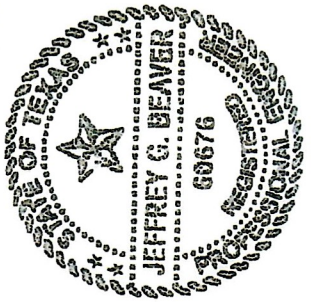
Exhibit "A"

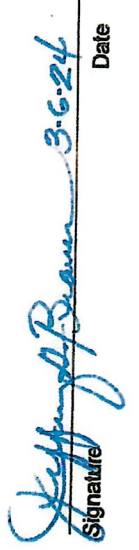
BID TABULATION
PORT ARTHUR ECONOMIC DEVELOPMENT CORPORATION
BUSINESS PARK LIFT STATION
REHABILITATION

Date: Wednesday, March 6, 2024 @ 11:00 am

Item	Qty	Unit	Description	IMK Constructors PO Box 1208 Vidor, TX 77662		BRYSTAR Contracting, Inc. 8385 Chemical Road Beaumont, TX 77705		ALLCO PO Box 3684 Beaumont, TX 77704	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
BASE BID ITEMS									
1.	1	LS	Mobilization costs, including payment bond, performance bond, insurance, & moving equipment to project	\$13,571.00	\$13,571.00	\$15,000.00	\$15,000.00	\$19,000.00	\$19,000.00
2.	1	LS	Existing Lift Station. Furnish all labor, material and equipment to remove all the existing piping, fittings, valves, hatch, hatch trim, pipe stands, pumps and electrical equipment	\$16,535.00	\$16,535.00	\$40,000.00	\$40,000.00	\$32,533.30	\$32,533.30
3.	1	LS	Rehabilitate Lift Station. Furnish all labor, equipment and material to rehabilitate the existing lift station, including installing Owner provided self-priming pumps, electrical connections, aluminum hatch, piping, valves, fittings, surface preparation and painting of all exposed piping, and all necessary appurtenances to make the station complete and operable	\$103,060.00	\$103,060.00	\$105,000.00	\$105,000.00	\$174,044.01	\$174,044.01
4.	1	LS	New Electrical Equipment: Furnish all labor materials and equipment to construct new electrical service, service equipment, manual transfer switch, standby generator receptacle, lightning protection system, duplex pump control panel, outlet and junction boxes, conduit and conductors	\$150,958.00	\$150,958.00	\$155,000.00	\$155,000.00	\$135,700.00	\$135,700.00
5.	1	ALLOW	Material Testing Allowance. Provide material testing for all concrete, as approved by Engineer, in accordance with plans and specifications, reimbursement based on supplied invoices.	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
6.	1	ALLOW	Electrical Service Allowance. Installation charges by Entergy and lightning protection review of electrical equipment installation by Bonded Systems, Ltd. or approved equivalent.	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00
7.	3	MONTH	BYPASS PUMPING. Furnish all labor, material and equipment as required to provide bypass pumping at the existing lift station	\$24,000.00	\$72,000.00	\$35,000.00	\$105,000.00	\$26,854.60	\$80,563.80
8.	1	LS	Storm Water Pollution Prevention. Furnish all labor, material and equipment to install and maintain the storm water pollution prevention system for the duration of the project around the perimeter of the project site	\$1,000.00	\$1,000.00	\$12,000.00	\$12,000.00	\$8,041.25	\$8,041.25
BASE BID TOTAL (ITEMS 1-8)				\$399,624.00	\$474,500.00	\$492,362.36			

The Bid Proposals submitted have been reviewed, and to the best of my knowledge this is an accurate tabulation of the Bids received.




 Signature _____ Date _____

PORT ARTHUR ECONOMIC DEVELOPMENT CORPORATION

MEMORANDUM

DATE: 3/7/2024

SUBJECT: EMERGENCY ENGAGEMENT OF MK CONSTRUCTORS
PAEDC BUSINESS PARK LIFT STATION REHABILITATION

The Port Arthur Economic Development Corporation would like to request the approval of the Port Arthur Economic Development Corporation's Board of Directors and the Port Arthur City Council's ratification of the PAEDC's acceptance of a bid and the engagement of MK Constructors at their respective upcoming Regular Meetings.

Due to a public health and safety concern in the Spur 93 Business Park, the PAEDC has requested proposals and will award a bid and contract the services of MK Constructors for the emergency rehabilitation of the Business Park Lift Station. The emergency mobilization of this rehabilitation is due to a public health and safety concern in the Business Park as the current station cannot handle the current wastewater/ sewage overflow that is demanded from the Business Park's current users.

Please acknowledge approval to move forward with the PAEDC's immediate engagement of MK Constructor regarding the rehabilitation of the PAEDC's Business Park Lift Station in the amount of \$399,624.00.

Thank you.

Approved: 
PAEDC Chief Executive Officer

Approved: 
Port Arthur City Manager

Attachments

Exhibit "B"

CONSTRUCTION CONTRACT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, A.D. 2024, by and between the Port Arthur Economic Development Corporation (PAEDC), a municipal corporation organized under the laws of the State of Texas, hereinafter called "OWNER" or "CITY" and BDS Constructors LLC dba MK Constructors, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments, terms, conditions, and agreements set forth herein, OWNER and CONTRACTOR agree as follows:

1. The CONTRACTOR will commence and complete the Business Park Lift Station Rehabilitation.
2. The CONTRACTOR will furnish at his own expense all of the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the Project described herein.
3. The CONTRACTOR will commence the work required by the Contract Documents on or before a date to be specified in the *Notice to Proceed* and will complete the same within 90 consecutive calendar days as specified in the *Notice to Proceed*, including, but not limited to, all Saturdays, Sundays and Federal, State, and City holidays unless the period for completion is extended otherwise by the Contract Documents.
4. The CONTRACTOR agrees to perform all of the Work described in the Contract Documents and comply with the terms therein for the sum of \$399,624.00, or as shown in the Bid Schedule.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - (A) SCOPE OF WORK
 - (B) BID PROPOSAL
 - (C) CONSTRUCTION CONTRACT AGREEMENT
 - (D) PAYMENT BOND
 - (E) PERFORMANCE BOND
 - (F) CERTIFICATE OF INSURANCE
 - (G) GENERAL CONDITIONS
 - (H) SUPPLEMENTAL GENERAL CONDITIONS – Part A
 - (I) SUPPLEMENTAL GENERAL CONDITIONS – Part B
 - (J) SCOPE OF WORK
 - (K) SPECIFICATIONS
6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.
7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the Parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in two (2) copies, each of which shall be deemed an original on the date first above written.

OWNER:

Port Arthur Economic Development Corporation

BY: _____

NAME: _____

TITLE: _____

CONTRACTOR:

BDS Constructors LLC dba MK Constructors

BY: _____

NAME: _____

TITLE: _____

ADDRESS: _____

[CORPORATE SEAL]

ATTEST: _____

NAME: _____