

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 500

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *EL*

SUMMARY EXPLANATION:

Resolution authorizing and accepting Change Order No. Twenty-Two (22) to the Construction Agreement with Necaise Brothers Construction Company, Inc. for the Hurricane Katrina Infrastructure Repair Program, South Contract, Areas BEA1, BEA2 and BEA3 (Project Nos. KG630 AND K7112)

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Change Order No. Twenty-Two (22)

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Barrett	___	___	___	___
	Deming	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING AND ACCEPTING CHANGE ORDER NO. TWENTY-TWO (22) TO THE CONSTRUCTION AGREEMENT WITH NECAISE BROTHERS CONSTRUCTION COMPANY, INC. FOR THE HURRICANE KATRINA INFRASTRUCTURE REPAIR PROGRAM, SOUTH CONTRACT, AREAS BEA1, BEA2 AND BEA3 (PROJECT NOS. KG630 AND K7112)

WHEREAS, by Resolution No. 924-21, the governing authorities of the City of Biloxi (the “City”) approved entry into that certain Standard Form of Agreement with Necaïse Brothers Construction Company, Inc. (“Necaïse”) for the Hurricane Katrina Infrastructure Repair Program, South Contract, Areas BEA1, BEA2 and BEA3, Project Nos. KG630 and K7112;

WHEREAS, Necaïse has submitted Change Order No. Twenty-Two (22); which revises the scope of work by including repair of a major leak uncovered in the wetwell of the Beauvoir lift station;

WHEREAS, Change Order No. Twenty-Two (22) increases the value of Area BEA2 by Twenty-Five Thousand Six Hundred Forty-Five and 95/100 Dollars (\$25,645.95), for a total revised contract amount of Fifteen Million Seven Hundred Sixty-One Thousand Nine Hundred One and 74/100 Dollars (\$15,761,901.74) for this area;

WHEREAS, Change Order No. Twenty-Two (22) does not extend the contract performance time and the completion date remains August 19, 2025;

WHEREAS, upon approval of Change Order No. Twenty-Two (22), the total contract value for Areas BEA1, BEA2 and BEA3, including Project Nos. KG630 and K7112, will be Thirty-Four Million Seven Hundred Forty-Five Thousand Three Hundred Eighty-Four and 12/100 Dollars (\$34,745,384.12); and

WHEREAS, it is the recommendation of E. Michael Leonard, Chief Administrative Officer, and Walter A. Rode, Program Manager, that the City approve Necaïse’s Change Order

No. Twenty-Two (22) to the South Contract, Areas BEA1, BEA2 and BEA3, Project Nos. KG630 and K7112.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT:

SECTION ONE: The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified, and incorporated herein.

SECTION TWO: The Mayor is hereby authorized to accept and execute Necaise Brothers Construction Company, Inc.'s Change Order No. Twenty-Two (22), attached hereto as Exhibit "A," to the Hurricane Katrina Infrastructure Repair Program, South Contract, Areas BEA1, BEA2 and BEA3, Project Nos. KG630 and K7112.

SECTION THREE: This resolution shall take effect and be in force from and after adoption.

CONSTRUCTION CHANGE ORDER

DATE: NOVEMBER 3, 2023

NUMBER: TWENTY TWO (22)

CONTRACT DATE: December 10, 2021

DESCRIPTION: **Beauvoir Phase 1, 2 & 3 - PW Area 4
BEA1, BEA2 & BEA3
City Project Number: KG630 & K7112
NEMIS Number: 10977**



CONTRACTOR: **Necaise Brothers Construction Co., Inc.**

PHASE: **BEA2**

The following changes on the above-referenced project are recommended for the reasons stated herein:

During the rehabilitation of the Beauvoir Lift Station in the Beauvoir 2 (BEA2) project, a major leak was discovered in the wetwell. Additionally, the existing liner is failing and peeling off in sections. In order for the subcontractor to be able to install the new liner for the interior of the lift station wetwell, the leak will need to be patched, the existing liner completely removed and any leaks behind the liner sealed. Once this work is completed, the wetwell can be lined per the Contract Documents.

Pay Item Number	Description	Original Quantity	Revised Quantity	Unit	Price	Amount
BEA2-CO-22A	REMOVE EXISTING LINER AT BEAUVOIR LIFT STATION	0 LS	1 LS		\$18,200.35	\$18,200.35
BEA2-CO-22B	LEAK REPAIR AT BEAUVOIR LIFT STATION	0 LS	1 LS		\$7,445.60	\$7,445.60

Grand Total From This Change Order Request **\$25,645.95**

The work described above will not require a time extension to be added to the contract. Except as the City and the Contractor may otherwise expressly agree, no additional time or money will be granted as it relates to this Change Order. The Contractor shall be deemed to have waived (i) any adjustments to which it otherwise might be entitled under the Contract, and (ii) any increase in the amount of equitable adjustments additional to those explicitly provided in this Change Order.

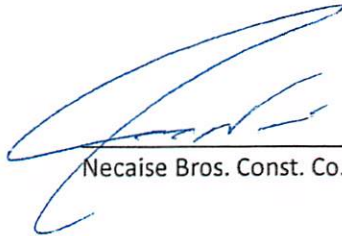
TOTAL ESTIMATED TIME OF PROJECT:

Contract Notice to Proceed Date:	February 7, 2022
Construction Start Date	July 11, 2022
Original Allotted Contract Time:	1,080 days
Original Contract Completion Date:	June 25, 2025
<u>Previously Approved Change Orders Allotted Contract Time (All Phases):</u>	54 days
Previously Approved Change Orders Allotted Contract Time (BEA1):	0 days
Previously Approved Change Orders Allotted Contract Time (BEA2):	0 days
Previously Approved Change Orders Allotted Contract Time (BEA3):	1 days
Additional Contract Time This Change Order	0 days
New Allotted Contract Time:	1,135 days
New Contract Completion Date:	August 19, 2025


TOTAL ESTIMATED COST OF PROJECT:

Original Contract Price (Beauvoir):	\$ 32,000,000.00
Previously Approved Change Orders (BEA1):	\$ 275,619.95
Previously Approved Change Orders (BEA2):	\$ 966,664.83
Previously Approved Change Orders (BEA3):	\$ 1,477,453.39
<u>This Change Order Request (BEA2):</u>	\$ 25,645.95
Revised Total (Beauvoir):	\$ 34,745,384.12

APPROVED:



Necaise Bros. Const. Co., Inc. 11/6/2023
Date



Program Manager 11/07/2023
Date

Mayor A.M. Gilich, Jr. Date