

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 PP

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION
 INTRODUCED BY: Mayor Andrew "FoFo" Gilich
 CONTACT PERSON: E. Michael Leonard, CAO *em*

SUMMARY EXPLANATION:

Resolution authorizing and accepting Change Order No. Twenty-Three (23) 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-Three (23)

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-THREE (23) 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-Three (23); which revises the scope of work by to include the removal of a unforeseen sign foundation with an active gas main through it and broken water main;

WHEREAS, Change Order No. Twenty-Three (23) increases the value of Area BEA3 by Thirty-One Thousand Four Hundred Eighty-Two and 56/100 Dollars (\$31,482.56), for a total revised contract amount of Thirteen Million Six Hundred Twenty-Four Thousand Two Hundred Ninety-Five and 79/100 Dollars (\$13,624,295.79) for this area;

WHEREAS, Change Order No. Ten (23) does not extend the contract performance time and the completion date remains August 19, 2025;

WHEREAS, upon approval of Change Order No. Twenty-Three (23), the total contract value for Areas BEA1, BEA2 and BEA3, including Project Nos. KG630 and K7112, will be Thirty-Four Million Seven Hundred Seventy-Six Thousand Eight Hundred Sixty-Six and 68/100 Dollars (\$34,776,866.68); 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-Three (23) 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-Three (23), 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 8, 2023

NUMBER: TWENTY THREE (23)

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: **BEA3**



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

During construction on the Beauvoir Phase 3 (BEA3) project, a unforeseen sign foundation was discovered when the bore subcontractor was excavating for the bore pit. As a result, the Contractor had to remove the foundation with a jack hammer. During this process, an active gas main was found encased in the foundation. The gas company had to be called in to cap the gas main on each side of the obstruction and relocate the main. The Contractor resumed removal operations of the obstruction and broke a water main that was in conflict as well. As a result, the bore subcontractor experienced labor and equipment down time, therefore, a pay line item is required to be added to the contract for this work.

Pay Item Number	Description	Original Quantity	Revised Quantity	Unit	Price	Amount
BEA3-CO-23A	REMOVAL OF UNFORESEEN SIGN FOUNDATION NEAR TREASURE BAY CASINO	0 LS	1 LS		\$31,482.56	\$31,482.56

Grand Total From This Change Order Request

\$31,482.56

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.

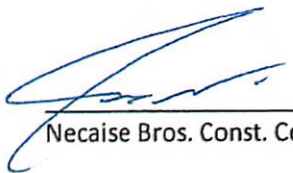
TOTAL ESTIMATED TIME OF PROJECT:

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):	\$ 992,310.78
Previously Approved Change Orders (BEA3):	\$ 1,477,453.39
<u>This Change Order Request (BEA3):</u>	\$ 31,482.56
Revised Total (Beauvoir):	\$ 34,776,866.68

APPROVED:


Necaise Bros. Const. Co., Inc. 11/9/23
Date


Program Manager 11/13/2023
Date

Mayor A.M. Gilich, Jr. Date