

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5N

Council Meeting Date: December 16, 2025

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Richard Weaver, Chief Administrative Officer 

SUMMARY EXPLANATION:

Resolution authorizing (in current FY2026 budget) Change Order No. Forty-Eight (48) 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. Forty-Eight (48)

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
	Gray	___	___	___	___	Tisdale	___	___	___	___
	Marshall	___	___	___	___	Glavan	___	___	___	___
	Nail	___	___	___	___	Shoemaker	___	___	___	___
	Creel	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING CHANGE ORDER NO. FORTY-EIGHT (48) 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 Construction 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. Forty-Eight (48), which extends the contract performance time by twenty-one (21) days due to design issues on Camellia Street, for a revised completion date of January 9, 2026;

WHEREAS, Change Order No. Forty-Eight (48) does not increase the value of Areas BEA1, BEA2 and BEA3 and the total contract value for Areas BEA1, BEA2 and BEA3, including Project Nos. KG630 and K7112, remains Thirty-Seven Million Three Hundred Forty-Nine Thousand Forty-Four and 29/100 Dollars (\$37,349,044.29); and

WHEREAS, it is the recommendation of Richard Weaver, Chief Administrative Officer, and Walter A. Rode, Program Manager, that the City approve Necaïse's Change Order No. Forty-Eight (48) 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 Necaïse Brothers

Construction Company, Inc.'s Change Order No. Forty-Eight (48), 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: December 4, 2025

NUMBER: FORTY-EIGHT (48)

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:

The revised plans for Camellia Street and Southern Avenue issued to the contractor on October 29, 2025, were found to be in error due to an unknown faulty survey equipment issue. A new set of plans was issued to the contractor on November 11, 2025. The new plans required the removal of the temporary asphalt pavement that was planned to be left in place in the previous set of plans. Sewer manholes and drainage structure tops were also required to be adjusted in the new plans. Therefore, it is recommended that **twenty-one (21) days** be added to the contract time to address this issue.

Pay Item Number	Description	Original Quantity	Revised Quantity	Unit Price	Amount
BEA3-CO-48	ADDITIONAL TIME DUE TO REDESIGN OF CAMELLIA ST. AND SOUTHERN AVE. GRADES AND ADDED CONSTRUCTION ACTIVITIES	0			\$0.00

Grand Total Of This Change Order Request **\$0.00**

The work described above requires a time extension of **twenty-one (21) days** 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.~~ JD

NBCC will be requesting compensation at a later date for labor and materials for adjustment of sewer manhole and drainage structures, along with labor cost for JLD previous layout.

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>	157 days
<u>Additional Contract Time This Change Order</u>	21 days
New Allotted Contract Time:	1,278 days
New Contract Completion Date:	January 9, 2026

TOTAL ESTIMATED COST OF PROJECT:

Original Contract Price (Beauvoir):	\$ 32,000,000.00
<u>Previously Approved Change Orders BEA 1,2,3 (CO 1 thru CO 47)</u>	\$ 5,349,044.29
<u>This Change Order Request (BEA3): (CO 48)</u>	\$ 0.00
Revised Total (Beauvoir):	\$ 37,349,044.29

APPROVED:

 12/5/25
Necaise Bros. Const. Co., Inc. Date

 12/8/2025
Program Manager Date

Mayor A.M. Gillich, Jr. Date