

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 8th day of April, 2014, the following Resolution:

RESOLUTION CORRECTING, *NUNC PRO TUNC*, THE OFFICIAL MINUTES OF GULFPORT CITY COUNCIL TO APPROVE CHANGE ORDER #4 TO THE CONTRACT WITH KNOWLES CONSTRUCTION, INC., FOR THE SEAWAY ROAD IMPROVEMENTS – EAST END PROJECT AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID CHANGE ORDER

WHEREAS, the Governing Authority has reviewed its Minutes of the December 20, 2011 Meeting, specifically Change Order Number 4 to the Seaway Road Improvements – East End Project and has been advised and has found and determined that the Minutes as recorded are substantially correct, but, through error, do not accurately reflect the action taken; and

WHEREAS, pursuant to the authority granted in Miss. Code Ann. Sec. 21-15-33, as amended, the Governing Authority expressly finds, determines and orders that the Minutes of the December 20, 2011 Meeting should hereby be amended to Change Order Number 4 to the contract with Knowles Construction, Inc., for the Seaway Road Improvements – East End Project and to authorize the Mayor to execute said Change Order; and

WHEREAS, the Governing Authority expressly finds, determines and declares that the Resolution and accompanying Change Order #4, attached hereto as **Exhibit “A”**, should be amended and/or corrected, *nunc pro tunc*, to read as provided in **Exhibit “B”**, attached hereto.

NOW THEREFORE, BE IT ORDERED BY THE MAYOR AND CITY COUNCIL OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the Resolution considered and adopted by the City during the City Council's December 20, 2011, Meeting as titled above and its accompanying Change Order #4 dated November 16, 2011, (**Exhibit "A"**) are hereby corrected, *nunc pro tunc*, as set forth in **Exhibit "B"**.

SECTION 4. That this Resolution shall take full force and effect immediately upon its passage and enactment according to law and shall be spread upon the minutes of the Gulfport City Council.

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by _____, seconded by _____, and was adopted by the following roll call vote:

AYES

NAYS

ABSENT

WHEREUPON, the President declared the motion carried and the Resolution adopted, this the _____ day of _____, 2014.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF THE COUNCIL

PRESIDENT

The above and foregoing Resolution submitted to and approved by the Mayor, this the _____ day of _____, 2014.

MAYOR

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 20th day of December, 2011, the following Resolution:

**A RESOLUTION BY THE GULFPORT CITY COUNCIL
TO APPROVE CHANGE ORDER #4 TO CONTRACT WITH KNOWLES
CONSTRUCTION, INC., FOR THE SEAWAY ROAD IMPROVEMENTS – EAST END
PROJECT AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID CHANGE
ORDER**

WHEREAS, Knowles Construction, Inc., was awarded the contract for the Seaway Road Improvements – East End Project located the City of Gulfport; and

WHEREAS, certain and various changes to the contract as fully set forth in the attached Change Order #4 (which is attached hereto as a part of Exhibit “A”) have been required during the course of construction and represent an INCREASE in contract time of sixty (60) days and no change in costs to the City; and

WHEREAS, Connie Debenport (Purchasing Manager), Kris Riemann (City Engineer) and Brown, Mitchell & Alexander, Inc., (Project Engineer) have each recommended approval of the Change Order.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That Change Order #4 to the City’s contract with Knowles Construction, Inc., be and it is hereby approved in the form as is found in Exhibit “A” to this resolution, and the Mayor is, hereby, authorized to execute the same on behalf of the City of Gulfport.

SECTION 3. That the proposed changes to the contract are necessary and/or incidental to the completion of the work as originally bid, are not outside the scope of the original contract, are commercially reasonable and not made to circumvent the public purchasing statutes.

SECTION 4. That the INCREASE in time is reasonable in light of all relevant facts and circumstances.

SECTION 5. That this Resolution shall be in effect according to law, and shall be spread upon the minutes of the Gulfport City Council.

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Walker, and was adopted by the following roll call vote:


<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Casey	None	Pucheu (out of room)
Roland		
Holmes-Hines		
Walker		
Dombrowski		
Flowers		


WHEREUPON, the President declared the motion carried and the Resolution adopted this 20th day of December 2011.

(SEAL)

ATTEST:


ADOPTED:


CLERK OF THE COUNCIL


PRESIDENT

The above and foregoing Resolution was submitted to and approved by the Mayor, this the 21st day of December, 2011.

APPROVED:


MAYOR

Note: Councilwoman Pucheu recused herself and removed herself from the City Council Chambers during the discussion and vote on this Resolution.

LEGAL DEPARTMENT
CITY OF GULFPORT

P. O. Box 1780
Gulfport, MS. 39502

City Hall
2nd Floor
2309-15th Street

MEMORANDUM

[To Request Matter to be placed upon Council Agenda]

To: Mayor George Schloegel: Attention Dr. John Kelly, CAO

Council President Ricky Dombrowski
Councilman Kenneth Casey
Councilwoman Libby Milner Roland
Councilwoman Ella Holmes-Hines
Councilman F. B. "Rusty" Walker, IV
Councilman R. Lee Flowers
Councilwoman Cara Pucheu

Kathy E. Johnson, Council Clerk
Ronda Cole, Deputy Council Clerk

From: Margaret Murdock, Assistant City Attorney

Dated: August 29, 2011

RE: A RESOLUTION BY THE GULFPORT CITY COUNCIL TO APPROVE CHANGE ORDER #4 TO
CONTRACT WITH KNOWLES CONSTRUCTION, INC., FOR THE SEAWAY ROAD IMPROVEMENTS –
EAST END PROJECT AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID CHANGE ORDER

This is to respectfully request placement and consideration of the attached item, referenced above, on the City Council Agenda on the September 6, 2011, City Council Agenda.

Subject: *The attached resolution was prepared at the request of Purchasing Manager, Connie Debenport, and City Engineer, Kris Riemann. The resolution seeks approval of Change Order #4 to the City's contract with Knowles Construction for the Seaway Road Improvements – East End project. If approved, the Change Order provides for an additional sixty (60) days contract time due to conflicts with utilities.*

The attached items originate from the following Departments :

<u>Department</u>	<u>Approve</u>	<u>Disapprove</u>
Legal Department	Margaret Murdock	

Also reviewed and approved by:

Submitted for review and approval to:

John Kelly, CAO, and/or
Mayor George Schloegel

_____	_____
_____	_____

Memorandum – City of Gulfport

To: Connie Debenport, Purchasing

CC: Mayor George Schloegel

Dr. John Kelly, CAO

Mike Necaie, Finance

From: Kris Riemann, P.E. *RKR*

Date: 12/9/11

Re: Change Order Number 4

- Seaway Road Improvements – East End

- Knowles Construction, Inc.

Attached for your consideration is the referenced change order number 4, in the additive amount of \$0.00 and 60 calendar days of time. This change is required to add time for delays associated with gas main conflicts at Station 83+00.

This project is designed to widen the eastern 7,510 feet of Seaway Road from 2 lanes to 5 lanes. The project is funded 100% by the Mississippi Development Authority. Therefore, I recommend approval of this change order contingent on the approval of the Mississippi Development Authority.

Please place this item on the December 20, 2011 Council Agenda.

Attachments: 1. Kreg Overstreet Letter dated 11/18/11
 2. Change Order No. 4



November 18, 2011

Dated Delivered: 11/18/2011

Received By: [Signature]

Time Received: 9:50

Mr. Kris Riemann, Director
City of Gulfport - Engineering Dept.
4050 Hewes Avenue
Gulfport, MS 39507

**RE: Seaway Road Improvements - EAST END
Gulfport, Mississippi**

Dear Mr. Riemann:

Please find enclosed four (4) originals of Change Order No. 4 for the above referenced project to be placed on the December 6, 2011 City Council Agenda.

As reflected by the enclosed Change Order and supporting documentation, this request is for an additional sixty (60) days in Contract Time which is necessary due to gas main conflicts at approximate Station 83+00. Therefore, we recommend approval of Change Order No. 4 for an additional sixty (60) days in contract time for a total overall project Contract Time of 420 calendar days.

Should you have any questions or comments, please feel free to contact me at (228) 436-7612.

Respectfully,

Kreg Overstreet, P.E.
Project Engineer

Enclosures

CHANGE ORDER

NO: 4

PROJECT: SEAWAY ROAD IMPROVEMENTS - EAST END	DATE OF ISSUANCE: NOVEMBER 16, 2011
OWNER: CITY OF GULFPORT	OWNER'S PROJECT #
CONTRACTOR: KNOWLES CONSTRUCTION, INC. 17581 OLD HIGHWAY 49 SAUCIER, MS 39574	ENGINEER: BROWN, MITCHELL AND ALEXANDER, INC. 796 VIEUX MARCHE, 2ND FLOOR BILOXI, MS 39530
CONTRACT FOR ENTIRE PROJECT	ENGINEER'S PROJECT #: 09-3212A

You are directed to make the following changes in the Contract Documents:

Due to conflicts with gas main at approximate station 83+00, contract time has been increased.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price \$4,326,788.00	Original Contract Time (CALENDAR DAYS) 300
Previous Change Orders \$81,450.00	Net Change from Previous Change Orders (CALENDAR DAYS) 60
Contract Price Prior to This Change Order \$4,408,238.00	Contract Time Prior to This Change Order (CALENDAR DAYS) 360
Increase/Decrease of This Change Order \$0.00	Net Increase of This Change Order (CALENDAR DAYS) 60
Contract Price with All Approved Change Orders \$4,408,238.00	Contract Time with All Approved Change Orders (CALENDAR DAYS) 420

RECOMMENDED:
BROWN, MITCHELL & ALEXANDER, INC.

BY: 
KREG OVERSTREET, P.E.

APPROVED:
OWNER

BY: 
CITY OF GULFPORT

APPROVED:
CONTRACTOR

BY: 
KNOWLES CONSTRUCTION, INC.

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ORDER**

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WHEREAS, certain and various changes to the contract as fully set forth in the attached Change Order #4 (which is attached hereto as a part of Exhibit “A”) have been required during the course of construction and represent an INCREASE in contract time of sixty (60) days and no change in costs to the City; and

WHEREAS, Connie Debenport (Purchasing Manager), Kris Riemann (City Engineer) and Brown, Mitchell & Alexander, Inc., (Project Engineer) have each recommended approval of the Change Order.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That Change Order #4 to the City’s contract with Knowles Construction, Inc., be and it is hereby approved in the form as is found in Exhibit “A” to this resolution, and the Mayor is, hereby, authorized to execute the same on behalf of the City of Gulfport.

SECTION 3. That the proposed changes to the contract are necessary and/or incidental to the completion of the work as originally bid, are not outside the scope of the original contract, are commercially reasonable and not made to circumvent the public purchasing statutes.

SECTION 4. That the INCREASE in time is reasonable in light of all relevant facts and circumstances.

SECTION 5. That this Resolution shall be in effect according to law, and shall be spread upon the minutes of the Gulfport City Council.

***Note: Councilwoman Pucheu recused herself and removed herself from the City Council Chambers during the discussion and vote on this Resolution.**

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Walker, and was adopted by the following roll call vote:

AYES

**Casey
Roland
Walker
Dombrowski
Flowers**

NAYS

Holmes-Hines

ABSENT

**Pucheu
(out of room)**

WHEREUPON, the President declared the motion carried and the Resolution adopted, this the 20th day of December, 2011.



ATTEST:

/s/ Kathy E. Johnson

CLERK OF THE COUNCIL

ADOPTED:

/s/ Ricky Dombrowski

PRESIDENT

The above and foregoing Resolution submitted to and approved by the Mayor, this the
21st day of December, 2011.

/s/ George Schloegel

MAYOR