

**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 Billy Hewes: Attention Dr. John Kelly, CAO

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

Ronda Cole, Council Clerk

From: Margaret Murdock, Assistant City Attorney

Dated: March 31, 2014

RE: A RESOLUTION BY THE GULFPORT CITY COUNCIL TO APPROVE SUMMARY CHANGE ORDER NO. 1 TO CONTRACT WITH SAUNDERS CONSTRUCTION, LLC, ON THE WATER MAIN RELOCATION IN PROPOSED ROW FOR STATE ROUTE 601 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 April 8, 2014, City Council Agenda.**

Subject: *Our office prepared the attached resolution at the request of Purchasing Manager, Connie Debenport. The resolution seeks approval of Change Order No.12 to the City's contract with Saunders Construction, LLC, for the Relocation of Water Main in Proposed ROW for State Route 601 Project and authorization for the Mayor to execute the Change Order. The details of the change order are fully outlined in the memos attached hereto from Ms. Debenport.*

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 Billy Hewes

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 _____ day of _____, 2014, the following Resolution:

A RESOLUTION BY THE GULFPORT CITY COUNCIL TO APPROVE SUMMARY CHANGE ORDER NO. 1 TO CONTRACT WITH SAUNDERS CONSTRUCTION, LLC, ON THE WATER MAIN RELOCATION IN PROPOSED ROW PROJECT FOR STATE ROUTE 601 AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID CHANGE ORDER

WHEREAS, SAUNDERS CONSTRUCTION, LLC, was awarded the contract for the WATER MAIN RELOCATION IN PROPOSED ROW FOR STATE ROUTE 601 PROJECT located within the Biloxi River Estates area of the City of Gulfport; and

WHEREAS, certain and various changes to the contract as set forth in the attached Change Order #1 (which, along with memos from City Engineer Kris Riemann and Connie Debenport (Purchasing Manager), is incorporated herein and attached hereto as Exhibit “A”) are necessary to move forward with the project and reflect an DECREASE in costs to the city of \$37,142.00 with twelve (12) additional days added to the contract time.

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 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 3. That the DECREASE costs to the City and increase in contract time are reasonable in light of relevant facts and circumstances.

SECTION 4. That Change Order #1 to the City's contract with SAUNDERS CONSTRUCTION, LLC, for the WATER MAIN RELOCATION IN PROPOSED ROW FOR STATE ROUTE PROJECT 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 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 _____, 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

Memorandum - City of Gulfport

Purchasing

To: The Honorable Mayor and City Council

From: Connie Debenport, CPPB

Date: March 14, 2014

**Re: Summary Change Order #1
Relocation of Water Main in Proposed R.O.W. for SR601
STP-GAI1145-00(008): 101212/202000
Bids Received 10-10-2013**

Please see attached letters from Dax Alexander with Brown, Mitchell & Alexander, and Kris Riemann, City Engineer, wherein they are recommending your approval of summary change order #1 for a net deductive amount of \$37,142.00.

| | |
|---------------------------|---------------|
| Original Contract Amount | \$278,274.00 |
| (Summary) Change Order #1 | (\$37,142.00) |
| Total Contract | \$241,132.00 |

It is my recommendation that you approve this request. Thank you for your consideration.

13-262

Memorandum – City of Gulfport

To: Connie Debenport, Purchasing
CC: Mayor Billy Hewes Scott Wilson, Finance
 Dr. John Kelly, CAO Wayne Miller, P.E., Public Works
From: Kris Riemann, P.E. *KR*
Date: 3/14/14
Re: Change Order No. 1 (Summary)
 - Relocation of Water Main in Proposed R.O.W. for SR 601
 - STP-GAI1145-00(008): 101212/202000

Attached for your consideration is the referenced change order number 1, in the deductive amount of \$37,142.00 and additive amount of 12 calendar days of time. This change is required to adjust final quantities to reflect those actually used in the field for construction. The project was delayed due to the discovery of a 10-inch water main (originally believed to be 12-inch) along 16th Street, holidays, and weather.

The project is designed to relocate certain water utilities that currently exist in the proposed right of way of the SR 601 (Canal Road Connector) at Canal Road and Interstate 10. These water utilities must be relocated prior to construction of the new roadway and interchange.

MDOT has approved funding 100% of all costs of engineering, environmental, permitting, inspection, and construction associated with this project.

Please place this item on the April 8, 2014 Council Agenda.

This item has been approved by:

Mayor or CAO _____

Attachments: 1. Ben Smith Letter Dated 3/13/14
 2. Change Order No. 1

Dated Delivered: 3/13

Received By: JS

Time Received: _____

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

**RE: City of Gulfport – Relocation of Water Main in Proposed R.O.W. for SR 601
STP-GAI-1145-00(008): 101212/202000
PAY APPLICATION NO. 3 (FINAL) / CHANGE ORDER NO. 1 (SUMMARY)**

Dear Mr. Riemann:

Please find enclosed two (2) originals of Pay Application No. 3 (FINAL) for the above referenced project. Please place same on the Agenda for the next City Council meeting.

As reflected by the enclosed pay application, the Contractor, Saunders Construction, LLC, is 100% complete. We hereby recommend payment to the Contractor for the total amount due this application of \$38,882.70.

As mentioned in previous correspondence, the Contractor exceeded the Contract Time due to the discovery of a ten inch (10") water main along 16th Street rather than the twelve inch (12") water main shown in the plans, as well as encountering delays due to holidays and difficult weather conditions. We hereby enclose four (4) originals of Change Order No. 1 (SUMMARY) which reflects an increase of 12 calendar days for a total Contract Time of 47 calendar days, as well as a decrease in Contract Price of \$37,142.00 for a total Contract Price of \$241,132.00.

Please execute and return two (2) fully executed originals of Change Order No. 1 (SUMMARY) to our office for further distribution.

As required by the General Conditions of the Contract Documents, we hereby enclose closeout documents consisting of: (1) Consent of Surety to Final Payment; (2) Contractor's Affidavit of Payment of Debts and Claims; (3) Contractor's Affidavit of Release of Liens; and (4) Contractor's current Certificate of Liability Insurance.

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

Respectfully,

Benjamin Smith

Benjamin Smith, P.E., Project Engineer

Enclosures

CHANGE ORDER

NO: 1 (SUMMARY)

PROJECT: Relocation of Water Main in Proposed R.O.W. for SR 601 DATE OF ISSUANCE: March 5, 2014

OWNER: CITY OF GULFPORT

OWNER'S PROJECT #: STP-GAI-1145-00(008): 101212/202000

CONTRACTOR: SAUNDERS CONSTRUCTION, LLC.
P.O. BOX 7668
D'IBERVILLE, MS 39540

ENGINEER: BROWN, MITCHELL & ALEXANDER, INC.
796 VIEUX MARCHE, 2ND FLOOR
BILOXI, MS 39530

CONTRACT FOR ENTIRE PROJECT

ENGINEER'S PROJECT #: 11-3275A-03

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

This Change Order has been prepared to reflect actual quantities used to construct this project. (Please see attached supporting documentation from Saunders Construction, LLC).

| | |
|--------------------------------------------------------|---------------|
| TOTAL CHANGE IN CONTRACT PRICE (WORKSHEET ATTACHED) | (\$37,142.00) |
|--------------------------------------------------------|---------------|

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIME |
|------------------------------------------------|---------------------------------------------------------------|
| Original Contract Price | Original Contract Time (CALENDAR DAYS) |
| \$278,274.00 | 35 |
| Previous Change Orders | Net Change from Previous Change Orders (CALENDAR DAYS) |
| \$0.00 | 0 |
| Contract Price Prior to This Change Order | Contract Time Prior to This Change Order (CALENDAR DAYS) |
| \$278,274.00 | 35 |
| Decrease of This Change Order | Net Increase of This Change Order (CALENDAR DAYS) |
| (\$37,142.00) | 12 |
| Contract Price with All Approved Change Orders | Contract Time with All Approved Change Orders (CALENDAR DAYS) |
| \$241,132.00 | 47 |

RECOMMENDED:
BROWN, MITCHELL & ALEXANDER, INC.

APPROVED:
OWNER

APPROVED:
CONTRACTOR

BY:


BENJAMIN SMITH, P.E., VICE-PRESIDENT

BY:

CITY OF GULFPORT

BY:


SAUNDERS CONSTRUCTION, LLC

CHANGE ORDER

NO: 1 (SUMMARY)

PROJECT: Relocation of Water Main in Proposed R.O.W. for SR 601 DATE OF ISSUANCE: March 5, 2014

OWNER: CITY OF GULFPORT

OWNER'S PROJECT #: STP-GAI-1145-00(008): 101212/202000

CONTRACTOR: SAUNDERS CONSTRUCTION, LLC.
P.O. BOX 7668
D'IBERVILLE, MS 39540

ENGINEER: BROWN, MITCHELL & ALEXANDER, INC.
796 VIEUX MARCHE, 2ND FLOOR
BILOXI, MS 39530

CONTRACT FOR ENTIRE PROJECT

ENGINEER'S PROJECT #: 11-3275A-03

WORKSHEET

| ITEM | DESCRIPTION | # OF UNITS | UNIT | UNIT COST | EXTENSION |
|-----------------------------------------------------------|----------------------------------------------------------|------------|------|-------------|----------------------|
| DELETE THE FOLLOWING PAY ITEMS FROM THE CONTRACT: | | | | | |
| 02662-A | 12" x 12" Tapping Sleeve & 12" Valve | -2 | EA | \$4,150.00 | (\$8,300.00) |
| 02662-B | 12" Hydra-Stopper Valve | -2 | EA | \$10,500.00 | (\$21,000.00) |
| SUBTOTAL | | | | | (\$29,300.00) |
| DELETE THE FOLLOWING QUANTITIES FROM THE CONTRACT: | | | | | |
| 02050-B | Remove Existing Pavement (All Types & Thicknesses) | -289 | SY | \$5.00 | (\$1,445.00) |
| 02050-D | Flowable Fill | -55 | CY | \$50.00 | (\$2,750.00) |
| 02050-E | Removal of Unsuitable Soil (LVM) | -400 | CY | \$8.00 | (\$3,200.00) |
| 02050-F | Sawcut Pavement (All Types) | -208 | LF | \$4.00 | (\$832.00) |
| 02221-A | Select Bedding Material (PM) | -186 | CY | \$18.00 | (\$3,348.00) |
| 02221-B | Select Foundation Material (PM) | -100 | CY | \$45.00 | (\$4,500.00) |
| 02234-A | Limestone (Size #610) (LVM) | -200 | CY | \$45.00 | (\$9,000.00) |
| 02295-B | Straw Wattles | -900 | LF | \$2.50 | (\$2,250.00) |
| 02575-A | Hot Bituminous Pavement Repair (FM) | -84 | SY | \$80.00 | (\$6,720.00) |
| 02660-A | 12" Water Main (PVC) | -5 | LF | \$26.00 | (\$130.00) |
| 02931-A | Plant Establishment (Seeding) | -1.25 | AC | \$1,500.00 | (\$1,875.00) |
| SUBTOTAL | | | | | (\$36,050.00) |
| ADD THE FOLLOWING PAY ITEMS TO THE CONTRACT: | | | | | |
| CO1-02662-C | 10" x 12" Tapping Sleeve & 12" Valve | 2 | EA | \$3,930.00 | \$7,860.00 |
| CO1-02662-D | 10" Hydra-Stopper Valve | 2 | EA | \$9,814.00 | \$19,628.00 |
| SUBTOTAL | | | | | \$27,488.00 |
| ADD THE FOLLOWING QUANTITIES TO THE CONTRACT: | | | | | |
| 02050-C | Remove Existing Water Main | 25 | LF | \$8.00 | \$200.00 |
| 02295-A | Silt Fence | 60 | LF | \$2.00 | \$120.00 |
| 02311-A | 12" HDPE Fusible Water Main (Placement Inside Casing) | 5 | LF | \$30.00 | \$150.00 |
| 02660-C | Ductile Iron Fittings | 100 | LBS | \$2.50 | \$250.00 |
| SUBTOTAL | | | | | \$720.00 |
| TOTAL - DECREASE IN CONTRACT PRICE | | | | | (\$37,142.00) |

From: [Grady Martin](#)
To: [Anne Galle](#)
Subject: FW: SR 601 Relocate Credit
Date: Thursday, March 06, 2014 8:36:26 AM
Attachments: [image001.png](#)
[image002.png](#)

Thanks,
Grady J. Martin IV, P.E.
Project Engineer



796 Vieux Marche, 2nd Floor
Biloxi, MS 39530
228-436-7612 (Office)
228-380-1231 (Cell)
228-436-7612 (Fax)
E-mail: grady@bmaengineers.com
www.bmaengineers.com

From: Noelle Saunders [mailto:noellee886@gmail.com]
Sent: Wednesday, February 05, 2014 4:02 PM
To: Grady Martin
Subject: Re: SR 601 Relocate Credit

The amounts given in the first email were for both connections. So, it would be \$110 per connection

The 2- 12" Hydra Stop Valves were \$21,000 and the cost for the 2- 10" Valves was \$19,628. So, the credit given for that line item would be \$1372 (or \$686 per valve)

Noelle Saunders

Saunders Construction
PO Box 7668
D'Iberville, MS 39540
228-219-4919

On Wed, Feb 5, 2014 at 2:31 PM, Grady Martin <grady@bmaengineers.com> wrote:

Noelle,

The only other item I need a revised cot on would be the 12" Hydra-stopper Valve which should have been a

10" Hydra-stopper valve since the existing main was 10"

Also, is the \$220.00 credit just for one of the connections? If that is the case, the total credit would be \$440.00 since there were two connections, one on each side of the project.

Thanks,
Grady Martin, P.E.



796 Vieux Marche, 2nd Floor
Biloxi, MS 39530
Office: [\(228\) 436-7612](tel:(228)436-7612)
Cell: [\(228\) 380-1231](tel:(228)380-1231)
Fax: [\(228\) 436-7676](tel:(228)436-7676)
E-mail: grady@bmaengineers.com
Website: www.bmaengineers.com

From: Noelle Saunders [mailto:noellee886@gmail.com]
Sent: Wednesday, February 05, 2014 10:56 AM
To: Grady Martin
Subject: SR 601 Relocate Credit

Hi Grady!

Sorry it's taken me a little while to get this credit amount over to you

The cost of materials for the 12x12 tapping sleeve assembly was \$4150, and the cost for the 10x12 assembly was \$3930. The labor stays the same for either size
So, the credit given to the city would be \$220.

Let me know if you need anything else from us!

Noelle Saunders

Saunders Construction
PO Box 7668
D'Iberville, MS 39540
[228-219-4919](tel:228-219-4919)

From: [Grady Martin](#)
To: [Anne Galle](#)
Subject: FW: SR 601 Relocate Credit
Date: Thursday, March 06, 2014 8:36:45 AM
Attachments: [image001.png](#)

Thanks,
Grady J. Martin IV, P.E.
Project Engineer



796 Vieux Marche, 2nd Floor
Biloxi, MS 39530
228-436-7612 (Office)
228-380-1231 (Cell)
228-436-7612 (Fax)

E-mail: grady@bmaengineers.com
www.bmaengineers.com

From: Noelle Saunders [mailto:noellee886@gmail.com]
Sent: Wednesday, February 05, 2014 10:56 AM
To: Grady Martin
Subject: SR 601 Relocate Credit

Hi Grady!
Sorry it's taken me a little while to get this credit amount over to you

The cost of materials for the 12x12 tapping sleeve assembly was \$4150, and the cost for the 10x12 assembly was \$3930. The labor stays the same for either size
So, the credit given to the city would be \$220.

Let me know if you need anything else from us!

Noelle Saunders

Saunders Construction
PO Box 7668
D'Iberville, MS 39540
228-219-4919