



RESOLUTION #20120907-03

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER FIVE (5) TO HERITAGE CONSTRUCTORS, INC. - TEXAS WATER DEVELOPMENT BOARD PROJECT NUMBER: 21520: SEWER PLANT PROJECT (\$200,000)

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center has issued certain bonds sponsored by the Texas Water Development Board (TWDB) to support certain water and sewer utility improvements; and

WHEREAS, TexAmericas Center has proposed, subject to TWDB approval of certain plans and specifications for such improvements indicated by TWDB project number 21520; and

WHEREAS, TexAmericas Center has sought, through a competitive process, bids for the construction of a major upgrade to the domestic sewer treatment plant; and

WHEREAS, TexAmericas Center awarded a construction contract to Heritage Constructors, Inc. for the replacement of the area Sewer Plant by Resolution No. 20120124-09; and

WHEREAS, Heritage Constructors, Inc. has requested a change order to perform project management for project completion; subcontract a professional engineer; release all asserted and unasserted claims to date; and will be responsible for incorporation changes and modifications to existing plans. This scope of work is presented as change order number five (5) to the basic construction contract with a net increase of \$200,000, and is attached.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of TexAmericas Center that change order number five (5) to the above referenced contract is approved and the Executive Director/CEO shall be and he is hereby authorized to execute change order number five (5) for an increase in contract amount not to exceed \$200,000.

PASSED and APPROVED this 7th day of September, 2012.


Denis Washington, Chairman of the Board

ATTEST:


Wayne Cranfill, Secretary-Treasurer

Attached: Change Order number five (5)

Change Order No. 5

Date of Issuance: September 7, 2012

Effective Date: September 7, 2012

Project: Waste Water Sewer Plant	Owner: TexAmericas Center	Owner's Contract No.: 11-21-002
Contract: Construction of Waste Water Sewer Plant on TAC-E		Date of Contract: February 2, 2012
Contractor: Heritage Constructors, Texarkana, TX		

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Heritage Constructors will provide Project Management, hire and manage Engineering Services, and release claim.

Attachments (list documents supporting change):

Attachment A – Change Order #5

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$5,641,640 _____

Decrease from previously approved Change Orders
No. 1 to No. 4:

-\$235,160 _____

Contract Price prior to this Change Order:

\$5,406,480 _____

Increase of this Change Order:

\$200,000 _____

Contract Price incorporating this Change Order:

\$5,606,480 _____

Original Contract Times: Working days Calendar days

Substantial completion: July 27, 2013
Final Completion: September 27, 2013
Demolition of Existing Plant: December 27, 2013

Increase from previously approved Change Orders
No. 1 to No. 4:

Substantial Completion: 30 days
Final Completion: 30 days
Demolition of Existing Plant: 30 days

Contract Times prior to this Change Order:

Substantial completion: August 26, 2013
Final Completion: October 27, 2013
Demolition of Existing Plant: January 26, 2014

Increase of this Change Order:

Substantial completion: 180 days
Final Completion: 180 days
Demolition of Existing Plant: 180 days

Contract Times with all approved Change Orders:

Substantial completion: February 22, 2014
Final Completion: April 25, 2014
Demolition of Existing Plant: July 25, 2014

CO#5

RECOMMENDED:

By: N/A _____

Engineer (Authorized Signature)

Date: N/A _____

ACCEPTED:

By: Will U Cook _____

Owner (Authorized Signature)

Date: 9/2/12 _____

ACCEPTED:

By: _____

Contractor (Authorized)

Date: _____

TEXAMERICAS CENTER CHANGE ORDER NO. 5

ATTACHMENT A

ITEM	DESCRIPTION	AMOUNT
Item No. 1	<p>Owner has terminated the services of Allison Engineering Group, Inc. as its Engineer. Contractor will provide project management for completion of the project. As the Project Manager, Contractor shall manage the Project with the objective of achieving the project's scope, time, cost and other specified objectives as provided by the Plans and Specifications; consult with Owner to establish additional, changed or modified objectives, priorities, constraints, consumptions, and strategy; provide Value Engineering Assistance and organize budgets for alterations or changes to the contract documents, Plans and Specifications, as approved by Owner; and assist in managing the testing budget. The Project Manager shall recommend to Owner such changes to the Plans and Specifications as deemed appropriate. Contractor is not assuming any liability or providing any warranty or guarantee for either the engineering work, decisions regarding the design phase of the project, design specifications for the project or design process. Contractor shall be responsible for its work under the Contract including but not limited to work incorporating recommended changes or modifications made by Contractor and agreed to by Owner. Contractor shall be responsible for the engineering work set forth in Item No. 2 of this Change Order No. 5 and for its work under the Contract.</p>	Plus \$75,000.00
Item No. 2	<p>Contractor will subcontract with a professional engineer to perform construction phase engineering including but not limited to the development of plans, specifications and drawings for modifications or changes to the plans agreed to by Owner as well as providing the record drawings which are defined as the drawings produced by the engineer's modification of the original design drawings to reflect the "As-Built" changes following construction. Record drawings for the project will be completed by the Engineer within 60 days of contract completion and delivered to the Owner. Owner to provide Contractor with complete and up to date Auto-Cad files with written authorization to modify and edit for construction and use as "As-Built's" at the time this change order is authorized.</p>	Plus \$75,000.00

Item No. 3 Compensate Contractor for delays in the production schedule Plus
attributable to prior engineering delays and delays in providing the \$50,000.00
detailed plans and drawings, and to compensate Contractor for
delay claims, cost increase claims and incurred costs, including but
not limited to those set forth in Contractor's letters to Owner of
May 24, 2012, and June 21, 2012. The substantial completion
date, final completion date, and demolition of existing plant date,
shall be revised as set forth in the face of the Change Order No. 5.
Owner shall compensate Contractor the additional contract sum as
indicated. By execution of this Change Order, Contractor releases
any and all claims against Owner, both asserted and unasserted,
arising prior to the date of this Change Order.

Change Order No. 5 – Total Additive Amount \$200,000.00