

RESOLUTION NO. {{item.sequential\_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER TWO TO THE CONSTRUCTION CONTRACT WITH D. GUERRA CONSTRUCTION, LLC OF AUSTIN, TEXAS FOR CONSTRUCTION OF PHASE 4C OF THE BIRD CREEK INTERCEPTOR PROJECT IN THE ESTIMATED AMOUNT OF \$126,920.04; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** this item will allow for the execution of Change Order No. 2 to the construction contract with D. Guerra Construction, LLC (D. Guerra) of Austin, Texas for construction of Phase 4C of the Bird Creek Interceptor Project - the proposed project scope changes are as follows:

**Additions**

Relay and Lower 30" HOBAS	\$ 171,073.38
Adjustments for onsite conditions	<u>\$ 150,072.66</u>

<b>Total Additions</b>	<b><u>\$ 321,146.04</u></b>
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**Deductions**

Line-Item Quantity Deductions	<u>(\$ 194,226.00)</u>
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<b>Total Deductions</b>	<b><u>(\$ 194,226.00)</u></b>
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<b>Total Change Order No. 2</b>	<b><u>\$ 126,920.04</u></b>
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**Whereas,** on August 18, 2022, Council authorized a construction contract with D. Guerra for the construction of this project - Change Order No. 2 includes additions and deductions that are necessary due to unforeseen onsite conditions;

**Whereas,** a section of 30-inch HOBAS pipe crossing Bird Creek needed to be lowered and slope adjusted to be below the existing flow line of Bird Creek where a pool developed - manhole, slip lining, service, riprap, and other additions are required due to site conditions;

**Whereas,** deductions include original line-item quantities that are no longer required due to onsite adjustment additions - with the execution of Change Order No. 2, the revised value of the construction contract will be \$8,057,503.91, a 6.83 percent increase in the original contract amount;

**Whereas,** this change order will add 61 days to the construction contract including 21 days to relay 30-inch HOBAS line and 30 rain days, which will revise the final completion date to December 20, 2024;

**Whereas,** Staff recommends Council authorize Change Order No. 2 to the construction contract with D. Guerra for construction of Phase 4C of the Bird Creek Interceptor Project in the estimated amount of \$126,920.04;

**Whereas,** Council is being presented a budget adjustment to appropriate additional funding needed for Change Order No. 2 to the construction contract with D. Guerra for the construction of Phase 4C of the Bird Creek Interceptor Project - upon approval of the budget adjustment, funding will be available in Account No. 561-5400-535-6925, Project No. 102661; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes Change Order No. 2 to the construction contract with D. Guerra Construction, LLC of Austin, Texas for construction of Phase 4C of the Bird Creek Interceptor Project in the estimated amount of \$126,920.04, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

**Part 3:** The City Council authorizes an adjustment to the Fiscal Year 2024 Budget, substantially in the form of the copy attached hereto as Exhibit A.

**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5<sup>th</sup> day of **September, 2024.**

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jana Lewellen  
City Secretary

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Kathryn H. Davis  
City Attorney