

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER FOUR TO THE CONSTRUCTION CONTRACT WITH EMERSON CONSTRUCTION COMPANY, INC. OF TEMPLE, TEXAS RELATED TO THE CONSTRUCTION OF POISON OAK ROAD REALIGNMENT, PHASE I IN THE ESTIMATED DEDUCTIVE AMOUNT OF \$93,176.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, approval of this item will allow for the execution of Change Order No. 4 to the construction contract with Emerson Construction Company, Inc. (Emerson) for the construction of Poison Oak Road Realignment, Phase I - as outlined in the Engineer's Recommendation Letter related to this change order, attached hereto and incorporated herein as Exhibit A, all changes are required to reflect actual quantities used now that the project is complete;

Whereas, on March 2, 2023, Council authorized a construction contract with Emerson for the construction of this project in the amount of \$7,198,910.50 - Change Order Nos. 1 through 3 were approved in the total amount of \$264,511.89;

Whereas, with the execution of this change order, the revised value of the construction contract will be \$7,370,246.14, an overall net increase of 2.4 percent to the original contract amount - no days will be added to the construction contract, thus the contractual completion date will remain November 6, 2024;

Whereas, Staff recommends Council authorize Change Order No. 4 to the construction contract with Emerson related to the construction of Poison Oak Road Realignment, Phase I in the estimated deductive amount of \$93,176.25;

Whereas, funding for Change Order No. 4 to the construction contract with Emerson in the estimated deductive amount of \$93,176.25 will be recognized in Project No. 101715, as follows:

	365-3400-531-6886
	561-5200-535-6986
	561-5400-535-6986
Project Budget	\$ 21,756,946
Encumbered/Committed to Date	(12,376,135)
Emerson Construction - CO#4	93,176
Remaining Project Funds Available	\$ 9,473,987

Whereas, project funds remain available for construction of Poison Oak Road Realignment, Phase II; 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. 4 to the construction contract with Emerson Construction Company, Inc. of Temple, Texas related to the construction of Poison Oak Road Realignment, Phase I in the estimated deductive amount of \$93,176.25, 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: 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 18th day of **July, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney