

Ord.

2002-0442

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 02-10-10

An ordinance approving and authorizing the execution of Change Order No. One (1) - Final for Parish Project No. P000311, Bar None Jack & Bore, to purchase materials from contractor and close out the project prior to the commencement of construction.

WHEREAS, Ordinance No. 02-2-5, adopted February 21, 2002, by the St. Charles Parish Council awarded construction of Parish Project No. P000311, Bar None Jack & Bore, to B & K Construction Company, Inc.; and

WHEREAS, there were a significant number of utility conflicts requiring relocation; and

WHEREAS, Illinois Central/ Canadian National Railroad has been uncooperative in resolving the utility conflicts within the railroad right-of-way; and

WHEREAS, B & K Construction Company, Inc. has missed its window of opportunity for project construction and has requested release from its contract; and

WHEREAS, approval of this change order is necessary to close out the contract with B & K Construction Company, Inc. and re-bid the project in order to award it to another contractor.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS,

SECTION I. That Change Order No. One (1) - Final to Parish Project No. P000311, Bar None Jack & Bore, to release B & K Construction Company, Inc. for its contract and purchase various project materials is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Change Order.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: FAUCHEUX, HILAIRE, ABADIE, AUTHEMENT, BLACK, MARINO,
MINNICH
NAYS: NONE
ABSENT: RAMCHANDRAN, FABRE

And the ordinance was declared adopted this 21st day of October, 2002,
To become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Clayton Fauchaux*
SECRETARY: *Barbara J. Javel*
DLVD/PARISH PRESIDENT: *October 22, 2002*
APPROVED: DISAPPROVED:
PARISH PRESIDENT: *Albert D. Laque*
RETD/SECRETARY: *October 22, 2002*
AT: *10:49 A.M* RECD BY: *Bgg*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 10-24-02
AS ENTRY NO. 271886
IN MORTGAGE/CONVEYANCE BOOK
NO. 881 FOLIO 188

CHANGE ORDER

No.

1

DATE OF ISSUANCE 17-Sep-02

EFFECTIVE DATE 17-Sep-02

OWNER St. Charles Parish (SCP) Department of Public Works and Wastewater

CONTRACTOR B & K Construction Company, Inc.

Contract: Bar None East Jack & Bore

Project: Bar None East Jack & Bore

OWNER's Contract No P000311

ENGINEER's Contract No.

N/A

ENGINEER Professional Engineering and Environmental Consultants, Inc.

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

Description: See Attachment 1 - Description of Changes.

Reason for Change Order:

Due to numerous utility conflicts and the lack of cooperation from Illinois Central/ Canadian National Railroad in resolving the conflicts within the railroad right-of-way, the contractor missed his window of opportunity for construction and requested release from his contract.

Attachments: (List documents supporting change)

Attachment 2 - Backup Material from Contractor.

CHANGE IN CONTRACT PRICE

CHANGE IN CONTRACT TIMES

Original Contract Price:

\$99,830 00

Original Contract Times:

Substantial Completion N/A

Ready for final payment: N/A

(days or dates)

Net increase (decrease) from previous Change Orders

No 0 to No 0

\$0 00

Net change from previous Change Orders No 1 to

No 1

Substantial Completion: Zero

Ready for final payment: Zero

(days)

Contract Price prior to this Change Order

\$99,830 00

Contract Times prior to this Change Order:

Substantial Completion: N/A

Ready for final payment: N/A

(days or dates)

Net increase (decrease) of this Change Order:

\$76 037 56

Net increase (decrease) this Change Order

Substantial Completion: Zero

Ready for final payment: Zero

(days)

Contract price with all approved Change Orders:

\$23 792 44

Contract Times with all approved Change Orders

Substantial Completion: N/A

Ready for final payment: N/A

(days or dates)

RECOMMENDED:

By: *m.s. Selik*
ENGINEER (Authorized Signature)

Date: 9/18/02

APPROVED:

By: *Albert D. Lopez*
OWNER (Authorized Signature)

Date: 10/22/02

ACCEPTED:

By: *W. Blake Anderson*
CONTRACTOR (Authorized Signature)

Date: 9/23/02

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute

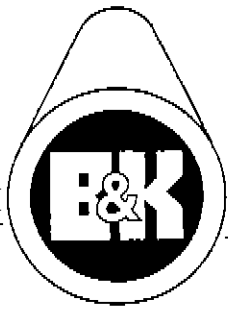
ATTACHMENT 1 - DESCRIPTION OF CHANGES

CHANGE ORDER # 1 FOR PARISH PROJECT NO.P000311, BAR NONE EAST JACK & BORE

Item No.	Description	Unit	Unit Price	Original Contract		Change Order No. 1		Total to Date		Increases	Decreases	Deletions	Additions
				Quantity	Cost	Quantity	Cost	Quantity	Cost				
1	Mobilization, Demobilization, and Cleanup	L.S.	\$7,500.00	1.00	\$7,500.00	0.00	\$0.00	0.00	\$0.00			\$ 7,500.00	
2	Ditch Reshaping, including cut, fill and disposal of excess material, complete in place	L.F.	\$10.00	250.00	\$2,500.00	0.00	\$0.00	0.00	\$0.00			\$ 2,500.00	
3	Jack and Bore - two (2) 42" 5/8" steel casing complete in place including coating, dewatering and drainage control	L.F.	\$410.00	156.00	\$63,960.00	0.00	\$0.00	0.00	\$0.00			\$ 63,960.00	
4	Place riprap as indicated in drawings and specified, complete in place	C.Y.	\$75.00	10.00	\$750.00	0.00	\$0.00	0.00	\$0.00			\$ 750.00	
5	Place geotextile fabric as indicated in drawings and specified, complete in place	S.Y.	\$3.00	40.00	\$120.00	0.00	\$0.00	0.00	\$0.00			\$ 120.00	
	Adjust 10" AC waterline, including valves, fittings, bypass line, excavation, backfill, testing, disinfection and all other apputenances necessary to complete this work in place, as indicated in drawings and specifications	L.S.	\$15,000.00	1.00	\$15,000.00	0.00	\$0.00	0.00	\$0.00			\$ 15,000.00	
7	Relocation of Infrastructure as necessary	L.S.	\$5,000.00	1.00	\$5,000.00	0.00	\$0.00	0.00	\$0.00			\$ 5,000.00	
8	Railroad Work Requirements	L.S.	\$5,000.00	1.00	\$5,000.00	0.00	\$0.00	0.00	\$0.00			\$ 5,000.00	
9*	Purchase of Casing Pipe and Other Associated Costs	L.S.	\$23,792.44	N/A	N/A	1.00	\$23,792.44	N/A	N/A				\$23,792.44
TOTALS					\$99,830.00		\$23,792.44		\$0.00	\$0.00	\$0.00	\$ 99,830.00	\$23,792.44

* Indicates New Item Not Originally in Bid Form

RESULTING CREDIT TO ST CHARLES PARISH FOR CHANGE ORDER # 1. \$76,037.56



CONSTRUCTION COMPANY, INC

September 13, 2002

FAXED AND MAILED

Mr. Mo Saleh, P.E.
Professional Engineers
7521 West Bank Expressway
Suite G
Marrero, LA 70072

RECEIVED

SEP 13 2002

RE: Bar None East Ditch Jack & Bore
St. Charles Parish, Louisiana
SCP Project No. P000311
B&K Job No. 2301
RFC No. 001


Dear Mr. Saleh:

In reference to your comments during our meeting on September 10, 2002, we respectfully submit the attached revised final proposal in the amount of \$ 23,792.44 to close out this project. Mr. Jay Roberts with Water & Sewer Products, Inc., has agreed with St. Charles Parish to not charge for any of the materials he procured on this project. We also were able to get full credit on the bonds for this project. We will deliver the steel casing pipe materials to St. Charles Parish's wastewater laydown yard located at 404 Milling Street in Luling as soon as this final agreement is signed by all parties. St. Charles Parish agrees to pay the above stated amount to our company within 5 business days upon delivery of the materials. We agree to pay Pipe Industries within 3 business days of receiving payment from St. Charles Parish. St. Charles Parish also agrees to close out this contract through council resolution at the next council meeting after the materials are delivered and provide our company with the final documentation that the close out of this contract has been filed and recorded at the St. Charles Parish Courthouse.

Please review this final proposal, sign below indicating your approval of this final proposal, and have St. Charles Parish sign below indicating their approval of this final proposal as soon as possible.

Please contact us if you have any questions or need additional information on this matter.

Sincerely,
B & K CONSTRUCTION COMPANY, INC.



Blake Andrews
Project Manager

cc: Mr. Gregory E. Bush, SCP
Mr. John Raymond, SKA

MS091302.DOC

ACCEPTED BY:
PROFESSIONAL ENGINEERS

SIGNATURE

DATE

PRINTED NAME

ACCEPTED BY:
ST. CHARLES PARISH

SIGNATURE

DATE

PRINTED NAME

BAR NONE EAST JACK AND BORE
ST. CHARLES PARISH, LOUISIANA
SCP PROJECT NO. P000311
B & K JOB NO. 2301
RFC NO. 001

DATE: August 17, 2002 (REVISED 8/21/02) (REVISED 9/13/02)

DESCRIPTION: Proposal for all ordered materials and costs from the start of this project to now.

LABOR	Name	Rate	Hours	Total
	Project Manager	50.00	16.00	800.00
	Superintendent	45.00	44.00	1,980.00
	Foreman	27.00	10.00	270.00

The above charges are for preparing and reviewing shop drawings, attending meetings with the Engineer and Owner, and attending meetings and coordination with the three utility companies.

Please note that the above charges only include an extremely small amount of time for Blake Andrews, Project Manager.

TOTAL LABOR 3,050.00

EQUIPMENT	Description	Rate	Hours	Total
		0.00	0.00	0.00
	Sub Total			0.00
	TOTAL EQUIPMENT			0.00

MATERIALS	Description	Price	Quantity	Total
	Pipe Industries 42" Steel Casing Pipe	101.90	156.00	15,896.40
	Sub Total			15,896.40
	Tax @ 9.00%			1,430.68
	TOTAL MATERIALS			17,327.08

SUBCONTRACTS		Rate	Unit	Total
	Lloyd's Welding Cutting and Welding 48" Augers & Cutting Head down to 42" - Work Stopped when Delays Started.	36.00	4.00	144.00
	Simon, Peragine, Smith, & Redfearn Lawyer Fees - Review Contract for Cancellation	168.00	1.00	168.00
	TOTAL SUBCONTRACTS			312.00

TOTAL COSTS SUMMARY

LABOR	3,050.00
EQUIPMENT	0.00
MATERIALS	17,327.08
SUBCONTRACT	312.00

TOTAL COSTS	20,689.08
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OVERHEAD AND PROFIT

OVERHEAD AND PROFIT	15.00%	3,103.36
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TOTAL COST	23,792.44
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2301\RFC001.SS



September 11, 2002

Water and Sewer Products
949 Bridge City Ave.
Bridge City, LA 70096

RE: Bar None Jack and Bore
St. Charles Parish, Louisiana
B&K Job No. 2301

Dear Mr. Roberts;

This letter is to confirm that your invoices 26465 and 26466 and our Purchase Orders 34497 and 34498 for the referenced project will be voided as of the date of this letter. All monetary obligations of B&K Construction Co. to Water and Sewer Products for these invoices and purchase orders will be canceled immediately due to the cancellation of the contract between B&K Construction Co. and St. Charles Parish.

Sincerely,
B&K CONSTRUCTION CO., INC.

A handwritten signature in black ink, appearing to read 'Bart Peak', is written over a horizontal line.

Bart Peak
Project Coordinator

Agreed:

A handwritten signature in black ink, appearing to read 'Jay Roberts', is written over a horizontal line.

Jay Roberts
Water and Sewer Products

A handwritten signature in black ink, appearing to read 'Bart Peak', is written over a horizontal line.

Bart Peak
B&K Construction Co., Inc.

f:\2301\docs\jr091102

PIPE INDUSTRIES CORPORATION
 5810 EAST 77TH AVENUE
 COMMERCE CITY, CO 80022-1004

RECEIVED

AUG 12 2002

B & K CONSTRUCTION
 COMPANY, INC.

ATTACHMENT 2

Invoice

Invoice Number: 6311

Invoice Date: Aug 12, 2002

Page: 1

Voice: 303-287-1700
 Fax: 303-287-1720

Sold To:

Ship to:

B&K CONSTRUCTION COMPANY
 1905 HIGHWAY 59
 MANDEVILLE, LA 70448

B&K CONSTRUCTION
 JOB SITE
 ST ROSE, LA

SO/Rel #	Customer PO	Payment Terms		
J02.993	VERBAL	Net 30 Days		
Sales Rep ID	Shipping Method	Ship Date	Due Date	
GIEBLER	COMMERCIAL TRUCKING		9/11/02	
Quantity	Description	Backorder	Unit Price	Extension
156.00	SIZE: 42" OD X .625" WT LENGTH: 6 PCS @ 20', 2 @ 18' ENDS: BEVEL X SQUARE GRADE: STEEL CASING PIPE		79.35	12,378.60
156.00	MISC PAINTING LINED & COATED 14 MILS THICK COAL TAR EPOXY		16.50	2,574.00
156.00	FGT FREIGHT CHARGE		6.05	943.80
* Restocking fee of job dinner				
			156' of 42" x .625" @ \$19.35 x 25% =	3094.65
			Coating \$16.50 x 100% =	3574.00
			TOTAL	5668.65

TERMS: NET 30 DAYS. A CHARGE OF 1.75% PER MONTH (21% PER YEAR) MAY BE CHARGED ON ALL PAST DUE BALANCES TOGETHER WITH REASONABLE ATTORNEY COLLECTION FEES. ALL MATERIAL SOLD IS "AS IS" WITHOUT ANY WARRANTIES EITHER EXPRESSED OR IMPLIED. WE DO NOT GUARANTEE MATERIAL FOR ANY PARTICULAR PURPOSE, USE OR MERCHANTABILITY. RESTOCKING FEES: 25% FOR STANDARD, 50% FOR NON-STANDARD SIZE PIPE. INSULATOR SKIDS AND END SEALS ARE NON-REFUNDABLE/NON-RETURNABLE

VENDOR # _____

GL	JOB	PHASE	AMOUNT
Check No:			

Subtotal	15,896.40
Sales Tax	
Freight	
Total Invoice Amount	15,896.40
Payment Received	0.00
TOTAL	15,896.40
9% TAX	1,430.68
	17,327.08

Hibernia Rosenthal

P.O. Box 6650
Metairie, LA 70009
Phone : 504-834-2424 Fax : 504-834-2995

B & K Construction Co Inc

Mr. H. Boone Kenyon
1905 Hwy. 59
Mandeville, LA 70448

INVOICE #		74453	Page 1
ACCOUNT NO.	CSR	DATE	
B&KCO-1	HF	09/12/02	

Bonds

POLICY #
SM7316
COMPANY
St. Paul / Seaboard
PRODUCER
J. Dale Gault
EFFECTIVE EXPIRATION
03/05/02 03/05/03

Itm #	Eff Date	Trn	Description	Amount
332322	03/05/02	NEW	ReverseInv#68256-Proj#P00311	\$ -898.00
Invoice Balance:				\$ -898.00

Cancel Bond#SM7316-Bar None East Jack and Bore Project No. P000311, St. Charles Parish, LA B&K Job#2301.

RECEIVED

Hibernia Rosenthal

MAR 11 2002

INVOICE #

68256

Page 1

P.O. Box 6650
Metairie, LA 70009
Phone : 504-834-2424 Fax : 504-834-2995

B & K CONSTRUCTION
COMPANY INC

ACCOUNT NO. B&KCO-1
CSR HF

DATE
03/06/02

Bonds

POLICY #
SM7316
COMPANY
St. Paul / Seaboard

PRODUCER
J. Dale Gault

EFFECTIVE DATE 03/05/02
EXPIRATION 03/05/03

B & K Construction Co Inc

Mr. H. Boone Kenyon
1905 Hwy. 59
Mandeville, LA 70448

Item #	Eff Date	Trn	Description	Amount
311933	03/05/02	NEW	P/P Bond- Project No.P00311	\$ 898.00
Invoice Balance:				\$ 898.00

Bar None J.B

4016-2301-001

A/P 53584

St. Charles parish- Bar None East Jack and Bore project.

*** PLEASE RETURN ONE COPY WITH YOUR REMITTANCE ***

SIMON, PERAGINE, SMITH & REDFEARN, L.L.P.

COUNSELLORS AT LAW
30TH FLOOR - ENERGY CENTRE
(1100 POYDRAS STREET)
NEW ORLEANS 70163-3000
TELEPHONE (504) 569-2030

RECEIVED
AUG 28 2002
HBS COLLECTION
PAYING

PAGE 1
AUGUST 20, 2002
INVOICE # 277743
BILLING ATTORNEY - HBS

H & K Construction Co.
905 Highway 59
Mandeville, LA 70448

CLIENT NUMBER - 3409 - 000

For Professional Services Rendered Through AUGUST 20, 2002

RE: GENERAL

MATTER NUMBER - 21

7/03/02 HCH 1.00 Telephone conversation with Blake Andrews;
research regarding right to terminate contract
with St. Charles.

PROFESSIONAL SERVICES 165.00

SUMMARY OF PROFESSIONAL SERVICES

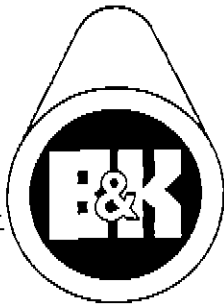
ATTORNEY	HOURS	AMOUNT
Herman C. Hoffmann	1.00	165.00
FIRM TOTAL	1.00	165.00

COSTS ADVANCED

7/10/02 Facsimile Transmissions	3.00
TOTAL COSTS ADVANCED	3.00

INVOICE TOTAL 168.00

A/P
59178



CONSTRUCTION COMPANY, INC

September 13, 2002

Mr. Mo Saleh, P.E.
Professional Engineers
7521 West Bank Expressway
Suite G
Marrero, LA 70072

RE: Bar None East Ditch Jack & Bore
St. Charles Parish, Louisiana
SCP Project No. P000311
B&K Job No. 2301

Dear Mr. Saleh:

Attached is Billing No. 1 (Final) for the above referenced project.

Please contact us if you have any questions or need additional information on this matter.

Sincerely,
B & K CONSTRUCTION COMPANY, INC.

Blake Andrews
Project Manager

cc: Mr. Gregory E. Bush, SCP
Mr. John Raymond, SKA

MS091302A.DOC

PROJECT NAME BAR NONE JACK & BORE
PUBLIC WORKS NO P000311
STATE PROJECT NO
CONTRACT TIME 90
B & K JOB NO 2301

CONTRACTOR B & K Construction Company, Inc.
ESTIMATE NO 001
ESTIMATE PERIOD 09/13/02
CURRENT DATE 09-13-2002

Original Contract Amnt: \$99,830.00
Change Orders To Date: 76,037.56-
TOTAL CONTRACT TO DATE: \$23,792.44

Work Completed To Date: \$23,792.44
Material On Hand: 0.00
Total Work-To-Date: 23,792.44
LESS 0.0 % Retainage: 0.00
Total Less Retainage: 23,792.44
LESS Previous Invoices: 0.00
DUE THIS BILLING: \$23,792.44

PLEASE REMIT PAYMENTS TO:

B & K Construction Company, Inc.
LOCK BOX NO 95048
NEW ORLEANS, LA 70195

PROJECT NAME BAR NONE JACK & BORE
 PUBLIC WORKS NO P000311
 STATE PROJECT NO
 CONTRACT TIME 90
 B & K JOB NO 2301

CONTRACTOR B & K Construction Company, Inc.
 ESTIMATE NO 001
 ESTIMATE PERIOD 09/13/02
 CURRENT DATE 09-13-2002

Itm#	Description	CONTRACT			WORK COMPLETED TO DATE				TOTAL AMOUNT	COMP (%)	
		Quantity/Unt	Unit Price	Total Bid	Prev Quan	Prev Amnt	Curnt Quan	Curnt Amnt			Total Quan
001	CONTRACT CLOSE OUT	1.00 LS	23792.44	23792.44	0.0000%	0.00	100.0000%	23792.44	100.0000%	23792.44	100.0%

TOTAL CONTRACT AMOUNT: 23792.44

TOTAL WORK COMPLETED \$0.00 \$23,792.44 \$23,792.44
