

PORT COMMISSION MINUTES
MARCH 25, 2015

Be it remembered that a recess meeting of the Port Commission of the City of Long Beach, Mississippi, was begun and held at the City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, on Wednesday, March 25, 2015, at 1:00 o'clock p.m., and the same being the time, place, and date fixed by order of the Port Commission recessing the meeting from March 19, 2015.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission President Phil Kies, Vice President Susan Nicolais, Secretary Don Deschenes, Commissioners Vernon Ehlers, Joseph Yott, Sr., John Casey, Barney Hill, and Deputy City Clerk Stacey Dahl.

Absent the meeting were Commissioners Roger Ladner, Stan Snodgrass , Harbormaster Bill Angley, and Port Attorney James C. Simpson, Jr.

There being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

The meeting was called to order; whereupon there came on for consideration a letter with attachments from Project Engineer David Ball, as follows:

**PORT COMMISSION MINUTES
MARCH 25, 2015**



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33RD STREET
GULFPORT, MS 39507

TEL (228) 863-0667
FAX (228) 863-5232

March 25, 2015

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

**RE: Long Beach Smallcraft Harbor
BIG & CIAP Improvements – Paving**

Ladies and Gentlemen:

The contract documents for the referenced project include standard provisions that the Contractor would provide a "Builder's Risk" insurance policy protecting limited portions of the Owner, Engineer (AGR), and Contractor's interests during construction. These types of policies are normally acquired for vertical (building) construction, of which we have a small (approximately 10%) portion in this work. The majority of the items to be covered by such a policy relate to the light poles and light fixtures. The Contractor has had significant trouble obtaining an appropriate insurance policy, even working with the City's insurance provider in his attempts. In an attempt to resolve the situation, AGR and the Port Commission's Attorney, Mr. Jim Simpson, met with the Contractor late last week. It was decided then that the City would allow the Contractor to bear the risk's normally covered by the Builder's Risk policy, presuming that the lighting system was the last major item to be constructed, at which time the City would concur in the substantial completion of the project and assume beneficial use of the facility. By this concurrence, the risk of the lighting infrastructure would transfer to the Owner.

Based on that discussion, the Contractor has prepared a letter, which has been reviewed by AGR and Mr. Simpson; and we take no exception to the letter. Although this change is fairly minor, this is a contract change and we have therefore prepared and attached an appropriate change order to document the change. We recommend your approval of this change order and authorization of issuance of an appropriately scheduled Notice to Proceed.

Sincerely,

David Ball, P.E.

DB:2025-Paving
Enclosure

PORT COMMISSION MINUTES MARCH 25, 2015

Change Order
No. 1

Date of Issuance: 3/25/2015 Effective Date: 3/25/2015

Project: _____ Owner: City of Long Beach Owner's Contract No.: _____
 Contract: Smallcraft Harbor - BIG & CIAP Improvements - Paving Date of Contract: 3/25/2015
 Contractor: Landmark Contracting, Inc. Engineer's Project No.: 2025-Paving

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

Description:
1. Adjust insurance requirements in conformance with attached letter from Contractor.

Attachments: (List documents supporting change):
1. Contractor's letter.

CHANGE IN CONTRACT PRICE:

Original Contract Price:
\$235,692.24

(Decrease) in Contract Price from previous Change Orders No. n/a to No. 1
\$0.00

Contract Price prior to this Change Order:
\$235,692.24

(Decrease) in Contract Price due to this Change Order:
\$0.00

Revised Contract Price incorporating this Change Order:
\$235,692.24

CHANGE IN CONTRACT TIMES:

Original Contract Times: Working Days 45 Calendar days
 Substantial completion (days or date): TBD
 Ready for final payment (days or date): _____

Change in Contract Time from previous Change Orders No. n/a to No. 1
 Substantial completion (days or date): _____
 Ready for final payment (days or date): _____

Contract Times prior to this Change Order:
 Substantial completion (days or date): TBD
 Ready for final payment (days or date): _____

Change in Contract Time due to this Change Order:
 Substantial completion (days or date): _____
 Ready for final payment (days or date): _____

Contract Times incorporating this Change Order:
 Substantial completion (days or date): TBD
 Ready for final payment (days or date): _____

RECOMMENDED: (ENGINEER)	ACCEPTED: (CONTRACTOR)	ACCEPTED: (OWNER)
By: _____	By: _____	By: _____
Date: _____	Date: _____	Date: _____

**PORT COMMISSION MINUTES
MARCH 25, 2015**



March 24, 2015

**Concrete Contractors
Woman Business Enterprise
Section 3 Self Certified**

Mr. David Ball, P.E.
A Garner Russell & Associates, Inc.
Consulting Engineers
520 33rd Street
Gulfport, MS 39507

RE: Long Beach Smallcraft Harbor
B.I.G. & C.I.A.P. – Paving Improvements
Builder's Risk Proposal

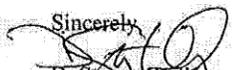
David:

As you are aware, we had a meeting last night at the City Hall of Long Beach, along with the City Attorney Mr. Jim Simpson.

The purpose of this meeting was to resolve the contract requirement that Landmark Contracting, Inc. provide the City with a Builder's Risk Insurance Policy to be in effect during the construction of the referenced project. It was agreed explained by us that no insurance policy could be reasonably procured for the insurance of a parking lot, and we requested that alternative solutions would be considered. The result of this meeting was agreement by all that if Landmark would bear the risk of loss and burden of this requirement during construction, the issue would be resolved. Our understanding and intent is that we will perform installation of the light poles and light fixtures as the final major operation of the contract, after completion of the other items. Upon satisfactory installation of the lighting infrastructure (and assuming no other major construction items remain), the City will issue substantial completion for the project and will assume beneficial use of the facility thereafter be responsible for normal maintenance of the facility, subject to the provisions of the contract and our 1-year warranty.

In all other respects Landmark Contracting, Inc. accepts the contract requirements for Builder's Risk Insurance (Not Including Flood) during the construction phase of the project. The City agrees that once they have accepted beneficial use of the completed facility, Landmark would no longer be responsible for insuring the project from damage.

If this is acceptable, please add this letter, or a provision stating this into our contract agreement.

Sincerely,

D. Steven Waller
Secretary/Treasurer

**"AN EEO M/F - H/V EMPLOYER"
Certified W.B.E.**

P.O. Box 2391 • Gulfport, MS 39505 • PHONE (228) 831-4425 • FAX (228) 831-4467
INTERNET www.landmarkcontracting.com • EMAIL Steve@landmarkcontracting.com

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Based upon the recommendation of Mr. Ball, Commissioner Hill made motion seconded by Commissioner Ehlers and unanimously carried to approve the aforesaid Change Order No. 1, Smallcraft Harbor – BIG & CIAP Improvements – Paving, Landmark Contracting, Inc. and authorize issuance of an appropriately scheduled Notice to Proceed.

There came on for consideration a letter from Project Engineer David Ball, as follows:

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March 25, 2015

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

**RE: Long Beach Smallcraft Harbor
BIG & CIAP Improvements – Paving**

Ladies and Gentlemen:

We have identified that there is significant damage to the drainage system along the southern edge of the boat trailer parking area. Although the videos of the drainage system performed early after Hurricane Isaac do not indicate major damage to the culverts, there has been significant construction work since that time; and major existing damage was identified last week and verified by Mr. Derrel Wilson, the director of Public Works. This damaged system should be repaired prior to construction of the paving improvements in the area. To that end, we hereby recommend that the City, in coordination with Derrel Wilson, issue purchase orders as needed for acquiring concrete pipe and materials necessary for the replacement of the damaged drainage boxes. Public Works will perform the work directly, and we currently estimate the cost of the materials to be less than \$10,000, including pipe and box material costs, which will be funded by the CIAP program.

We will also coordinate the construction of the infrastructure with the Contractor responsible for the paving improvements, Landmark Contracting, to ensure that there are no major problems in completing the paving after Public Works has completed their repair work. Due to the damage to the drainage system, Landmark will need approximately 10 days after Public Works has completed construction prior to their Notice to Proceed.

Sincerely,

David Ball, P.E.

DB:2025-Paving

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After considerable discussion, Commissioner Nicolais made motion seconded by Commissioner Hill and unanimously carried to accept Mr. Ball's recommendation, as set forth above.

There being no further business to come before the Port Commission at this time, Commissioner Nicolais made motion seconded by Commissioner Deschenes and unanimously carried to adjourn until the next regular meeting in due course.

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APPROVED:

PHIL KIES, PRESIDENT

DATE

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK