

**RESOLUTION OF THE CITY COUNCIL OF PASCAGOULA, MISSISSIPPI
APPROVING INGALLS AVENUE ROADWAY IMPROVEMENTS
CHANGE ORDER NO. 7**

WHEREAS, Necaise Brothers Construction Company, Inc. (“Necaise”) is contracted to perform the Ingalls Avenue Roadway Improvements project (the “project”); and

WHEREAS, the project has experienced significant delays; and

WHEREAS, during the course of the project, the City notified Necaise’s bonding company of performance failures and the resulting delays in the project; and

WHEREAS, Necaise has now submitted a request for approval of Change Order No. 7; and

WHEREAS, if approved, Change Order No. 7 would add 122 days to Necaise’s contract time to reach substantial completion; and

WHEREAS, Necaise’s documentation in support of Change Order No. 7 is incomplete, vague, and possibly duplicates time extension justifications; and

WHEREAS, despite deficiencies in Necaise’s documentation and its past delays on the project, the project engineer, Overstreet & Associates, recommends approval of Change Order No. 7; and

WHEREAS, the City possesses reservations regarding approval of Change Order No. 7, considering the deficiencies in Necaise’s documentation and Necaise’s delays in performing the project; and

WHEREAS, notwithstanding these reservations, the City desires to compromise Necaise’s time request and grant the time extension established in Change Order No. 7; and

WHEREAS, such a compromise will avoid expensive and protracted litigation; and

WHEREAS, such a compromise is reasonable and just under the circumstances and that the acceptance of the same would be in the best interest of the citizens of this community inasmuch as litigation over this matter would necessitate litigation costs and could result in an adverse decision; and

WHEREAS, by compromising the request for time set forth in Change Order No. 7, the City does not waive or compromise any other claim it may have in relation to Necaise or the project, including, but not limited, claims related to workmanship or future delays that may occur.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council of Pascagoula, Mississippi adopts the forgoing recitals as its findings.

SECTION 2. That the City Council of Pascagoula, Mississippi hereby approves Change Order No. 7 for Necaise Brothers Construction Company, Inc., which adds 122 days to substantial completion.

The motion to approve the foregoing resolution was made by _____

and seconded by _____ , and the following vote was recorded:

Mayor Willis	_____
Councilman Hyde	_____
Councilman Fornett	_____
Councilman Walker	_____
Councilman Parker	_____

Councilman Blythe

Councilman Gatchell

RESOLVED, this the _____ day of _____, 2023.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor