

RESOLUTION NO. R-2024-128

APPROVING THE CHANGE ORDER AMENDMENT TO THE HOLBROOK ASPHALT COMPANY “HA5” CONTRACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING AND AUTHORIZING THE EXECUTION OF A CHANGE ORDER ON THE INITIAL CONTRACT WITH HOLBROOK ASPHALT COMPANY FOR ADDITIONS TO THE SCOPE OF WORK VALUED AT THREE HUNDRED FORTY THOUSAND AND 00/100 DOLLARS (\$340,000.00), PROVIDED THAT THE TOTAL AMOUNT UNDER THE CONTRACT NOT TO EXCEED ONE MILLION SIX HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$1,625,000.00), FOR THE PURCHASE OF HIGH-DENSITY MATERIAL BOND SEAL (“HA5”) TREATMENT FOR ASPHALT PAVEMENT AND TRAFFIC CONTROL THROUGH THE USE OF THE CITY OF HURST INTERLOCAL PURCHASING AGREEMENT PREVIOUSLY APPROVED BY RESOLUTION NO. R-2024-16; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEAL, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop (“City”) has authority to enter into interlocal contracts with other local governments pursuant to Texas Government Code Chapter 791; and

WHEREAS, pursuant to Resolution No. R-2024-16, the City entered into an Interlocal Purchasing Agreement with the City of Hurst, through which the City entered a contract with Holbrook Asphalt Company for the purchase of high-density material bond seal (“HA5”) treatment for asphalt pavement and traffic control, as approved by the City Council on January 23, 2024, for the amount not to exceed \$1,300,000.00, for the initial scope of services; and

WHEREAS, the City may increase through change orders the value of an awarded contract up to 25% of the original contract price, consistent with Texas Local Government Code Section 252.048;

WHEREAS, the City of Bastrop has identified a need for increasing the scope of work under the original contract with Holbrook Asphalt Company for additional work valued at \$340,000.00;

WHEREAS, the City desires to approve and enter into a change order amendment to the original contract, as attached in **Exhibit A** to this Resolution (“Change Order Amendment”), provided that the total payments under the contract as amended shall not exceed \$1,625,000.00 (i.e., the 25% limit on increases by change order).

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

Section 1. Findings of Fact: 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 Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Approval & Execution: The City Council hereby approves the Change Order Amendment (attached hereto and incorporated herein as **Exhibit A** and authorizes the City Manager to execute all necessary documents to enter into the Change Order Amendment provided that total payments under the original contract, as modified by the Change Order Amendment, shall not exceed \$1,625,000.00.

Section 3. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 5. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 6. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 17th day of September, 2024.

THE CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney