

1 **STATE OF GEORGIA**
2 **COUNTY OF DEKALB**
3 **CITY OF STONECREST**
4

5 **RESOLUTION NO. _____**
6

7 **A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF**
8 **STONECREST, GEORGIA AUTHORIZING THE EXECUTION OF A CHANGE**
9 **ORDER WITH SHEPCO PAVING FOR THE 2023 STREET RESURFACING**
10 **PROJECT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED TWO THOUSAND**
11 **FIVE HUNDRED SEVENTY-ONE DOLLARS AND 73/100 CENTS (\$402,571.73); AND**
12 **FOR OTHER PURPOSES.**

13 **WHEREAS,** the City of Stonecrest, Georgia (the “City”) is a municipal corporation
14 duly organized and existing under the laws of the State of Georgia, and is charged with
15 providing public services to its residents; and

16 **WHEREAS,** the City entered into a contract with ShepCo Paving, Inc. (the
17 "Contractor"), a corporation created and existing under the laws of the State of Georgia for the
18 resurfacing of certain municipal streets within the City of Stonecrest (“Contract”); and

19 **WHEREAS,** Contractor was responsible for providing all labor, materials, and
20 equipment necessary to patch, mill and resurface streets within the City ("Project"); and

21 **WHEREAS,** the total cost of the Project one million Two Hundred Thirty-Nine
22 Thousand Nine Hundred Dollars And 90/100 CENTS. (\$1,239,900.90); and

23 **WHEREAS,** the Contractor encountered unsuitable material that requires change; and

24 **WHEREAS**, the city wishes to enter into a change order with ShepCo Paving, Inc. in
25 an amount not to exceed FOUR HUNDRED TWO THOUSAND FIVE HUNDRED
26 SEVENTY-ONE DOLLARS AND 73/100 CENTS (\$402,571.73); and

27 **WHEREAS**, any contract for work on all or part of the municipal road system shall be
28 in writing and be approved by resolution which shall be entered on the minutes of such
29 municipality pursuant to O.C.G.A. § 32-4-111.

30 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STONECREST,**
31 **GEORGIA, HEREBY RESOLVES**, that the Mayor, on behalf of the City, is hereby authorized
32 to execute a change order with ShepCo Paving, Inc. to patch, mill and resurface streets within the
33 City of Stonecrest.

34 **BE IT FURTHER RESOLVED**, ShepCo Paving, Inc.. shall achieve Substantial Completion of
35 the work by August 18, 2023.

36 **BE IT FURTHER RESOLVED**, that the cost of the work shall not exceed **FOUR HUNDRED**
37 **TWO THOUSAND FIVE HUNDRED SEVENTY-ONE DOLLARS AND 73/100 CENTS**
38 **(\$402,571.73).**

39 **BE IT FURTHER RESOLVED**, that the City Attorney or his designee is directed to negotiate,
40 prepare, and/or review the change order, to affect the intent of this resolution provided that such
41 agreement is in compliance with the conditions set forth herein.

42 **BE IT FURTHER RESOLVED**, that the agreement will not become binding upon the City and
43 the City will incur no obligation or liability under it until it has been executed by the Mayor,
44 attested to by the City Clerk and approved by the City Attorney as to form.

45 **BE IT FURTHER RESOLVED**, to the extent any portion of this Resolution is declared to be

invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED, all City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

BE IT FINALLY RESOLVED, this Resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2023.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney