

LETTER OF TRANSMITTAL



DATE 7-31-15

**CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY
P.O. BOX 2089
TUSCALOOSA, AL 35403-2089
Telephone No. (205) 248-5140
Fax No. (205) 349-0328**

LEGAL FILE NO. A13-0062

TO: Robert Jamison
WAR Construction
P.O. Box 1218
Tuscaloosa, AL 35703

RE: Fire Station 4

WE ARE SENDING YOU BY:

ATTACHED

UNDER SEPARATE COVER VIA _____

THE FOLLOWING:

- PERMIT RESOLUTION ORDINANCE COPY OF LETTER
- PLEADINGS CONTRACT FRONT-END LEGALS
- CHANGE ORDER NO.# 5-TP1 CONTRACT AMENDMENT
- OTHER: _____ MEMO OF LAW

THESE ARE TRANSMITTED FOR THE PURPOSES CHECKED BELOW:

- FOR APPROVAL APPROVAL AS SUBMITTED FOR YOUR USE
- FOR EXECUTION APPROVAL AS NOTED FOR REVIEW AND COMMENT
- AS REQUESTED RETURNED FOR CORRECTIONS RETURN EXECUTED ORIGINAL

REMARKS: Attached please find CO#5-TP1 for your files. Please distribute a copy to the contractor and Architect. Thanks!

COPY TO Clif Penick, Fm
Ashley Price, Recovery

SIGNED: Melinda Causey
Melinda Causey, Office Administrator
e-mail: mcausey@tuscaloosa.com

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CAN
Requested: Projects Cmte.
Presentation on: 07/28/2015
Suspension of Rules: No

RESOLUTION
RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 FOR
FIRE STATION NO. 4 (TP.01)
(A13-0062)

WHEREAS, heretofore, as a result of competitive bidding or as otherwise authorized by the Alabama Competitive Bid Law, Ala. Code §41-16-50, et seq. (1975) and/or Ala. Code §89-2-1, et seq. (1975), the City of Tuscaloosa awarded a contract for the above-referenced project to Price Construction Co. Inc.; and,

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:
A time extension to complete parking lot, irrigation and landscaping due to weather, grade changes lowering water lines, ongoing work on 26th Ave. and power pole removal.

as set forth in the C.O. and accompanying documents); and,

WHEREAS, the Architect, the Engineer for the project, or the City's representative, as the case may be, have/has certified to the Council as per the attached change order request, that said change order is: (Mark applicable category)

- a. Minor change of a total monetary value less than required for competitive bidding.
- b. Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- c. Emergency arising during the course of work.
- d. Change or alternates provided for in the original bidding where there is no difference in price of the Change Order from the original best bid on the Alternate.
- e. Change of relatively minor terms not contemplated when the plans and specifications were prepared and the project was bid, and which are in the public interest and do not exceed ten (10) percent of the Contract Price.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

1. That the Mayor be, and he is hereby, authorized to execute that certain change order now before the Council for the above stated project in the deductive amount of \$1,575.00 (Change Order Cost), time 0 (Calendar day extension of time), and for the reasons so stated, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

2. That the Architect or Engineer or Owner's representative, as the case may be, shall implement this change order and properly document the same pursuant to all applicable contract documents.

FUNDING REQUIRED: Yes No

By: _____
Finance Director

COUNCIL ACTION

Resolution _____ ✓
Ordinance _____
Introduced _____
Passed _____ 7-28-15
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 5

City of Tuscaloosa, Office of the City Attorney

DATE: 15-JULY-2015 PROJECT: FIRE STATION NO. 4: A11-0694

TO: PRICE CONSTRUCTION, INC: A13-0062 TP-1
(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your Contract for this Project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to:

FURNISH the necessary labor, materials, and equipment to:

- DEDUCT 26,500 WATER ALLOWANCE
- ADD \$18,975.00 FOR REMOVAL/REPLACEMENT 759 C.Y. OF UNSUITABLE SOIL.
- ADD \$1,000.00 FOR REMOVAL/REPLACEMENT OF CURB AT PERSONNEL DOOR.
- ADD \$2,200.00 FOR HANDRAIL AT SITE STAIRS.
- ADD \$2,750.00 FOR ADDITIONAL SOD AND IRRIGATION LINES.

TOTAL REDUCTION TO CONTRACT PRICE: \$1,575.00

(Note: Numbers with minus sign are deductions).

ORIGINAL CONTRACT PRICE	\$ 497,820.00
LESS CONTINGENCY/ALLOWANCE	\$ 0.00
NET ORIGINAL CONTRACT PRICE	\$ 497,820.00
Net total of previous Change Orders	\$ 71,261.00
Previous revised Contract Price	\$ 569,081.00
This Change Order No. 5 <input type="checkbox"/> Add <input checked="" type="checkbox"/> Deduct	\$ -1,575.00
Revised Contract Price this date	\$ 567,506.00

Extension of time resulting from this Change Order 0 (Indicate number of calendar days).

The amount of this Change Order will be the responsibility of CITY OF TUSCALOOSA

This Contract Modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any further claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

CONSENT OF SURETY

The Cincinnati Insurance Company

By: *Anne M. Leslie*
(Company)
Anne M. Leslie, Attorney-In-Fact

CONTRACTING PARTIES

Price Construction, Inc.

By: *Price*
(Contractor)
(Authorized Representative)

RECOMMENDED

By: REX VERON DESIGNS, LLC
Rex Veron
(Design Architect)

CITY OF TUSCALOOSA

By: *Walt M. H.*
(Mayor)

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Robert W. Poellnitz, Jr.; Walter Wayne Guy; Rick Manasco; Robert G. Plott; W. Geoffrey Plott; Jacob R. Thornell, Jr. and/or Anne M. Leslie

of Tuscaloosa, Alabama its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows: Any such obligations in the United States, up to

Twenty Five Million and No/100 Dollars (\$25,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of May, 2012.



THE CINCINNATI INSURANCE COMPANY

Signature of Stephen A. Justice

Vice President

STATE OF OHIO) ss:
COUNTY OF BUTLER)

On this 10th day of May, 2012, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Signature of Mark J. Huller

MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 15th day of July, 2015



Signature of Scott R. Olson

Assistant Secretary