CONTRACT CHANGE ORDER

City of Tuscaloosa Office of the City Attorney

CHANGE ORDER NO. 2

DATE: 3/22/16 **PROJECT:** City Hall Data Center Relocation

TO: K & A Builders, Inc.
(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

Additional cost to conduct Change Order #1 work during the weekends to avoid disruption of City Hall activities. No additional work as part of the scope of Change Order #1 shall occur during regular business hours Monday-Friday due to the acceptance of this change.

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	$	244,000.00
LESS CONTINGENCY/ALLOWANCE	$	0.00
NET ORIGINAL CONTRACT PRICE	$	244,000.00
Net total of previous Change Orders	$	19,328.05
Previous revised Contract Price	$	263,328.05
This Change Order No. 2 ☒Add ☐Deduct	$	900.00
Revised Contract Price this date	$	264,228.05

Extension of time resulting from this Change Order Zero (Indicate No. of calendar days).

The amount of this Change Order will be the responsibility of Owner

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

International Fidelity Insurance Company
(Company)

By: Brandon LaBresh; Attorney-In-Fact

CONTRACTING PARTIES

K & A Builders, Inc.
(Contractor)

By: Scott Adams
(Authorized Representative)

RECOMMENDED

By:

Ward Scott Architecture, Inc.
(Design Architect)

CITY OF TUSCALOOSA

By: Walter Maddox
(Mayor)

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Office of the City Attorney Form No. PW -06

Tel (973) 624-7200

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY
ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

THOMAS HENRY BONHAUS, THOMAS W. MOORE, MARLIN D. MOORE, III, WALTER WAYNE GARY, BRANDON LABRESH, MADISON ANDREW HUDSON, CHARLIE B. BAILEY IV

Tuscaloosa, AL.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 22nd day of July, 2014.

INTERNATIONAL FIDELITY INSURANCE COMPANY CORPORATE SEAL 1904 NEW JERSEY

STATE OF NEW JERSEY
County of Essex

ROBERT W. MINSTER
Chief Executive Officer (International Fidelity Insurance Company) and President (Allegheny Casualty Company)

ALLEGHENY CASUALTY COMPANY 1936 PENNSYLVANIA

On this 22nd day of July 2014, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

CATHY CRUZ MY COMMISSION EXPIRES 04-16-2019 NOTARY PUBLIC STATE OF NEW JERSEY

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 22nd day of March, 2016

MARIA BRANCO, Assistant Secretary

CITY OF TUSCALOOSA
LEGAL DEPARTMENT

CHANGE ORDER REQUEST

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: Ward Scott Architecture, Inc.

CONTRACTOR: K & A Builders, Inc.

PROJECT: City Hall Data Center Relocation

CHANGE ORDER REQUEST NO. 2 **DATE** 3-22-16

1. DESCRIPTION OF CHANGE: Conduct Change Order #1 activities during the weekend to prevent disruption of City Hall activities during business hours.

2. CHANGE ORDER COSTS: $900.00

Proposal Attached Yes **Cost Estimated/Proposal Required**

Item	*Quantity*	*Material Unit Price*	*Labor (Hours)*	*Labor Unit Price*	*Sub-Total Cost*
a. See attached documentation					
b.					
c.					
d.					
e.					
f.*					
			TOTAL:		

*If more than 6 items, provide attachments.

3. INSTITUTED BY: Owner

4. JUSTIFICATION OF NEED: Prevent Disruption of City Hall Activities during business hours.

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING: Contractor is on site and change is less than 10% of the contract.

6. COSTS REVIEW: Acceptable to Owner

7. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS THE FOLLOWING TYPE:

- ☐ Minor change of a total monetary value less than required for competitive bidding.
- ☐ Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- ☐ Emergencies arising during the course of work.
- ☐ 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.
- ☒ 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 10% of the Contract Price.

8. EXTENSION OF TIME REQUESTED: Calendar Days: Zero (0)

RECOMMENDED:

BY: _____
Tuscaloosa's Consulting Architect

BY: _____
City Representative

APPROVED:

BY: _____
Contractor

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative