

LETTER OF TRANSMITTAL



DATE 3-21-15

LEGAL FILE NO. A13-0062

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

TO: Robert Jamison
WAR Construction
P.O. Box 1218
Tuscaloosa, AL 35403

RE: Fire Station 4

WE ARE SENDING YOU BY:

[X] ATTACHED

[] UNDER SEPARATE COVER VIA

THE FOLLOWING:

- [] PERMIT [] RESOLUTION [] ORDINANCE [] COPY OF LETTER
[] PLEADINGS [] CONTRACT [] FRONT-END LEGALS
[X] CHANGE ORDER NO.# 2-TP07 [] CONTRACT AMENDMENT
[] OTHER: [] MEMO OF LAW

THESE ARE TRANSMITTED FOR THE PURPOSES CHECKED BELOW:

- [] FOR APPROVAL [] APPROVAL AS SUBMITTED [X] 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 #2-TP07 for your files. Please distribute a copy to the Contractor and Architect. Thanks!

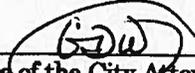
COPY TO Clif Perick, FM

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: 08/18/2015
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR FIRE STATION NO. 4 (TP.07) (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 §39-2-1, et seq. (1975), the City of Tuscaloosa awarded a contract for the above-referenced project to Burns Plumbing Company, Inc.; and,

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:

Deduct tax,

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 \$6,377.12 (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 _____ 8-18-15
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 2

City of Tuscaloosa, Office of the City Attorney

DATE: 29 JUNE 2015 PROJECT: FIRE STATION NO. 4: A11-0694

TO: BURNS PLUMBING COMPANY, INC: A13-0062 TP7
(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 TAX

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$ <u>206,900.00</u>
LESS CONTINGENCY/ALLOWANCE	\$ <u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$ <u>206,900.00</u>
Net total of previous Change Orders	\$ <u>(16,898.38)</u>
Previous revised Contract Price	\$ <u>190,001.62</u>
This Change Order No. <u>2</u> <input type="checkbox"/> Add <input checked="" type="checkbox"/> Deduct	\$ <u>6,377.12</u>
Revised Contract Price this date	\$ <u>183,624.5</u>

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

Granite Re, Inc.
(Company)
By: *Cheryl Camak*
Cheryl Camak, Attorney-in-Fact

CONTRACTING PARTIES

Burns Plumbing Co. Inc.
(Contractor)
By: *[Signature]*
(Authorized Representative)

RECOMMENDED

By: REX VERON DESIGNS, LLC
[Signature]
(Design Architect)

CITY OF TUSCALOOSA

By: *[Signature]*
(Mayor)

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

T. GARY FITTS; R. FORREST FITTS; J. DAVID FITTS; CHARLES F. HORTON, JR. TIMOTHY L. DONAHUE; CHERYL CAMAK; JULIE TUBBS its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

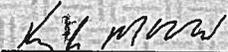
T. GARY FITTS; R. FORREST FITTS; J. DAVID FITTS; CHARLES F. HORTON, JR. TIMOTHY L. DONAHUE; CHERYL CAMAK; JULIE TUBBS may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 28th day of May, 2015.





Kenneth D. Whittington, President



Kyle P. McDonald, Treasurer

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

On this 28th day of May, 2015, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.





Notary Public

My Commission Expires:
August 8, 2017
Commission #: 01013257

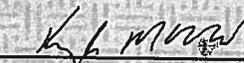
GRANITE RE, INC.
Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this 29th day of June, 2015.





Kyle P. McDonald, Secretary/Treasurer