APPROVED AS TO FORM

GDW

Office of the City Attorney

Prepared By: CAN
Requested: Projects Cmte.
Presentation on: 04/29/2014
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR FIRE STATION NO. 4 (TP.02) (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 K & A Builders, Inc.,; and,

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

Contractor shall comply with Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor Regulations (29 CFR Part 5),

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)

X 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 amount of $18,434.94 (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

CDBG DR2 Primarily
*this leaves only
*57,780 for FFE
after processing 4/29/14 Change Order

By: _____
Finance Director

COUNCIL ACTION

Resolution ✓
Ordinance
Introduced
Passed 5-1-14
2nd Reading
Unanimous
Failed
Tabled
Amended
Comments:

CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY

CHANGE ORDER REQUEST

OWNER: CITY OF TUSCALOOSA

ARCHITECT: REX VERON DESIGNS, LLC

CONTRACTOR: K & A BUILDERS, INC

PROJECT: FIRE STATION NO. 4: A11-0694

CHANGE ORDER REQUEST NO. 1 .....**DATE:** 30 DECEMBER 2013

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1. **DESCRIPTION OF CHANGE:**
   CONTRACTOR SHALL COMPLY WITH DAVIS-BACON ACT (40 U.S.C. 276a TO 276a-7) AS SUPPLEMENTED BY DEPARTMENT OF LABOR REGULATIONS (29 CFR PART 5)

2. **CHANGE ORDER COSTS:** TO BE DETERMINED AND SUBMITTED WITH THIS REQUEST

Proposal Attached CONTRACTOR TO ATTACH PROPOSAL:___ Cost Estimated/Proposal Required

Item	*Quantity*	*Material Unit Price*	*Labor (Hours)*	*Labor Unit Price*	*Sub-Total Cost*
a.					
b.					
c.					
d.					
e.					
f.*					
				TOTAL:	18,434.94

*If more than 6 items, provide attachments.

3. **INSTITUTED BY: CITY OF TUSCALOOSA**

4. JUSTIFICATION OF NEED: NOT INCLUDED IN ORIGINAL BID

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:
NOT INCLUDED IN ORIGINAL BID

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6. COSTS REVIEW:
TO BE REVIEWED BY CONSTRUCTION MANAGER

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7. THIS CHANGE ORDER 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.
- ☒ Other: Change not included in original bid documents.

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8. EXTENSION OF TIME REQUESTED: Calendar Days: 0 days

RECOMMENDED:

BY: _____
Design/Architect: Rex B. Veron, AIA

BY: _____
City Representative: Clif Penick

APPROVED:

BY: _____
Contractor

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative

K & A BUILDERS, INC.

Request for Change Proposal / Cost Breakdown Form

Date: 2/14/2014
Construction Manager: WAR
Project Name: Fire Station 4
COT Project #: A11-0694
Veron Project #: 11-004
COR #: K&A 1

Attn: Robert Jamison

Initiated By:
Owner/Architect XXX
GC
Subcontractor

Description of Proposed Change: COR no. 1 - Difference in wage rates to comply with the Davis-Bacon Act.

Item / Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Subcontract
Labor to install trusses original bid						
2 Carpenters	320	MH	$ 12.00		$ 3,840.00	
2 Carpenters	320	MH	$ 14.00		$ 4,480.00	
Crane operator	160	MH	$ 14.00		$ 2,240.00	
Labor to install trusses per DBA						
2 Carpenters	320	MH	$ 17.00		$ 5,440.00	
2 Carpenters	320	MH	$ 17.00		$ 5,440.00	
Crane operator	160	MH	$ 25.90		$ 4,144.00	
Labor to build and install millwork original bid						
Carpenters	840	MH	$ 12.00		$10,080.00	
Labor to build and install millwork per DBA						
Carpenters	840	MH	$ 17.00		$14,280.00	
Labor to form and place concrete original bid						
Carpenters	875	MH	$ 14.00		$12,250.00	
Labor to form and place concrete per DBA						
Carpenters	875	MH	$ 17.00		$14,875.00	
Accounting fees to run certified payroll						
	47	Weeks	$ 95.00			$ 4,465.00
			Subtotals:	$ -	$ 11,289.00	$ 4,465.00

Subs	$	4,465.00	
Labor	$	11,289.00	
Labor Burden:	$	4,741.38	42%
SUBTOTAL:	$	16,030.38	
O/H & P	$	2,404.56	
TOTAL	$	18,434.94	

CONTRACT CHANGE ORDER NO. 1

City of Tuscaloosa, Office of the City Attorney

DATE: 30 DECEMBER 2013 PROJECT: FIRE STATION NO. 4: A13-0062 TP1

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:

COMPLY WITH THE DAVIS-BACON ACT (40 U.S.C. 276a-276a-7) AS SUPPLEMENTED BY DEPARTMENT OF LABOR REGULATIONS (29 CFR PART 5)

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	$ 1,532,000.00
LESS CONTINGENCY/ALLOWANCE	$ 0.00
NET ORIGINAL CONTRACT PRICE	$ 1,532,000.00
Net total of previous Change Orders	$ 0.00
Previous revised Contract Price	$ 1,532,000.00
This Change Order No. 1 ☒Add ☐Deduct	$ 18,434.94
Revised Contract Price this date	$ 1,550,343.94

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

International Fidelity Insurance Company
(Company)

By: _____

CONTRACTING PARTIES

K & A Builders, Inc.
(Contractor)

By: Scott Anderson
(Authorized Representative)

RECOMMENDED

By: REX VERON DESIGNS, LLC

_____
(Design Architect)

CITY OF TUSCALOOSA

By: _____
(Mayor)

Office of the City Attorney
Form No. PW-01/ Rev. 03-2012

WASHINGTON STATE LIBRARY
JAN 2 1 1964
OLYMPIA

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

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, Executive Vice President 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 12th day of March, 2012.

INTERNATIONAL FIDELITY INSURANCE COMPANY CORPORATE SEAL 1904 NEW JERSEY

STATE OF NEW JERSEY
County of Essex

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

ALLEGHENY CASUALTY COMPANY 1936 PENNSYLVANIA

On this 12th day of March 2012, 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 VAZQUEZ NOTARY PUBLIC STATE OF NEW JERSEY

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Mar. 27, 2014

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 25th day of February, 2014

MARIA BRANCO, Assistant Secretary