

APPROVED AS TO FORM

GDU

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. 2 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:

Foundation changes,

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 amount of \$10,108.67 (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

CPBG DR 2 Primarily
* This leaves only \$57,780
for FF+E after processing
to 4/29/14 change orders
By: WHL/SLA
Finance Director

COUNCIL ACTION

Resolution ✓
Ordinance _____
Introduced _____
Passed 5-7-14
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 2

City of Tuscaloosa, Office of the City Attorney

DATE: 30 DECEMBER 2013 PROJECT: FIRE STATION NO. 4: A13-0062-TP2

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:

Foundation Changes

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$ <u>1,532,000.00</u>
LESS CONTINGENCY/ALLOWANCE	\$ <u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$ <u>1,532,000.00</u>
Net total of previous Change Orders	\$ <u>18,434.94</u>
Previous revised Contract Price	\$ <u>1,550,424.94</u>
This Change Order No. <u>2</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$ <u>10,108.67</u>
Revised Contract Price this date	\$ <u>1,560,533.61</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

International Fidelity Insurance Company
(Company)

By: [Signature]
Brandon LaBresh, Attorney-In-Fact

RECOMMENDED

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

CONTRACTING PARTIES

[Signature]
(Contractor)

By: K + A Builders, Inc.
(Authorized Representative)

CITY OF TUSCALOOSA

By: [Signature]
(Mayor)

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, 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.



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)



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.



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 17th day of June, 2014

MARIA BRANCO, Assistant Secretary

COPY

CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY

CHANGE
ORDER
REQUEST

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: REX VERON DESIGNS, LLC

CONTRACTOR: CONSTRUCTION MANAGER: WAR CONSTRUCTION, INC.
PROJECT: FIRE STATION NO. 4: K & A: A13-0062-TP2
CHANGE ORDER REQUEST NO. 2 DATE: 19 MARCH 2014

1. DESCRIPTION OF CHANGE:
FOUNDATION CHANGES: SEE ATTACHED

2. CHANGE ORDER COSTS: TO BE SUBMITTED AND DETERMINED.

Proposal Attached ADD - \$10,108.67 Cost Estimated/Proposal Required

<i>Item</i>	<i>Quantity</i>	<i>Material Unit Price</i>	<i>Labor (Hours)</i>	<i>Labor Unit Price</i>	<i>Sub-Total Cost</i>
a. Additional Concrete	22 CY	\$106.00	72	\$24.14	\$4,070.08
b. Rebar	1.78 tons	\$900.00 ton			\$1,602.00
c. Removal of Spoils	22 CY	\$12.00			\$264.00
d. Equipment	1 LS	\$2,500.00			\$2,500.00
e. Taxes	1 LS	\$354.06			\$354.06
f.* OHP	1 LS	\$1,318.53			\$1318.53
TOTAL:					\$10,108.67

*If more than 6 items, provide attachments.

3. INSTITUTED BY: CONTRACTOR

4. JUSTIFICATION OF NEED: REQUIRED BY CITY OF TUSCALOOSA

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:
REQUIREMENTS WERE NOT REQUIRED AT INITIAL BID.

6. COSTS REVIEW:

TO BE SUBMITTED BY TRADE PACKAGE CONTRACTORS

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: Required and subsequently omitted from initial bid process.

8. EXTENSION OF TIME REQUESTED: Calendar Days:

No extension days required

RECOMMENDED:

BY: 
REX VERON DESIGNS, LLC ARCHITECT OF RECORD

BY: _____
City Representative

APPROVED:

BY: 
WAR CONSTRUCTION, INC: Construction manager

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative

K & A BUILDERS, INC.

Request for Change Proposal / Cost Breakdown Form

Date: 3/3/2014
 Construction Manager: WAR Construction Attn: Robert Jamison
 Project Name: Fire Station 4
 COT Project #: A11-0694 Initiated By: Owner/Architect XXX
 Veron Project #: 11-004 GC
 COR #: K&A 2 Subcontractor

Description of Proposed Change: Changes due to the rebar shop drawing submittal review adding details 1, 2, 3, 4 and modifying 5/S306.

Item / Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Subcontracts
Changes per Detail 1						
Additional Concrete	7	CY	\$ 106.00	\$ 742.00		
Labor	0	MH	\$ 17.00		\$ -	
Rebar	0.76	Tons	\$ 900.00	\$ 684.00		
Remove spoil from site	7	CY	\$ 12.00			\$ 84.00
Subtotals:				\$ 1,426.00	\$ -	\$ 84.00

Material: \$ 1,426.00
 Labor: \$ -
 Labor Burden: \$ - 42%
 Subcontracts: \$ 84.00
 Tax: \$ 128.34
 Equipment \$ 800.00
SUBTOTAL: \$ 2,438.34
O/H & P \$ 365.75
TOTAL \$ 2,804.09

Item / Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Subcontracts
Changes per Detail 2						
Additional Concrete	2	CY	\$ 106.00	\$ 212.00		
Labor	40	MH	\$ 17.00		\$ 680.00	
Rebar	0.29	Tons	\$ 900.00	\$ 261.00		
Remove spoil from site	2	CY	\$ 12.00			\$ 24.00
Subtotals:				\$ 473.00	\$ 680.00	\$ 24.00

Material: \$ 473.00
 Labor: \$ 680.00
 Labor Burden: \$ 285.60 42%
 Subcontracts: \$ 24.00
 Tax: \$ 42.57
 Equipment \$ 225.00
SUBTOTAL: \$ 1,730.17
O/H & P \$ 259.53
TOTAL \$ 1,989.70

Item / Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Subcontracts
Changes per Detail 3						
Additional Concrete	2	CY	\$ 106.00	\$ 212.00		
Labor	0	MH	\$ 17.00		\$ -	
Rebar	0.1	Tons	\$ 900.00	\$ 90.00		
Remove spoil from site	2	CY	\$ 12.00			\$ 24.00
Subtotals:				\$ 302.00	\$ -	\$ 24.00

Material: \$ 302.00
 Labor: \$ -
 Labor Burden: \$ - 42%
 Subcontracts: \$ 24.00
 Tax: \$ 27.18
 Equipment \$ 225.00
SUBTOTAL: \$ 578.18
O/H & P \$ 86.73
TOTAL \$ 664.91

Item / Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Subcontracts
Changes per the detail modifying 5/S306						
Additional Concrete	11	CY	\$ 106.00	\$ 1,166.00		
Labor	32	MH	\$ 17.00		\$ 544.00	
Rebar	0.63	Tons	\$ 900.00	\$ 567.00		
Remove spoil from site	11	CY	\$ 12.00			\$ 132.00
Subtotals:				\$ 1,733.00	\$ 544.00	\$ 132.00

Material: \$ 1,733.00
 Labor: \$ 544.00
 Labor Burden: \$ 228.48 42%
 Subcontracts: \$ 132.00
 Tax: \$ 155.97
 Equipment \$ 1,250.00
SUBTOTAL: \$ 4,043.45
O/H & P \$ 606.52
TOTAL \$ 4,649.97

TOTAL COR 2: \$10,108.66