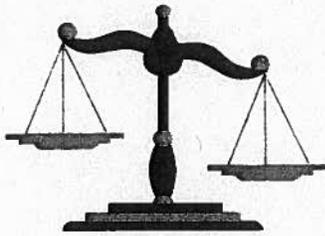


**LETTER OF TRANSMITTAL**



DATE 12-5-14

**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. A14-0873

TO: Jason Coker  
McGriffert and Associates

RE: City Walk-University  
Place + Forest Lake

**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.# 1
- 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 is CD #1 for your files. Please provide a copy to the contractor. Thanks!

COPY TO Wendy McBride, O&E

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

APPROVED AS TO FORM

GDW  
Office of the City Attorney

Prepared By: CAN  
Requested: Projects Cmte.  
Presentation on: 11/25/2014  
Suspension of Rules: NO

## RESOLUTION

### RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR CITY WALK AT UNIVERSITY PLACE AND FOREST LAKE (A14-0873)

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 GFC Construction Inc.; and,

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

Change of TDOT technology conduit material from EB PVC conduit to Schedule 40 PVC material,

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 \$19,320.00 (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

CRBG DR 1 and DR 2  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: [Signature]  
Finance Director

COUNCIL ACTION

Resolution ✓  
Ordinance \_\_\_\_\_  
Introduced \_\_\_\_\_  
Passed 11-25-14  
2<sup>nd</sup> Reading \_\_\_\_\_  
Unanimous \_\_\_\_\_  
Failed \_\_\_\_\_  
Tabled \_\_\_\_\_  
Amended \_\_\_\_\_  
Comments: \_\_\_\_\_

CONTRACT CHANGE ORDER NO. 1

City of Tuscaloosa, Office of the City Attorney

DATE: 10/10/14 PROJECT: City Walk at University Place and Forest Lake

TO: GFC Construction, 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:

Change of TDOT technology conduit material from EB PVC conduit to Schedule 40 PVC material.

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$2,180,029.71
LESS CONTINGENCY/ALLOWANCE	\$ 0.00
NET ORIGINAL CONTRACT PRICE	\$2,180,029.71
Net total of previous Change Orders	\$ 0.00
Previous revised Contract Price	\$2,180,029.71
This Change Order No. <u>1</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$ 19,320.00
Revised Contract Price this date	\$2,199,349.71

Extension of time resulting from this Change Order zero (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  
(Company)

By: Carrie Hickman  
Carrie Hickman - Attorney-in-Fact

RECOMMENDED

By: Jason L. Coker, PE  
Jason L. Coker, PE

CONTRACTING PARTIES

GFC Construction, Inc.  
(Contractor)

By: [Signature]  
(Authorized Representative)

CITY OF TUSCALOOSA

By: [Signature]  
(Mayor)

CITY OF TUSCALOOSA  
OFFICE OF THE CITY ATTORNEY

**CHANGE  
ORDER  
REQUEST**

OWNER: CITY OF TUSCALOOSA  
ARCHITECT/ENGINEER: McGiffert and Associates, LLC  
CONTRACTOR: GFC Construction, Inc.  
PROJECT: City Walk at University Place and Forest Lake  
CHANGE ORDER REQUEST NO. one (1) DATE: 10/15/14

**1. DESCRIPTION OF CHANGE:**

Change of TDOT technology conduit material from EB PVC conduit to Schedule 40 PVC material.

**2. CHANGE ORDER COSTS:** \$19,320.00

Proposal Attached Yes  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. See Attached					
b.					
c.					
d.					
e.					
f.*					
<b>TOTAL:</b>					

\*If more than 6 items, provide attachments.

**3. INSTITUTED BY:**

City of Tuscaloosa

**4. JUSTIFICATION OF NEED:**

Accommodate proper support of encasement of conduits without concrete.

**5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:**

Change of total monetary value less than required for competitive bidding, in best interest of owner, and does not exceed 10% of the original contract amount.

---

**6. COSTS REVIEW:**

Reviewed by McGiffert and Associates, LLC and is in line with expected costs for this change.

---

**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.

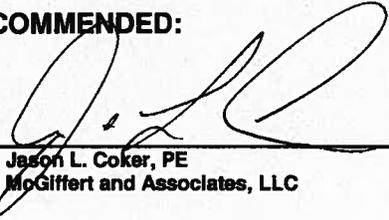
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**8. EXTENSION OF TIME REQUESTED: Calendar Days: zero (0)**

---

**RECOMMENDED:**

BY: \_\_\_\_\_

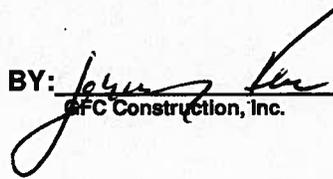
  
Jason L. Coker, PE  
McGiffert and Associates, LLC

BY: \_\_\_\_\_

City Representative

**APPROVED:**

BY: \_\_\_\_\_

  
JFC Construction, Inc.

BY: \_\_\_\_\_

Owner's Legal Advisor

BY: \_\_\_\_\_

Owner's Authorized Representative

## Subcontractor Change Proposal / Cost Breakdown Form

Date: 9/16/2014

Engineer Name: McGiffert & Associates, LLC

Contractor Name: GFC Construction, Inc.

Subcontractor Name: Premier Service Company, Inc.

Project Name: City Walk at University Place and Forest Lake

(Check One)

City Project Number: A12-1413/A12-0993

Initiated By: Owner/Architect

GC Job Number: \_\_\_\_\_

GC

Reference Change Proposal Request Number: 1

Subcontractor

Brief Description of Proposed Change: For Electrical Scope Only.

Change Materials on Line Item 100 from EB Conduit to Schedule 40 Conduit.

The Result is an add of \$5.75/LF for Line Item 100.

Item/Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Equipment
<i>Materials Total</i>	1	EACH	\$17,558.86	\$17,558.85	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
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				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
<b>Sub Totals:</b>				<b>\$17,558.85</b>	<b>\$0.00</b>	<b>\$0.00</b>

Material:	<b>\$17,558.85</b>			
Labor:	<b>\$0.00</b>			
Burden:	<b>\$0.00</b>	28%		Labor only (percentages will vary)
Equipment:	<b>\$0.00</b>			
<b>Subtotal:</b>	<b>\$17,558.85</b>			(Direct Cost)
Overhead & Profit:	<b>\$1,761.15</b>	10%		of Direct Cost
Sales/Use Tax:	<b>\$0.00</b>	0%		Material only
<b>Total Cost</b>				
<b>Change</b>	<b>\$19,320.00</b>			<input checked="" type="radio"/> Add <input type="radio"/> Deduct



## Subcontractor Change Proposal / Cost Breakdown Form

Date: 9/15/2014

Architect Name: McGiffert and Associates

Contractor Name: GFC Construction

ATTN: Paul Burkhalter

Project Name: City Walk at University Place and Forest Lake

Project Number: A12-1413/A12-0993

Initiated By: Owner/Architect

GC Job Number: \_\_\_\_\_

Reference Change Proposal Request Number: 90098|01

**NOTE: This COR will require 0 additional days added to the project schedule.**

Brief Description of Proposed Change: For the Electrical scope of work only, on line item #100, convert the 4" EB PVC conduit to 4" Sch 40 PVC conduit.

Item/Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Equipment
<b>MATERIAL TOTAL</b>	1	E	\$ 15,926.40	\$ 15,926.40		
<b>POWER TOTAL</b>	1	E	\$ -	\$ -		
<b>WIRE TOTAL</b>	1	E	\$ -	\$ -		
<b>FIXTURE TOTAL</b>	1	E	\$ -	\$ -		
<b>DEVICES TOTAL</b>	1	E	\$ -	\$ -		
<b>SYSTEMS TOTAL</b>	1	E	\$ -	\$ -		
<b>SUBCONTRACTS</b>	1	E	\$ -			\$ -
<b>TOOLS / EXPENDABLE (2% Materials)</b>	1	E	\$ -	\$ -		
<b>SAFETY (3% Materials)</b>	1	E	\$ -	\$ -		
<b>RENTAL / EQUIPMENT</b>	1	E	\$ -			\$ -
<b>FOREMAN LABOR</b>	0.00	HR	\$ 25.00		\$ -	
<b>LABOR</b>	0.00	HR	\$ 20.00		\$ -	
<b>OVERTIME</b>	0.00	HR	\$ 9.00		\$ -	
<b>Sub Totals:</b>				<b>\$15,926.40</b>	<b>\$0.00</b>	<b>\$0.00</b>

Material:	\$15,926.40				
Sales/Use Tax:	\$0.00	0 %	Materials Only		
Labor:	\$0.00				
Burden:	\$0.00	42.00 %			
Equipment:	\$0.00				
Bonds & Insurance:	\$0.00	1.44 %			
<b>Subtotal:</b>	<b>\$15,926.40</b>				
Overhead	\$786.32	5 %			
Profit	\$836.14	5 %			
<b>Total Cost</b>	<b>\$17,558.86</b>		<b>ADD</b>		
<b>Change</b>	<b>\$17,558.86</b>				

JOB 6018 200000333: City Walk Forres...  
ESTIMATE 1 200000333: City Walk Forres...  
DATA SET 6 PREMIER BASIC 040610

CO #1 4" EB to 4" Sch 40  
Premier Service Company  
1201 15th Street  
Tuscaloosa, AL 35401  
205.752.6332 / 205.345.3679  
kmichaels@psc1201.com

PRINTED 9/15/2014 10:27:13 AM  
MATERIAL Primary  
LABOR Primary

NOTES

Item				Material	
Size	Item Desc	Qty	UOM	Mat Unit	Mat Ext
	4" EB PVC	20,160.00		0.93	-18,748.80
4"	PVC SCH 40	20,160.00	FEET	1.89	
Grand Totals					15,926.40

Wholesale - Distributors of Electrical Supplies, Lighting, Factory Automation, Tools & Communications - Since 1930



# Mayer - Tuscaloosa

2901 Tenth Avenue Tuscaloosa AL 35401

Branch: 205-345-8770 Fax: 205-758-7878

Br #: 212500

Quote #: 198524

Visit Us Online at: [www.mayerelectric.com](http://www.mayerelectric.com)

## Quotation

Created Date: September 15 of 2014

To:

PREMIER SERVICE CO INC  
1201 15TH ST  
TUSCALOOSA, AL 35401-4633

Ship To:

Mayer - Tuscaloosa  
2901 Tenth Avenue  
Tuscaloosa, AL 35401

Job: CITY WALK UPE

Customer Contact: Kirby Micheals

Project Name: \_\_\_\_\_

Mayer Contact: Shuttlesworth, Brian

QUOTE VOID AFTER: 10/15/14

PIPE AND WIRE QUOTE VOID AFTER: 09/16/14

Line Number	2nd Item Number	Description	Type	Quantity	Unit Price	Pricing UOM	Extended Price
1.000	PVC4 - EB			20160	\$ .9028	EA	\$ 18,200.45
2.000					\$	EA	\$
3.000	PVC4	CONDUIT 4-IN SCH40 PVC		20160	\$ 169.0000	C	\$ 34,070.40

**Quotation Total: \$ 52,270.85**

Freight Terms: **FOB Shipping Point**

Freight Prepaid And Allowed:

Freight Prepaid And Charged:

Spare Parts Included:

Contact: **Shuttlesworth, Brian**

Email: **bshuttlesworth@mayerelectric.com**

Phone:

ACCEPTANCE \_\_\_\_\_

Date: \_\_\_\_\_

Mayer Electric Supply Co. Inc.

TERMS AND CONDITIONS GOVERNING THIS QUOTE ARE AVAILABLE ONLINE AT [WWW.MAYERELECTRIC.COM](http://WWW.MAYERELECTRIC.COM) OR UPON REQUEST.

**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;  
Carrie Hickman; Robert G. Plott and/or W. Geoffrey Plott

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:

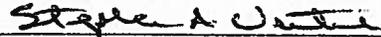
"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact 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."

"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 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 9th day of April, 2014.

THE CINCINNATI INSURANCE COMPANY

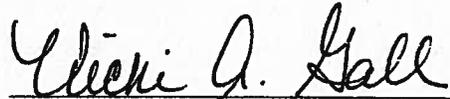
STATE OF OHIO ) ss:  
COUNTY OF BUTLER )



Stephen A. Ventre  
Vice President

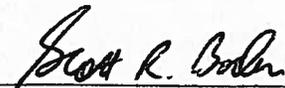
On this 9th day of April, 2014 before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein; and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

**VICKI A. GALL**  
Notary Public, State of Ohio  
My Commission Expires 10/22/17



I the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is 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 16th day of October 2014



Scott R. Boden  
Secretary