

APPROVED AS TO FORM

GDW  
Office of the City Attorney

Prepared By: CAN  
Requested: Projects Cmte.  
Presentation on: 08/05/2014  
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR  
FIRE STATION NO. 4 (TP.08)  
(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 Mills & Farmer, Inc.; and,

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

Change electrical feed per Alabama Power Company,

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 \$3,557.95 (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

CDBL DR 2

AP 113693

By: [Signature]  
Finance Director

COUNCIL ACTION

Resolution ✓  
Ordinance \_\_\_\_\_  
Introduced \_\_\_\_\_  
Passed 8-5-14  
2<sup>nd</sup> Reading \_\_\_\_\_  
Unanimous \_\_\_\_\_  
Failed \_\_\_\_\_  
Tabled \_\_\_\_\_  
Amended \_\_\_\_\_  
Comments: \_\_\_\_\_

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: CITY PROJECT A11-0694  
CHANGE ORDER REQUEST NO. 3 DATE: 23-JULY-2014

**1. DESCRIPTION OF CHANGE:**  
**CHANGE ELECTRICAL FEEDERS DIRECTED BY RANDY SMITH BASED ON INPUT FROM APCO**

**2. CHANGE ORDER COSTS: \$3,557.95**

Proposal Attached \_\_\_\_\_ 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. <i>Change Electrical Feeder per APCO</i>					<i>\$ 3,557.95</i>
b.					
c.					
d.					
e.					
f.*					
<b>TOTAL:</b>					<i>b 3,557.95</i>

\*If more than 6 items, provide attachments.

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

**4. JUSTIFICATION OF NEED: REQUIRED BY ALABAMA POWER COMPANY**

**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



**Mills & Farmer, Inc.**  
ELECTRICAL CONTRACTORS

February 27, 2014

WAR Construction, Inc.  
4300 Joe Mallisham Parkway  
Tuscaloosa, Alabama 35401

**Attn: Robert Jamison**

**Re: Fire Station #4  
City of Tuscaloosa  
COR-2**

Please see our following COR-2 proposal with attachments for changes to Electrical Feeders based on RFP #1 by RH Smith & Associates. Below is the Summary of the COR. Please see the attachments for the breakdown..

<b>Total Add</b>	<b>\$ 5,905.38</b>
<b>Total Deduct</b>	<b><u>\$ 2,347.43</u></b>
<b>Total (add) this Change</b>	<b>\$ 3,557.95</b>

Thank you,  
Mills & Farmer, Inc.

A handwritten signature in black ink, appearing to read 'Marc Mills', written over a horizontal line.

Marc Mills  
Vice President

# Subcontractor Change Proposal / Cost Breakdown Form

Date: 2/27/2014

Contractor Name: Mills & Farmer, Inc.

Project Name: Fire Station #4

A11-0694

Initiated By: Owner/Architect   
(Check One)

GC Job Number: 11-059

GC

Reference Change Proposal Request Number: 2

APCO

**Brief Description of Proposed Change:** To provide & install secondary conduit & conductors for secondary feeders per directive by from RH Smith.

Item/Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Equipment
Labor	80	hr	\$ 19.23		\$ 1,538.40	
Material Breakdown Attached	1	lot	\$ 2,721.25	\$ 2,721.25		
Cable Tugger	8	hr	\$ 3.05			\$ 24.40
Cable Feeder	8	hr	\$ 3.60			\$ 28.80
<b>Sub Totals:</b>				<b>\$ 2,721.25</b>	<b>\$ 1,538.40</b>	<b>\$ 53.20</b>

Material: \$ 2,721.25	←
Sales Tax: \$ -	0%
Labor: \$ 1,538.40	←
Burden: \$ 538.44	35%
Equipment: \$ 53.20	←
<b>Subtotal:</b> \$ 4,851.29	
Overhead: \$ 727.69	15%
Profit: \$ 242.56	5%
<b>Subtotal</b> \$ 5,821.55	
Bond \$ 83.83	
<b>Total Cost</b> \$ 5,905.38	add

JOB #446: ID 101613  
 JOB NAME Fire Station #4  
 EST. #01: ID 101613  
 ESTIMATE Fire Station #4  
 PRINTED 2/27/2014 4:19:22 PM  
 DATA SET #1: Comm Indust TSC/EST/NECA ...

1. Section Breakout Report  
 Mills Farmer, Inc.  
 1700 26th Avenue  
 Tuscaloosa, Alabama 35401  
 205-345-3346  
 FAX: 205-752-5269  
 mmills@mills-electric.com

NOTES

ze	Item		Material	
	Item Desc	Qty	Mat Unit	Mat Ext
	PVC SCH 40	160.00	1.26	201.60
	PVC SCH 40	150.00	1.75	262.50
	PVC SCH 40 90 ELBOW	2.00	3.75	7.50
	PVC SCH 40 90 ELBOW	1.00	6.25	6.25
	GRC 90 ELBOW	2.00	32.00	64.00
	GRC 90 ELBOW	1.00	55.00	55.00
	PVC COUPLING	1.00	1.05	1.05
	PVC COUPLING	1.00	1.55	1.55
	PVC ADPT/FEMALE	2.00	1.39	2.78
	PVC ADPT/FEMALE	1.00	1.93	1.93
	GRC COUPLING	4.00	8.00	32.00
	GRC COUPLING	2.00	13.00	26.00
	X 12 NIPPLE	4.00	23.50	94.00
	X 12 NIPPLE	2.00	31.25	62.50
	LOCKNUT	4.00	1.58	6.32
	LOCKNUT	2.00	2.34	4.68
	BONDING BUSHINGS-INS	2.00	11.52	23.04
	BONDING BUSHINGS-INS	1.00	19.95	19.95
0	THHN STR CU	180.00	0.97	174.60
)	XHHW STR AL	180.00	0.70	126.00
)	XHHW STR AL	700.00	0.90	630.00
0	XHHW STR AL	540.00	1.70	918.00
rand Totals				2,721.25

# Subcontractor Change Proposal / Cost Breakdown Form

Date: 2/27/2014

Contractor Name: Mills & Farmer, Inc.

Project Name: Fire Station #4

A11-0694

Initiated By: Owner/Architect     x      
(Check One)

GC Job Number: 11-059

GC     x    

Reference Change Proposal Request Number:     2    

APCO     x    

**Brief Description of Proposed Change:** Deduct 5" conduit & fittings included in original bid as secondary feeders per new APCO requirements.

Item/Description	Quantity	Unit	Unit Cost	Amount		
				Material	Labor	Equipment
Labor	56	hr	\$ 16.50		\$ 924.00	
5" PVC	290	ft	\$ 2.07	\$ 600.30		
5" PVC Elbow	6	ea	\$ 11.71	\$ 70.26		
5" to 4" Reducer	1	ea	\$ 3.98	\$ 3.98		
5" x 3" Reducer	2	ea	\$ 3.24	\$ 6.48		
<b>Sub Totals:</b>				<b>\$ 681.02</b>	<b>\$ 924.00</b>	

Material:	\$ 681.02	←
Sales Tax:	\$ -	0%
Labor:	\$ 924.00	←
Burden:	\$ 323.40	35%
Equipment:	\$ -	←
<b>Subtotal:</b>	<b>\$ 1,928.42</b>	
Overhead:	\$ 289.26	15%
Profit:	\$ 96.42	5%
<b>Subtotal</b>	<b>\$ 2,314.10</b>	
Bond	\$ 33.32	
<b>Total Cost</b>	<b>\$ 2,347.43</b>	Deduct

CONTRACT CHANGE ORDER NO. 2

City of Tuscaloosa, Office of the City Attorney

DATE: 11 AUGUST 2014 PROJECT: FIRE STATION NO. 4: A11-0694

TO: MILLS & FARMER, INC-A13-0062 TP8  
(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 ELECTRICAL FEEDERS DIRECTED BY RANDY SMITH BASED ON INPUT FROM APCO**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$ <u>272,481.00</u>
LESS CONTINGENCY/ALLOWANCE	\$ <u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$ <u>272,481.00</u>
Net total of previous Change Orders	\$ <u>10,773.45</u>
Previous revised Contract Price	\$ <u>283,254.45</u>
This Change Order No.: <u>2</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$ <u>3,557.95</u>
Revised Contract Price this date	\$ <u>286,812.40</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

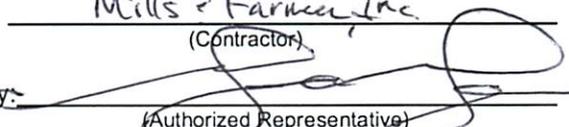
Old Republic Surety Company  
(Company)

By:   
Cheryl Camak, Attorney-in-Fact

RECOMMENDED

By: REX VERON DESIGNS, LLC  
  
(Design Architect)

CONTRACTING PARTIES

Mills & Farmer, Inc  
(Contractor)  
By:   
(Authorized Representative)

CITY OF TUSCALOOSA

By:   
(Mayor)



# OLD REPUBLIC SURETY COMPANY

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

CHERYL CAMAK, CHRISTINA KROUT, SHARON E. TRAMMELL, R. FORREST FITTS, J.DAVID FITTS, CHARLES F HORTON JR, TIMOTHY L DONAHUE, DENISE M. DAVIS, OF TUSCALOOSA, AL

its true and lawful Attorney(s)-in-Fact, with full power and authority, not exceeding \$50,000,000, for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED AN AGGREGATE OF NINE MILLION DOLLARS(\$9,000,000)----- FOR ANY SINGLE OBLIGATION, REGARDLESS OF THE NUMBER OF INSTRUMENTS ISSUED FOR THE OBLIGATION.

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This document is not valid unless printed on colored background and is multi-colored. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president, or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 24TH day of JUNE, 2014.

*Phyllis M. Johnson*  
Assistant Secretary



OLD REPUBLIC SURETY COMPANY

*Alan Pavlic*  
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA-SS

On this 24TH day of JUNE, 2014, personally came before me, Alan Pavlic and Phyllis M. Johnson, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say; that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



*Kathryn R. Pearson*  
Notary Public  
My commission expires: 9/28/2014

### CERTIFICATE

(Expiration of notary commission does not invalidate this instrument)

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

92-0263



Signed and sealed at the City of Brookfield, WI this 11th day of August, 2014

*Jan E. Cherry*  
Assistant Secretary

FITTS AGENCY, INC.

**THIS DOCUMENT HAS A COLORED BACKGROUND AND IS MULTI-COLORED ON THE FACE. THE COMPANY LOGO APPEARS ON THE BACK OF THIS DOCUMENT AS A WATERMARK. IF THESE FEATURES ARE ABSENT, THIS DOCUMENT IS VOID.**