

OFFICE OF THE CITY ATTORNEY

CITY ATTORNEY
GLENDA D. WEBB

SENIOR ASSOCIATE CITY ATTORNEYS
JAMES P. WOODSON III
THOMAS D. BOBITT II

ASSOCIATE CITY ATTORNEYS
CHRISTOPHER J. ENGLAND
GRANT H. WILSON
KRISTEN L. LOVE
OTO TUAMOKUMO
SCOTT B. HOLMES

CITY OF TUSCALOOSA



LEGAL AFFAIRS ADMINISTRATOR
CYNTHIA NOLAND

2201 UNIVERSITY BLVD. (35401)
POST OFFICE BOX 2089
TUSCALOOSA, ALABAMA 35403

TELEPHONE NO. (205) 248-5140
FAX NO. (205) 349-0328
www.tuscaloosa.com

January 16, 2015

Matt Caddis
Civilworx Construction, LLC
5950 University Boulevard East
Cottondale, Alabama 35453

RE: Contract for Alberta Revitalization Infrastructure, Phase 1A
Our File Number: A14-0787

Dear Mr. Caddis:

Enclosed please find a fully executed Change Order 1 for your files. If you have any questions or comments, please feel free to contact Bradley Porter or Wendy McBride.

Sincerely yours,

Melinda Causey
Office Administrator

MLC

Enclosure

c: Bradley Porter, Walker Associates
Wendy McBride, Transportation Engineer
Savannah Howell, Recovery Operations

APPROVED AS TO FORM

GDW

Office of the City Attorney

Prepared By: MLC

Requested: Projects Comm.

Presentation on: 1/13/15

Suspension of Rules: Yes

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR
ALBERTA REVITALIZATION INFRASTRUCTURE, PHASE 1A
(a14-0787)

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 Civilworx Construction, LLC, (Contractor's Name); and,

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

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 \$39,740.00 (Change Order Cost), time zero (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

CDRF DR 2
(Alberta Parkway)

228 17162 12048-2013
AVE 416 509

By: [Signature]
Finance Director

COUNCIL ACTION

Resolution ✓
Ordinance _____
Introduced _____
Passed 1-13-15
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 1

City of Tuscaloosa, Office of the City Attorney

DATE: January 2, 2015
PROJECT: ALBERTA REVITALIZATION INFRASTRUCTURE PROJECT PHASE 1A
TO: CIVILWORX CONSTRUCTION, LLC (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:

- Add +/- 1000 l.f. of 4" Conduit with (3) 1 1/4" Innerducts and (1) 3'x4'x3' TDV Vault to service Fire Station No. 4 and Police Precinct.
Change 1 1/2" Sch 40 Conduit to 2" Sch 40 Conduit.
Omit 15 l.f. of 15" RCP and Concrete Plug to APCO Substation.

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

Table with 2 columns: Description and Amount. Rows include ORIGINAL CONTRACT PRICE (\$1,242,334.40), LESS CONTINGENCY/ALLOWANCE (\$0), NET ORIGINAL CONTRACT PRICE (\$1,242,334.40), Net total of previous Change Orders (\$0), Previous revised Contract Price (\$1,242,334.40), This Change Order No. 1 (Add) (\$39,740.40), Revised Contract Price this date (\$1,282,074.80).

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 The City of Tuscaloosa, Alabama

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

RLI Insurance Company (Company)
By: Brandon LaBresh, Attorney-In-Fact

CONTRACTING PARTIES

CIVILWORX CONSTRUCTION, LLC (Contractor)
By: [Signature] (Authorized Representative)

RECOMMENDED

By: Bradley Porter
WALKER ASSOCIATES, INC. (Design Engineer or Architect)

CITY OF TUSCALOOSA

By: [Signature] (Mayor)



9025 N. Lindbergh Dr. | Peoria, IL 61615
Phone: (800)645-2402 | Fax: (309)689-2036

POWER OF ATTORNEY

RLI Insurance Company

Contractors Bonding and Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That this Power of Attorney may be effective and given to either or both of **RLI Insurance Company** and **Contractors Bonding and Insurance Company**, required for the applicable bond.

That **RLI Insurance Company**, a Illinois corporation, and/or **Contractors Bonding and Insurance Company**, a Washington corporation (as applicable), each authorized and licensed to do business in all states and the District of Columbia do hereby make, constitute and appoint:

Thomas W Moore, Marlin D Moore, III, Thomas Henry Bonhaus, Walter W Gary, Madison Andrew Hudson, Brandon LaBresh, Charles Bailey IV, jointly or severally

in the City of Tuscaloosa, State of Alabama, as Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

RLI Insurance Company and **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of the Resolution adopted by the Board of Directors of each such corporation, and now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation shall be executed in the corporate name of the Corporation by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Corporation. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation. The signature of any such officer and the corporate seal may be printed by facsimile or other electronic image."

IN WITNESS WHEREOF, **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 12th day of December, 2014.

State of Illinois }
County of Peoria } SS



RLI Insurance Company
Contractors Bonding and Insurance Company

Roy C. Die Vice President

On this 12th day of December, 2014, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, and acknowledged said instrument to be the voluntary act and deed of said corporation.

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, and/or **Contractors Bonding and Insurance Company**, a Washington corporation, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 2nd day of January, 2015.

Jacqueline M. Bockler
Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company

Roy C. Die Vice President



**CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY**

**CHANGE
ORDER
REQUEST**

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: WALKER ASSOCIATES, INC.

CONTRACTOR: CIVILWORX CONSTRUCTION, LLC

PROJECT: ALBERTA REVITALIZATION INFRASTRUCTURE PROJECT PHASE 1A
CITY PROJECT NO. A12-1324

CHANGE ORDER REQUEST NO. 1 **DATE:** January 2, 2015

1. DESCRIPTION OF CHANGE:

- Addition of +/- 1000 l.f. of 4" Conduit with (3) 1 1/2" Innerducts and (1) 3'x4'x3' TDV Vault to service Fire Station No. 4 and Police Precinct.
- Change 1 1/2" Sch 40 Conduit to 2" Sch 40 Conduit.
- Omit 15 l.f. of 15" RCP and Concrete Plug to APCO Substation.

2. CHANGE ORDER COSTS: (ADD) \$39,740.40

Proposal Attached SEE 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.					
b.					
c.					
d.					
e.					
f.*					
TOTAL:					

*If more than 6 items, provide attachments.

3. INSTITUTED BY: City of Tuscaloosa

4. JUSTIFICATION OF NEED: Allows for installation of conduits to provide service of new technology infrastructure to Fire Station No. 4 and Police Precinct that was not included as part of those projects but can be installed as part of Alberta Revitalization Project Phase 1A.

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING: The same type conduit duct bank is already being installed along 26th Avenue by low-bid Contractor for Alberta Parkway Phase 1A. This Change Order allows for the extension of this duct bank to the Police Precinct and Fire Station No. 4.

6. COSTS REVIEW: N/A

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.

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

RECOMMENDED:

BY: Bradley Porter
Tuscaloosa's Consulting Engineer/Architect
Bradley Porter, P.E., Walker Associates, Inc.

BY: Wendy M. Bide
City Representative

APPROVED:

BY: Matt Caddis
Contractor
Matt Caddis, CivilWorx Construction, LLC

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative



City of Tuscaloosa
Alberta Revitalization Infrastructure Project
Phase 1A



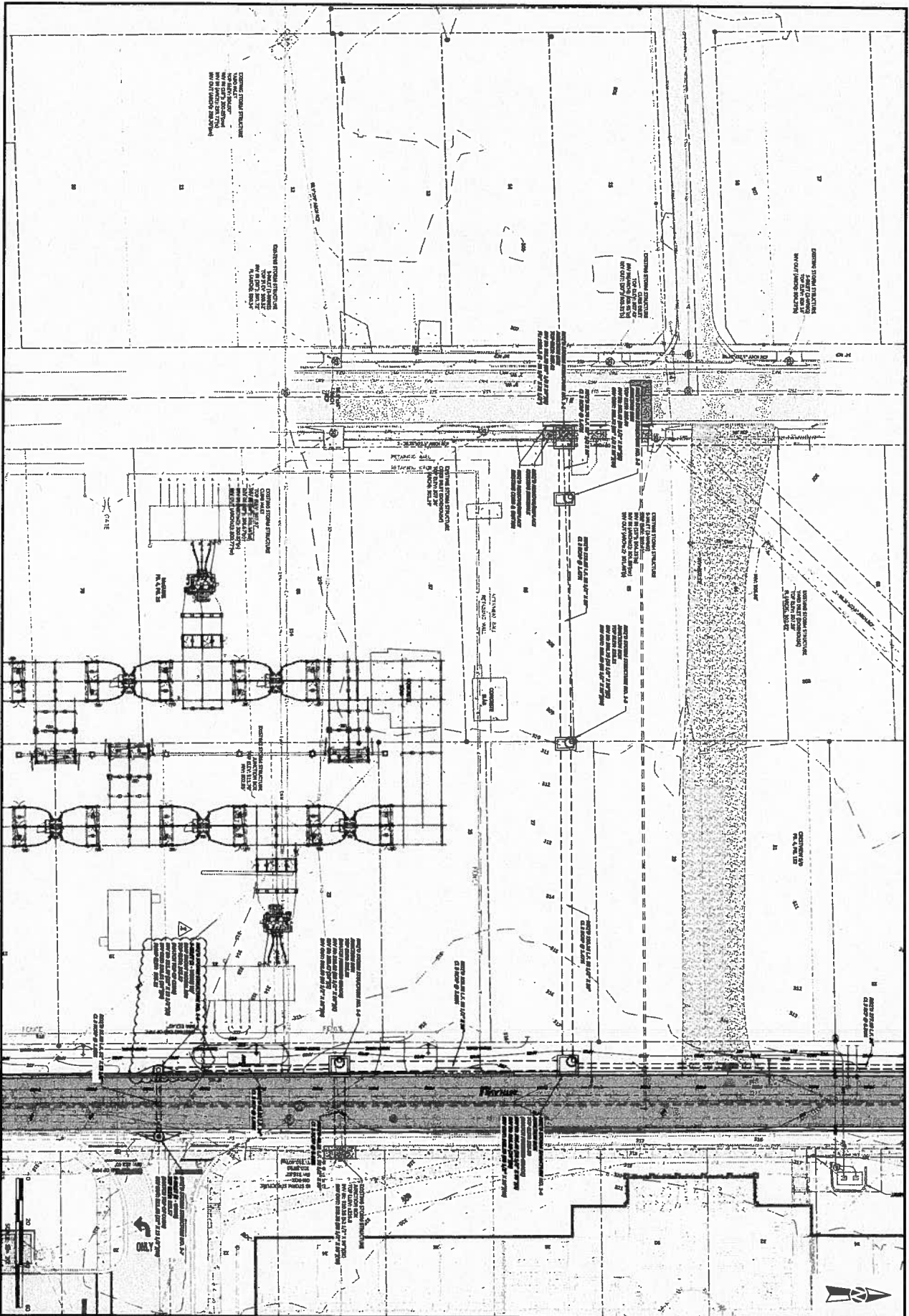
Change Order No. 1

November 19, 2014

Item No.	Quantity	Unit	Description	Unit Cost	Total Cost
CHANGE ORDER NO. 1					
General, Demolition, Clearing, Grubbing, and Earthwork					
1A	1000	l.s.	Add 4" Sch 40 PVC Conduit w/(3) 1 1/4" Innerducts (TDOTF) to serve Fire Station No. 4 and Police Precinct (+/- 1,000 l.f.)	\$37.42	\$37,420.00
2A	1	each	Add 3'x4'x3' TDV Vault	\$3,630.00	\$3,630.00
3A	720	LF	Change 1 1/2" Sch 40 PVC Conduit to 2" Sch 40 PVC Conduit (TDOTL) (+/- 720 l.f.)	\$0.32	\$230.40
4A	-15	l.f.	Omit 15" R.C. Pipe, Class 3 Stubout to APCO Site	\$36.00	-\$540.00
5A	-1	each	Omit Concrete Plug for 15" RCP Stubout to APCO Site	\$1,000.00	-\$1,000.00
Total Change Order No. 1 Cost					\$39,740.40

Alan Carter 12/30/14

CivilWorx Construction, LLC
 5950 Univ Blvd East
 Cottdale, AL 35453



Rev.	Date	Description
1	11/09/14	Remove 15" RCP Stub to APCO Substation

Drawn By: D.J.T. Checked By: M.S.P.
 Date: 8/8/14 Job No.: 12-300
 File Name: 121201.PLA Sheet: CS 01-01 Rev: 01

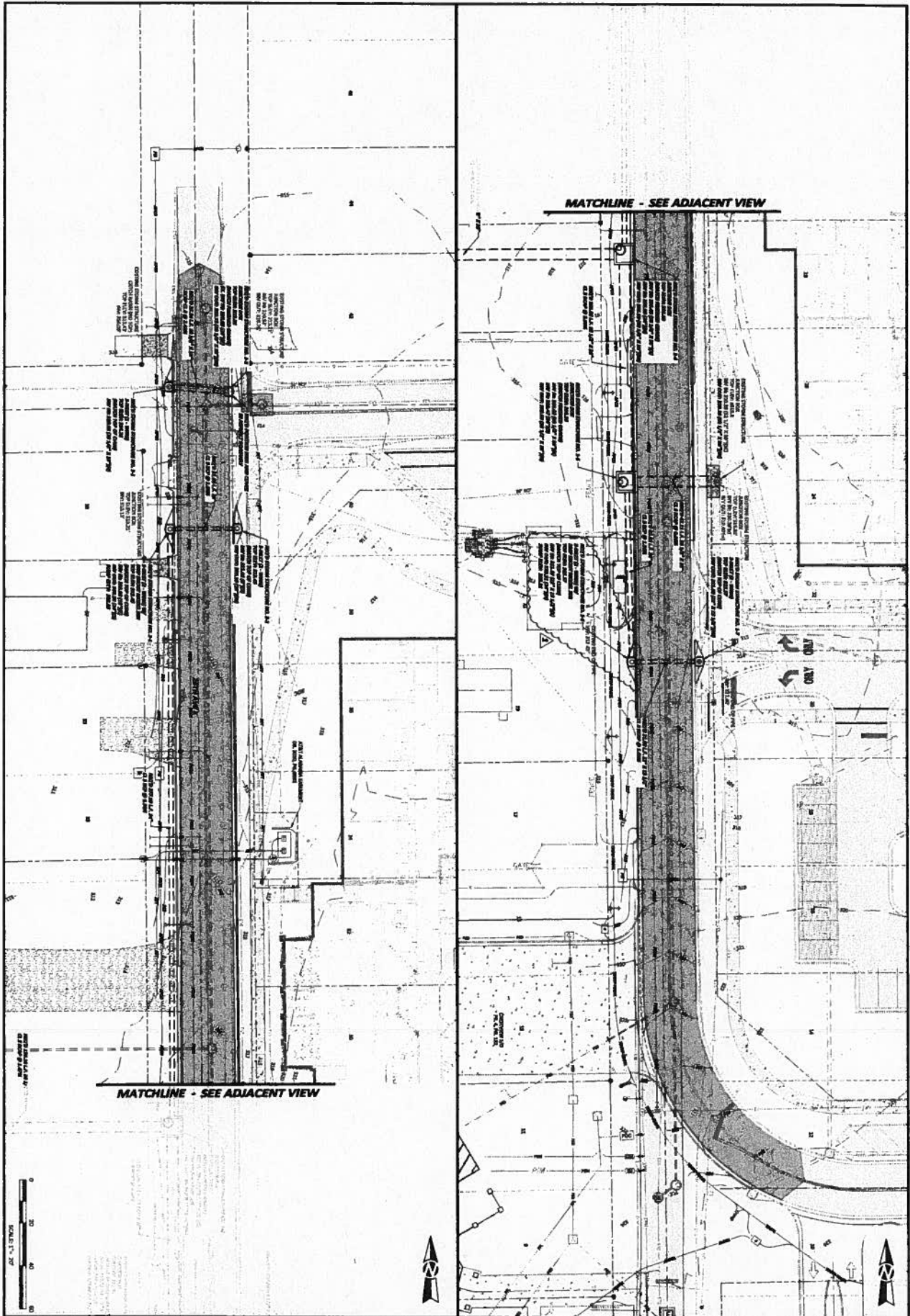
STORM DRAINAGE PLAN

CITY OF TUSCALOOSA
ALBERTA REVITALIZATION INFRASTRUCTURE PROJECT
PHASE 1A - 25TH AVENUE EAST TO 28TH AVENUE EAST
TUSCALOOSA, ALABAMA
CITY OF TUSCALOOSA PROJECT: A12-1324

WALKER ASSOCIATES, INC.
 ENGINEERING, PLANNING, GIS & SURVEYING

517 22nd Avenue - Suite B
 Tuscaloosa, AL 35401

www.walkerdyll.com
 P (205) 561-3778 | F (205) 561-3779



CS.2	No.	Date	Description
	1	11/09/14	Remove 15' ACP Stud to APCC Substation
Drawn By: D1T		Checked By: MRP	
Date: 8/8/14		Job No.: 12-300	
File Name: 12100.PLA.Sheet_CS 01-08 Storm.dwg			

STORM DRAINAGE PLAN

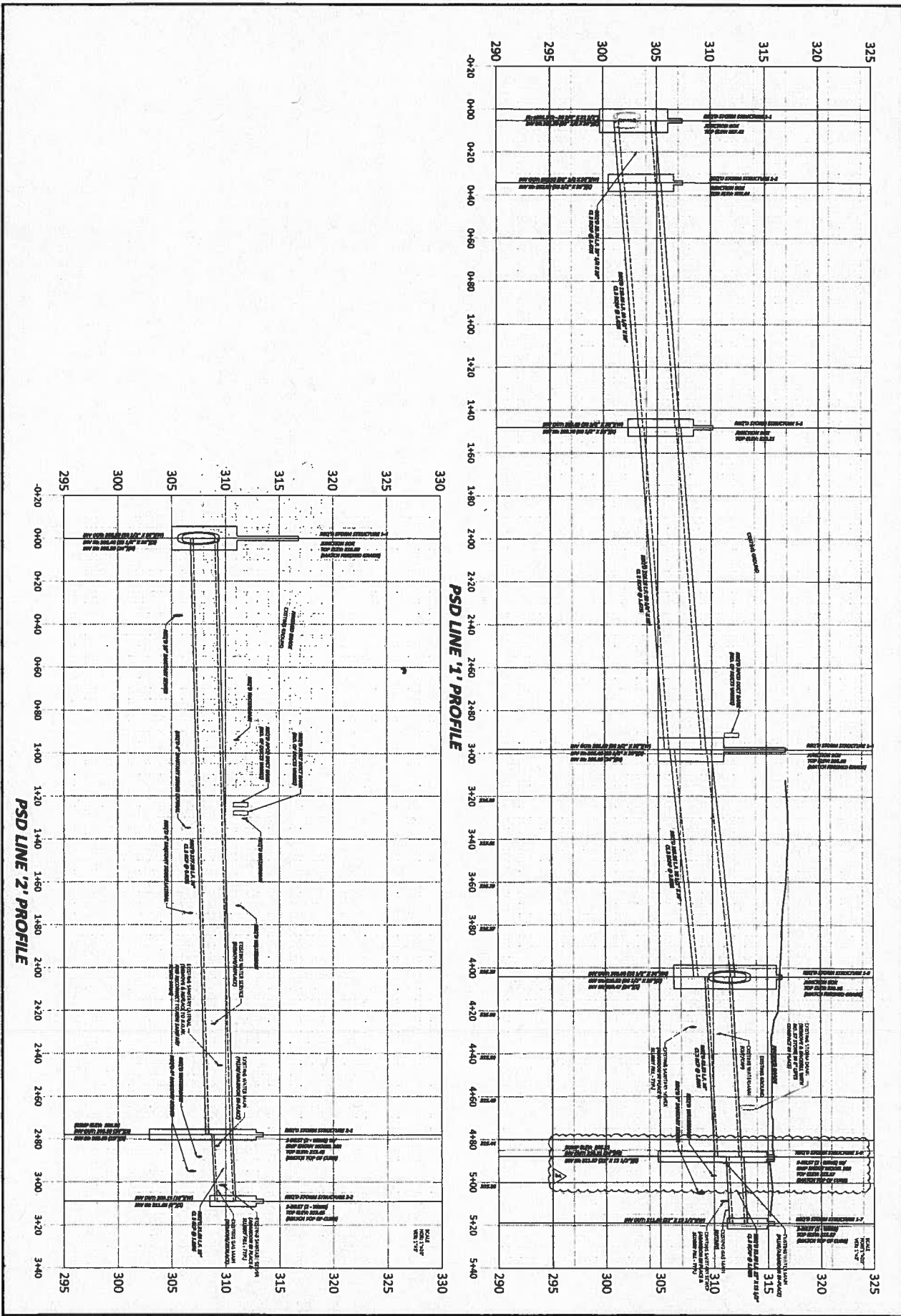
CITY OF TUSCALOOSA
ALBERTA REVITALIZATION INFRASTRUCTURE PROJECT
PHASE 1A - 25TH AVENUE EAST TO 26TH AVENUE EAST
TUSCALOOSA, ALABAMA
CITY OF TUSCALOOSA PROJECT: A12-1324



WALKER ASSOCIATES, INC.
 ENGINEERING, PLANNING, GIS & SURVEYING

517 22nd Avenue - Suite B
 Tuscaloosa, AL 35401

www.walkerinc.com
 P (205) 563-8778 | F (205) 563-8779



No.	Date	Description
1	11/03/14	Remove 18" RCP Stub to APCO Substation

Drawn By: D.J.T. Checked By: M.B.P.
 Date: 8/8/14 Job No.: 12-100
 File Name: 12100-PH1A_Sheet_C3-01-09 Storm.dwg

STORM DRAINAGE PROFILES

CITY OF TUSCALOOSA
ALBERTA REVITALIZATION INFRASTRUCTURE PROJECT
PHASE 1A - 25TH AVENUE EAST TO 26TH AVENUE EAST
TUSCALOOSA, ALABAMA
CITY OF TUSCALOOSA PROJECT: A12-3224



WALKER ASSOCIATES, INC.
 ENGINEERING, PLANNING, GIS & SURVEYING
 817 22nd Avenue - Suite B www.walkerca.com
 Tuscaloosa, AL 35401 P (205) 561-3778 | F (205) 561-3779

