

APPROVED AS TO FORM

GDW  
Office of the City Attorney

Prepared By: CAN  
Requested: Projects Cmte.  
Presentation on: 03/11/2014  
Suspension of Rules: NO

## RESOLUTION

### RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR FIRE STATION NO. 4 (TP.01) (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 Price Construction Co. Inc.; and,

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

Relocation of 6" water main.

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 \$8,850 (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

CPDG DR 2	2750,000
Rebuild	(105,148)
Total	380,148

50,000 remains in the Roadwork Construction Budget

By: [Signature]  
Finance Director

COUNCIL ACTION

Resolution ✓  
Ordinance \_\_\_\_\_  
Introduced \_\_\_\_\_  
Passed 3-11-14  
2<sup>nd</sup> Reading \_\_\_\_\_  
Unanimous \_\_\_\_\_  
Failed \_\_\_\_\_  
Tabled \_\_\_\_\_  
Amended \_\_\_\_\_  
Comments: \_\_\_\_\_

CONTRACT CHANGE ORDER NO. 1

City of Tuscaloosa, Office of the City Attorney

DATE: 18-JUNE-2014 PROJECT: FIRE STATION NO. 4: A13-0062-TP1

TO: PRICE 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:

RELOCATION OF 6" WATER MAIN

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$ <u>497,820.00</u>
LESS CONTINGENCY/ALLOWANCE	\$ <u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$ <u>497,820.00</u>
Net total of previous Change Orders	\$ <u>0.00</u>
Previous revised Contract Price	\$ <u>506,670.00</u>
This Change Order No. <u>1</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$ <u>8,850.00</u>
Revised Contract Price this date	\$ <u>506,670.00</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

The Cincinnati Insurance Company

(Company)

By: Carrie Hickman  
Carrie Hickman-Attorney-In-Fact

CONTRACTING PARTIES

Price Construction Company, Inc.

(Contractor)

By: [Signature]  
(Authorized Representative)

RECOMMENDED

By: REX VERON DESIGNS, LLC

[Signature]  
(Design Architect)

CITY OF TUSCALOOSA

By: [Signature]  
(Mayor)

**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 18th day of June, 2014

  
Scott R. Boden  
Secretary

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 A13-0062  
CHANGE ORDER REQUEST NO. 1.T.P.1 DATE: 4-FEBRUARY 2014

**1. DESCRIPTION OF CHANGE:**  
**RELOCATION OF 6" WATER MAIN FIRE STATION NO. 4: REFER TO ATTACHED DRAWINGS**

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

Proposal Attached ADD - \$ 8,850.00 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. Superintendent			10	75.00	750.00
b. Laborers (3)			30	25.00	750.00
c. Operators (2)			20	40.00	800.00
d. Crew Truck			10	35.00	350.00
e. #57 Stone	110 Tns	20.00/Th			2,200.00
f.* Equipment	1 LS				4,000.00
<b>TOTAL:</b>					<b>8,850.00</b>

\*If more than 6 items, provide attachments.

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

**4. JUSTIFICATION OF NEED: REQUIRED BY CITY OF TUSCALOOSA**

**5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING: RELOCATION  
NOT KNOWN AT TIME OF BIDDING.**

**6. COSTS REVIEW:**

**TO BE SUBMITTED BY TRADE PACKAGE CONTRACTOR**

**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

**APPROVED:**

BY: \_\_\_\_\_  
WAR CONSTRUCTION, INC: Construction manager

BY: \_\_\_\_\_  
City Representative

BY: \_\_\_\_\_  
Owner's Legal Advisor

BY: \_\_\_\_\_  
Owner's Authorized Representative