

**LETTER OF TRANSMITTAL**



DATE 8-14-15

LEGAL FILE NO. A13-00102

**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**

TO: Robert Jamison  
WAR Construction  
PO Box 1218  
Tuscaloosa, AL 35403

RE: Fire Station 4

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-TP05
- 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 please find CO #1-TP05 for your files. Please distribute a copy to the Contractor and Architect. Thanks!

COPY TO Clif Penick, FM

Ashley Price, Recovery

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: 08/11/2015  
Suspension of Rules: NO

**RESOLUTION**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR  
FIRE STATION NO. 4 (TP.05)  
(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 International Fire Protection, Inc.; and,

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

Deduct tax.

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 deductive amount of \$914.00 (Change Order Cost), time Q (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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
By: \_\_\_\_\_

Finance Director

COUNCIL ACTION

Resolution \_\_\_\_\_ ✓  
Ordinance \_\_\_\_\_  
Introduced \_\_\_\_\_  
Passed \_\_\_\_\_ 8-11-15  
2<sup>nd</sup> Reading \_\_\_\_\_  
Unanimous \_\_\_\_\_  
Failed \_\_\_\_\_  
Tabled \_\_\_\_\_  
Amended \_\_\_\_\_  
Comments: \_\_\_\_\_

1331835

Bond No. 1124715

CONTRACT CHANGE ORDER NO. 1

City of Tuscaloosa, Office of the City Attorney

DATE: 29-JUNE-2015 PROJECT: FIRE STATION NO. 4: A11-0694

TO: INTERNATIONAL FIRE PROTECTION, INC: A13-0062 TP5  
(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:

DEDUCT TAX  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$ 43,624.00
LESS CONTINGENCY/ALLOWANCE	\$ 0.00
NET ORIGINAL CONTRACT PRICE	\$ 43,624.00
Net total of previous Change Orders	\$ 0.00
Previous revised Contract Price	\$ 43,624.00
This Change Order No. <u>1</u> <input type="checkbox"/> Add <input checked="" type="checkbox"/> Deduct	\$ 914.00
Revised Contract Price this date	\$ 42,710.00

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

Arch Insurance Company  
(Company)

By: John E. Tanner, Attorney-in-Fact  
RECOMMENDED

CONTRACTING PARTIES

International Fire Protection, Inc.  
(Contractor)

By: Kimberly D. B...  
(Authorized Representative)

CITY OF TUSCALOOSA



By: REX VERON DESIGNS, LLC

Rex Veron  
(Design Architect)

By: Walt Miller  
(Mayor)

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON BLUE BACKGROUND.**

***This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Mortgage, Note, Loan, Letter of Credit, Bank Deposit, Currency Rate, Interest Rate or Residential Value Guarantees.***

## **POWER OF ATTORNEY**

**Know All Persons By These Presents:**

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Brian J. Oestreich, Craig Remick, Jerome T. Ouimet, John E. Tauer, Joshua R. Loftis, Kurt C. Lundblad, Lin Ulven, Linda K. French, Melinda C. Blodgett, Nicole Stillings, R. C. Bowman, R. Scott Egginton, R. W. Frank, Rachel Thomas, Ross S. Squires, Sandra M. Doze and Ted Jorgensen of Minneapolis, MN (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

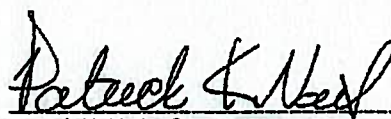
This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

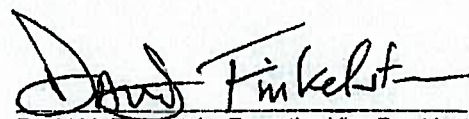
In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 18<sup>th</sup> day of May, 2015.

Attested and Certified

Arch Insurance Company

  
Patrick K. Nails, Secretary

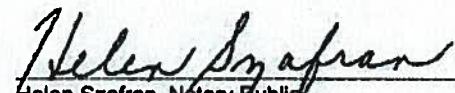


  
David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS  
COUNTY OF PHILADELPHIA SS

I, Helen Szafran, a Notary Public, do hereby certify that Patrick K. Nails and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.

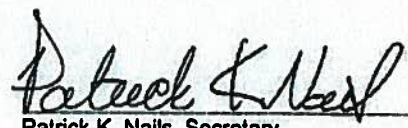


  
Helen Szafran, Notary Public  
My commission expires 10/03/2017

CERTIFICATION

I, Patrick K. Nails, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated May 18, 2015 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said David M. Finkelstein, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 16 day of July, 2015.

  
Patrick K. Nails, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division  
3 Parkway, Suite 1500  
Philadelphia, PA 19102

