

LETTER OF TRANSMITTAL



DATE 8-10-15

**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. A13-0062

TO: Robert Jamison
WAR Construction
P O Box 1218
Tuscaloosa AL 35403

RE: Fire Station 4

WE ARE SENDING YOU BY:

ATTACHED

UNDER SEPARATE COVER VIA _____

THE FOLLOWING:

- | | | | |
|---|-------------------------------------|---|---|
| <input type="checkbox"/> PERMIT | <input type="checkbox"/> RESOLUTION | <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> COPY OF LETTER |
| <input type="checkbox"/> PLEADINGS | <input type="checkbox"/> CONTRACT | <input type="checkbox"/> FRONT-END LEGALS | |
| <input checked="" type="checkbox"/> CHANGE ORDER NO. # <u>5-TP2</u> | | <input type="checkbox"/> CONTRACT AMENDMENT | |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> MEMO OF LAW | |

THESE ARE TRANSMITTED FOR THE PURPOSES CHECKED BELOW:

- | | | |
|--|---|---|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> APPROVAL AS SUBMITTED | <input checked="" type="checkbox"/> FOR YOUR USE |
| <input type="checkbox"/> FOR EXECUTION | <input type="checkbox"/> APPROVAL AS NOTED | <input type="checkbox"/> FOR REVIEW AND COMMENT |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RETURNED FOR CORRECTIONS | <input type="checkbox"/> RETURN EXECUTED ORIGINAL |

REMARKS: Attached please find CO #5-TP2 for your files. Please distribute a copy to the contractor and Architect. Thanks!

COPY TO Clif Perick, FM
Ashley Price-Recovery

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

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CAN
Requested: Projects Cmte.
Presentation on: 08/04/2015
Suspension of Rules: NO

RESOLUTION
RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 FOR
FIRE STATION NO. 4 (TP.02)
(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 K & A Builders, Inc.; and,

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

Deduct tax from construction price.

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 \$56,916.51 (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

By: _____

Finance Director

COUNCIL ACTION

Resolution _____ ✓
Ordinance _____
Introduced _____
Passed _____ 8-4-15
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 5

City of Tuscaloosa, Office of the City Attorney

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

TO: K & A BUILDERS: A13-0062 TP2

(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 FROM CONSTRUCTION CONTRACT
TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$1,532,000.00
LESS CONTINGENCY/ALLOWANCE	\$0.00
NET ORIGINAL CONTRACT PRICE	\$1,532,000.00
Net total of previous Change Orders	\$27,506.57
Previous revised Contract Price	\$1,559,506.57
This Change Order No. 5 <input type="checkbox"/> Add <input checked="" type="checkbox"/> Deduct	\$56,916.51
Revised Contract Price this date	\$1,502,590.06

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

International Fidelity Insurance Company
(Company)

By: Madison Andrew Hudson
Madison Andrew Hudson; Attorney-In-Fact

RECOMMENDED

By: REX VERON DESIGNS, LLC

Rex Veron
(Design Architect)

CONTRACTING PARTIES

K & A Builders, Inc
(Contractor)

By: [Signature]
(Authorized Representative)

CITY OF TUSCALOOSA

By: Walt M. [Signature]
(Mayor)

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

THOMAS HENRY BONHAUS, THOMAS W. MOORE, MARLIN D. MOORE, III, WALTER WAYNE GARY,
BRANDON LABRESH, MADISON ANDREW HUDSON, CHARLIE B. BAILEY IV

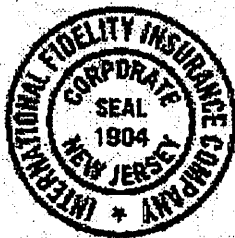
Tuscaloosa, AL.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice-President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 22nd day of July, 2014.



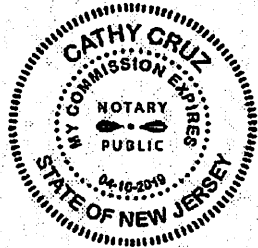
STATE OF NEW JERSEY
County of Essex

ROBERT W. MINSTER
Chief Executive Officer (International Fidelity Insurance Company) and President (Allegheny Casualty Company)



On this 22nd day of July 2014, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 29th day of June, 2015

MARIA BRANCO, Assistant Secretary