

APPROVED AS TO FORM

GTW

Office of the City Attorney

Prepared By: CWE

Requested: Projects Committee

Presentation on: 8/15/17

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR
ALBERTA PARK CONSTRUCTION
(A16-1050)

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 Kyser Construction, Inc., (Contractor's Name); and,

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:
Install bicycle pad as indicated on the attached SD and anchor owner-furnished bicycle racks.

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 \$3,071.20 (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

APCO - 22817167-16075
DRII- 22817162-16075

✓
Case

By: *[Signature]*
Chief Financial Officer

COUNCIL ACTION

Resolution ✓
Ordinance _____
Introduced _____
Passed 8-15-17
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER

City of Tuscaloosa Office of the City Attorney

CHANGE ORDER NO. 1

DATE: 8/8/17 PROJECT: Alberta Park

TO: Kyser 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

Install bicycle pad as indicated on the attached SD and anchor owner-furnished bicycle racks.

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$	<u>1,275,000.00</u>
LESS CONTINGENCY/ALLOWANCE	\$	<u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$	<u>1,257,000.00</u>
Net total of previous Change Orders	\$	<u>0.00</u>
Previous revised Contract Price	\$	<u>1,275,000.00</u>
This Change Order No. <u>1</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$	<u>3,071.20</u>
Revised Contract Price this date	\$	<u>1,278,071.20</u>

Extension of time resulting from this Change Order Zero (Indicate No. of calendar days).

The amount of this Change Order will be the responsibility of Owner

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

CONTRACTING PARTIES

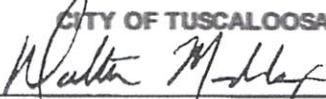
INTERNATIONAL FIDELITY INSURANCE COMPANY

Kyser Construction, Inc.

By: 
(Company)
BRANDON LABRESH, ATTORNEY-IN-FACT

By: 
(Contractor)
(Authorized Representative) **CHRIS KYSER, MEMBER**

By: 
RECOMMENDED
Ward Scott Architecture, Inc.
(Design Architect)

By: 
CITY OF TUSCALOOSA
(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 2ND day of AUGUST, 2017

MARIA BRANCO, Assistant Secretary

CITY OF TUSCALOOSA
LEGAL DEPARTMENT

**CHANGE
ORDER
REQUEST**

OWNER: CITY OF TUSCALOOSA
ARCHITECT/ENGINEER: Ward Scott Architecture, Inc.
CONTRACTOR: Kyser Construction, Inc.
PROJECT: Alberta Park
CHANGE ORDER REQUEST NO. 1 DATE: 8/8/17

1. DESCRIPTION OF CHANGE: Install concrete pad and anchor owner-provided bicycle racks.

2. CHANGE ORDER COSTS: 3,071.20

Proposal Attached Yes Cost Estimated/Proposal Required

Item	Quantity	Material Unit Price	Labor (Hours)	Labor Unit Price	Sub-Total Cost
a. See attached documentation					
b.					
c.					
d.					
e.					
f.*					
TOTAL:					

*If more than 6 items, provide attachments.

3. INSTITUTED BY: Owner

4. JUSTIFICATION OF NEED: Owner-requested change.

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING: Contractor is on site and change is less than 10% of the contract.

6. COSTS REVIEW: See Attached Proposal

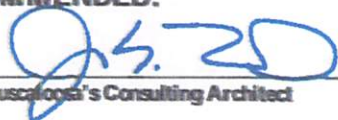
7. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS THE FOLLOWING TYPE:

- 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)

RECOMMENDED:

BY: _____


Tuscaloosa's Consulting Architect

BY: _____

City Representative

APPROVED:

BY: _____


Contractor

BY: _____

Owner's Legal Advisor

BY: _____

Owner's Authorized Representative



General Contractors Change Order Recap

DATE: July 24, 2017
TO: Ward Scott Architecture
RE: Alberta Park
CORAF #1
ATTN: Jordan Morris

The attached breakdown has been compiled and submitted for your review and approval.

1. Add Concrete Bike Rack Pad

Total ADD Change Order.....Three Thousand Seventy One & 20/100 Dollars (\$3,071.20)

Please approve this request and forward to the Owner for issuance of a Change Order.
Please let us know if there are any questions regarding this matter.

This proposal is good for 15 days.

Sincerely,

KYSER CONSTRUCTION, LLC.

Chris Kyser

Chris Kyser
Member

Alberta Park

General Information:

Funding: APCO Grant - \$598,973.59
 DRII - \$701,027.00
 Gateway Transfer Funds - \$200,000.00

Available Budget: \$51,023.18

Request approval of Change Order #1 to add a concrete pad for bicycle racks at the north side of the property, adjacent to the existing sidewalk along 8th Street E.

Scope of Work:

Add a new concrete pad to allow installation of a new bicycle rack built by the students of the University of Alabama Art and Art History Department.

Why Invest?

In 2016 the City of Tuscaloosa and the University of Alabama Art and Art History Department formed a partnership which allows Art and Art History students to design and build bike racks that could be incorporated into various projects across the City. The first was put in place at the intersection of 4th Street and 23rd Avenue. The task is for students to use their knowledge and expertise by creating something that has become growing need and expectation to be throughout the City – bicycle racks. Sculpture Professor Craig Wedderspoon and his students have accepted this challenge and have now completed the second project which was designed to be incorporated into the Alberta Park.



REQUEST FOR PROPOSAL

NO.: 01

DATE: 07/20/17

TO: Kyser Construction ATTN: Michael Tant FROM: Ward Scott Architecture COPY TO: Chris Raines	PROJECT: Alberta Park – WSA PROJECT NO.: 15-051
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The Work shall be carried out in accordance with the following supplemental instructions issued in accordance with the Contract documents without change in Contract Sum or Contract Time unless submitted and approved by the Owner. All cost change proposals shall be submitted within Seven (7) days for consideration. Proceeding with the Work in accordance with these instructions without prior approval indicates your acknowledgement that there will be no change in the Contract Sum or Contract Time.

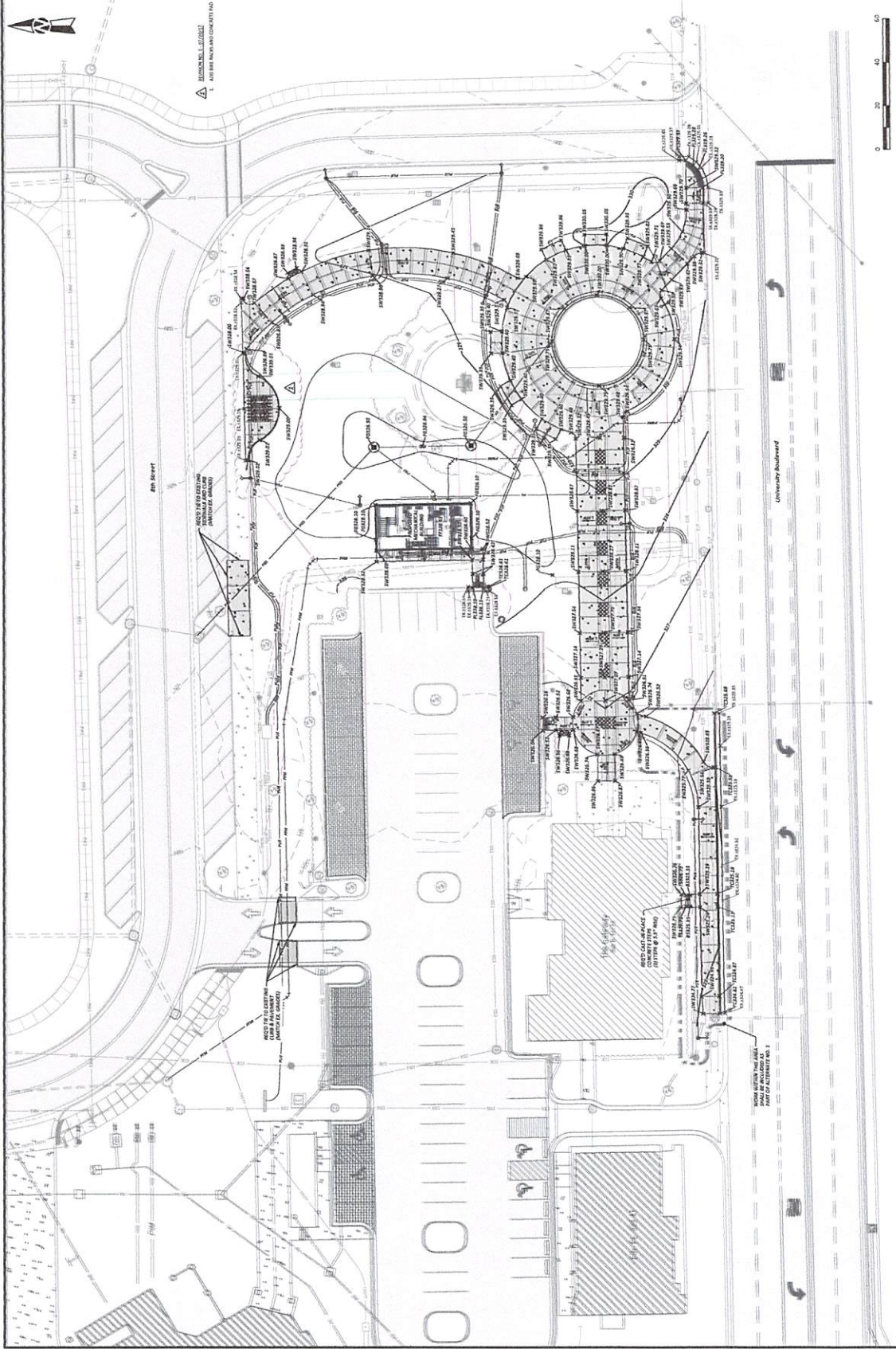
Description: Add concrete pad for bike racks at north side of property adjacent to existing sidewalk. Adjust landscaping locations as required to accommodate new concrete pad.

See attached revised sheets

C2.1, AC01.

Please contact us with any questions.

Jordan C. Morris, Principal
Ward Scott Architecture

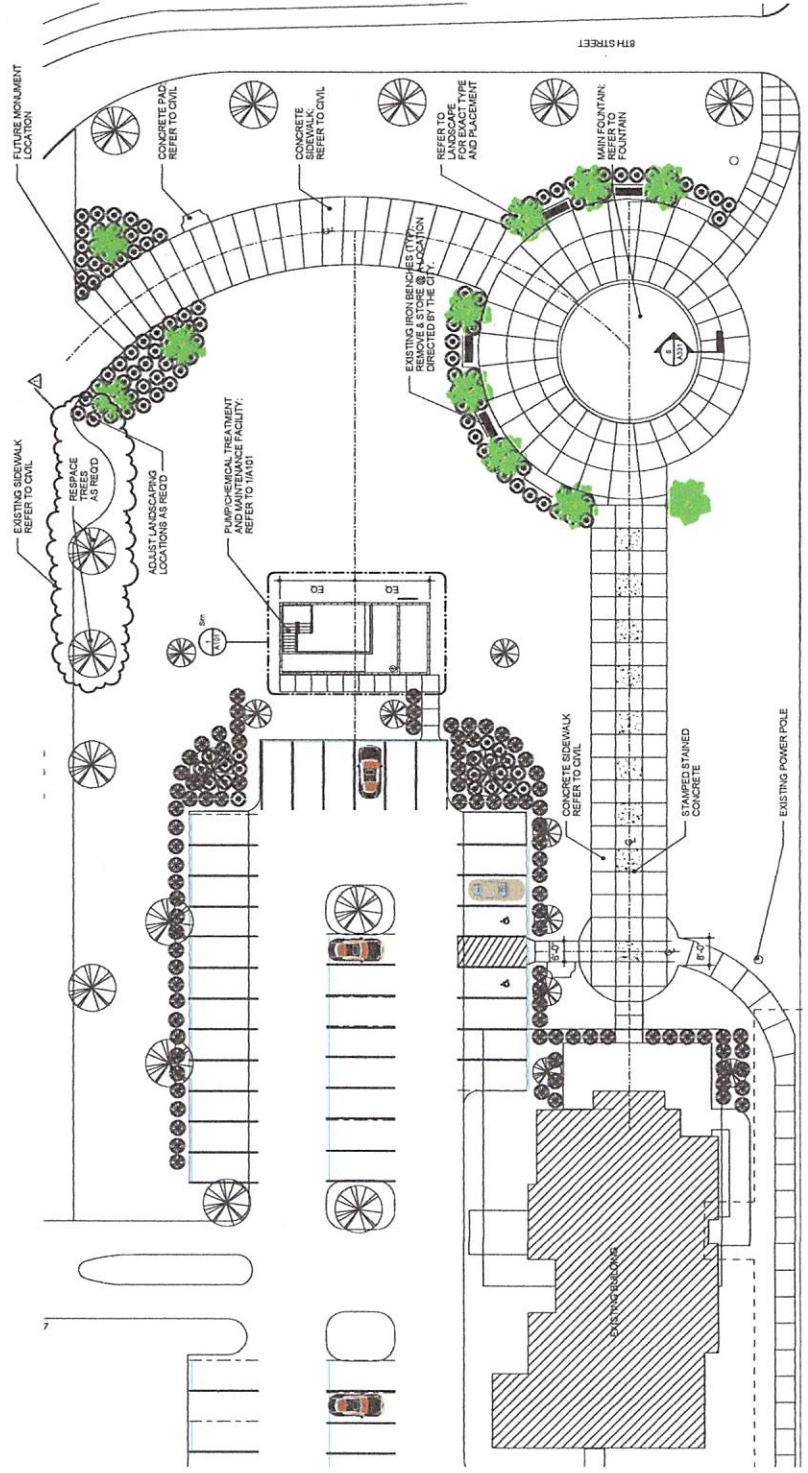


WALKER ASSOCIATES, INC.
 ENGINEERING, PLANNING, AND ARCHITECTURE
 1100 East Park Road NE
 Tuscaloosa, AL 35406
 Phone: 205.343.3778 | 205.343.1170
 Fax: 205.343.3779
 www.walkerai.com
 Created by: M.B.P.
 Date: 08/15/16
 Scale: 1/8" = 1'-0"





- NOTES:**
1. E-W GATEWAY IS FIXED.
 2. N-S OF FOUNTAIN IS FIXED BY LENGTH OF FOUNTAIN.
 3. ALGINS WALK WITH E FOUNTAIN.
 4. STOCKPILE AND REUSE EXISTING CITY WALK BENCHES AND TRASH RECEPTACLES



1 SITE PLAN ALBERTA PARK SCALE: 1/16" = 1'-0"