

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CWE
Requested: Projects Committee
Presentation on: 12/18/18
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR
THE EDGE PROJECT BUSINESS RESOURCE CENTER
(A16-1320/ 2016.142)

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 Dominion Construction, (Contractor's Name); and,

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

Excavate additional existing pavement. Adjustment of quantities to balance the totals and close the project contract.

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 \$54,364.70 (Change Order Cost), time 0 (Calendar day extension of time), and for the reasons so stated,

DEC 17 2018

KF

CONTRACT CHANGE ORDER NO.1 (Final)

City of Tuscaloosa, Office of the City Attorney

DATE: 12/12/18 PROJECT: The Edge Business Resource Center

FILE NO.: A16-1320 ENGINEERING PROJECT NO.: 2016.142

TO: Dominion Construction (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: Excavate additional existing pavement. Adjustment of quantities to balance the totals and close the project contract.

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 (\$864,521.73), LESS CONTINGENCY/ALLOWANCE, NET ORIGINAL CONTRACT PRICE, Net total of previous Change Orders (\$0), Previous revised Contract Price (\$864,521.73), This Change Order No. 1 (Add) (\$54,364.70), Revised Contract Price this date (\$918,886.43).

Extension of time resulting from this Change Order Zero (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

Hudson Insurance Company (Company)

By: Julie Tubbs, Attorney-in-Fact Representative

CONTRACTING PARTIES

Dominion Construction Co., Inc. (Contractor)

By: (Authorized)

RECOMMENDED

By: (Signature)

CITY OF TUSCALOOSA

(Signature)

(Design Engineer or Architect)

By: _____
(Mayor)

CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY

**CHANGE
ORDER
REQUEST**

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: Ward-Scott Architecture

CONTRACTOR: Dominion Construction

PROJECT: The Edge Business Resource Center

FILE NO.: A16-1320 ENGINEERING PROJECT NO.: 2016.142

CHANGE ORDER REQUEST NO. 1 DATE: 12/12/18

1. DESCRIPTION OF CHANGE:

2. CHANGE ORDER COSTS: \$54,364.70

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:
Dominion Construction

4. JUSTIFICATION OF NEED:
Quantity of pavement removal required incorrectly underestimated on bid schedule. Final quantity balancing change order

JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:

Quantity adjustment resulting in a minor contract add.

6. COSTS REVIEW:

See attached

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.
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8. EXTENSION OF TIME REQUESTED: Calendar Days:

Zero (0)

RECOMMENDED:

BY: 
Tuscaloosa's Consulting Engineer/Architect

BY: 
City Representative

APPROVED:

BY: 
Contractor

BY: _____
Owner's Legal Advisor

BY: 
Owner's Authorized Representative



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Joseph D. Fitts, Richard F. Fitts, Charles F. Horton, Jr., Cheryl A. Camak, Timothy L. Donahue and Julie Tubbs

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of Ten Million Dollars (\$10,000,000.00).

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Executive Vice President thereunto duly signed, on this 27th day of July, 2012 at New York, New York.



HUDSON INSURANCE COMPANY

Attest... Dina Daskalakis Assistant Corporate Secretary

[Signature of Dina Daskalakis]

By... Christopher T. Suarez Executive Vice President

[Signature of Christopher T. Suarez]

STATE OF NEW YORK COUNTY OF NEW YORK. SS.

On the 27th day of July, 2012 before me personally came Christopher T. Suarez to me known, who being by me duly sworn did depose and say that he is an Executive Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



ANN M. MURPHY Notary Public, State of New York No. 01MU6067553 Qualified in Nassau County Commission Expires December 10, 2017

[Signature of Ann M. Murphy]

STATE OF NEW YORK COUNTY OF NEW YORK

CERTIFICATION

The undersigned Dina Daskalakis hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company'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 seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

In Witness the hand of the undersigned and the seal of said Corporation this 12th day of December, 2018.



By... Dina Daskalakis, Assistant Corporate Secretary

[Signature of Dina Daskalakis]