

OFFICE OF THE CITY ATTORNEY

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THOMAS D. BOBITT II

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GRANT H. WILSON
KRISTEN L. LOVE
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SCOTT B. HOLMES

CITY OF TUSCALOOSA



LEGAL AFFAIRS ADMINISTRATOR
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September 10, 2015

Rick Deerman
CFM Group
2135 University Blvd. Suite D
Tuscaloosa, AL 35401

RE: Contract for Neighborhood Lakes Cleanout
Our File Number: A15-0201

Dear Mr. Deerman:

Enclosed please find a fully executed contract change order #1 for your files. Please provide a copy to the contractor. If you have any questions or comments, please feel free to contact Kristen Love or Wendy McBride.

Sincerely yours,

A handwritten signature in cursive script that reads "Melinda Causey".

Melinda Causey
Office Administrator

MLC

Enclosure

c: Wendy McBride, Office of the City Engineer
Savannah Howell, Recovery Operations

GDW

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR
 NEIGHBORHOOD LAKES CLEANOUT
 (A15-0201)

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 Double Diamond Construction Co. 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:

Balance the final unit quantities

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 \$14,650.00 (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

DR 2

AV = 34406

By:

Mike Siff
Finance Director

COUNCIL ACTION

Resolution

Ordinance _____

Introduced _____

Passed 9-8-15

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

CONTRACT CHANGE ORDER NO. 1
 City of Tuscaloosa, Office of the City Attorney

DATE: 08/18/15 PROJECT: Neighborhood Lakes Cleanup
 TO: Double Diamond Construction Co., 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:

This change order is necessary to balance the final unit quantities.

TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$	<u>146,500.00</u>
LESS CONTINGENCY/ALLOWANCE	\$	<u>0.00</u>
NET ORIGINAL CONTRACT PRICE	\$	<u>146,500.00</u>
Net total of previous Change Orders	\$	<u>0.00</u>
Previous revised Contract Price	\$	<u>146,500.00</u>
This Change Order No. <u>1</u> <input checked="" type="checkbox"/> Add <input type="checkbox"/> Deduct	\$	<u>14,650.00</u>
Revised Contract Price this date	\$	<u>161,150.00</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 The City of Tuscaloosa, AL

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

Great American Insurance Company
 (Company)
 By: [Signature]
 J. David Hutto, Jr., Attorney-In-Fact

CONTRACTING PARTIES

DOUBLE DIAMOND CONST Co Inc
 (Contractor)
 By: [Signature]
 (Authorized Representative)

RECOMMENDED

By: [Signature]
 R. A. Deerman, PE (CFM Group)
 (Design Engineer or Architect)

CITY OF TUSCALOOSA

By: [Signature]
 (Mayor)

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than ONE

No. 0 16957

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
J. DAVID HUTTO, JR.	BIRMINGHAM, ALABAMA	\$100,000,000

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 17TH day of APRIL 2015



Atty L C B
Assistant Secretary

GREAT AMERICAN INSURANCE COMPANY

David C. Kitchin
Divisional Senior Vice President

DAVID C. KITCHIN (877-577-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 17TH day of APRIL 2015, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



JENNIFER MARIE RIPPY
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 6-20-19

Jenny Rippy

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used 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.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 20 day of AUGUST 2015



Atty L C B
Assistant Secretary

CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY

**CHANGE
ORDER
REQUEST**

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: R. A. Deerman, PE (CFM Group)

CONTRACTOR: Double Diamond Construction Co., Inc.

PROJECT: Neighborhood Lakes Cleanout

CHANGE ORDER REQUEST NO. 1 **DATE:** 08/18/15

1. DESCRIPTION OF CHANGE:

A change order necessary to balance the final unit quantities of the project. This is a balancing change order.

2. CHANGE ORDER COSTS: \$14,650.00

Proposal 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. Excavation / sediment	418.6 CY	\$35.00/CY	---	---	\$14,650.00
b. removal					
c.					
d.					
e.					
f.*					
TOTAL:					\$14,650.00

*If more than 6 items, provide attachments.

3. INSTITUTED BY: Engineer

4. JUSTIFICATION OF NEED: Before / after surveys and unit bid.

5. JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:
Estimated volume in contract versus actual volume removed at unit price.

6. COSTS REVIEW:

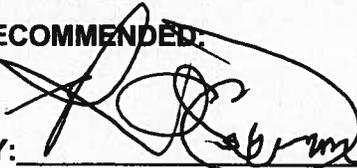
7. THIS CHANGE ORDER IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS THE FOLLOWING TYPE:

- 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.

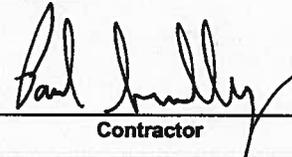
8. EXTENSION OF TIME REQUESTED: Calendar Days:

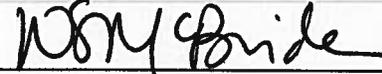
None

RECOMMENDED:

BY: 
Tuscaloosa's Consulting Engineer/Architect

APPROVED:

BY:  DOUBLE DIAMOND CONST. Co., Inc.
Contractor

BY: 
City Representative

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative