

OFFICE OF THE CITY ATTORNEY

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CITY OF TUSCALOOSA



LEGAL AFFAIRS ADMINISTRATOR

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August 15, 2016

Chris Crawford, P.E.
Walker Associates
917 22nd Avenue
Tuscaloosa, Alabama 35401

Sean King
OnePath Systems
2053 Franklin Way
Marietta, Georgia 30067

RE: Contract for City Walk Forest Lake – Fiber/Cabling Infrastructure
Our File Number: A15-0551

Dear Gentlemen:

Enclosed please find a fully executed contract change order number 2 for your files. If you have any questions or comments, please feel free to contact Kristen Love or Wendy McBride.

Sincerely yours,

A handwritten signature in blue ink that reads "Melinda Hudgins". The signature is written in a cursive style.

Melinda Hudgins
Office Administrator

MLH

Enclosure

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

BDW

RESOLUTION

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR
CITY WALK-FOREST LAKE SECTION-FIBER/CABLING INFRASTRUCTURE
SYSTEM & TERMINATION HARDWARE
(A15-0551)**

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 Onepath Systems, LLC; and,

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

Furnish the necessary labor, materials and equipment to:

Remove Alternate No. 1 – Phase 2 work from the project scope and 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 deductive amount of

\$29,945.00 (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

By: _____
Finance Director

COUNCIL ACTION

Resolution _____ ✓
Ordinance _____
Introduced _____
Passed _____ 8-9-16
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

CONTRACT CHANGE ORDER NO. 2

City of Tuscaloosa, Office of the City Attorney

DATE: July 6, 2016
PROJECT: CITYWALK - FOREST LAKE SECTION - FIBER / CABLING INFRASTRUCTURE SYSTEM AND TERMINATION HARDWARE
TO: Onepath Systems, LLC (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:

- Remove Alternate No. 1 - Phase 2 work from the project scope and 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 (\$171,445.00), LESS CONTINGENCY/ALLOWANCE (\$0), NET ORIGINAL CONTRACT PRICE (\$171,445.00), Net total of previous Change Orders (\$13,148.35), Previous revised Contract Price (\$184,593.35), This Change Order No. 2 (Add/Deduct), Revised Contract Price this date (\$154,648.35).

Extension of time resulting from this Change Order - 170 - (Indicate number of calendar days).

The amount of this Change Order will be the responsibility of The City of Tuscaloosa, Alabama

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

(Company)

Onepath Systems, LLC (Contractor)

By:

By: [Signature] (Authorized Representative)

RECOMMENDED

CITY OF TUSCALOOSA

By: WALKER ASSOCIATES, INC.

By: [Signature] (Mayor)

CITY OF TUSCALOOSA
OFFICE OF THE CITY ATTORNEY

**CHANGE
ORDER
REQUEST**

OWNER: CITY OF TUSCALOOSA

ARCHITECT/ENGINEER: WALKER ASSOCIATES, INC.

CONTRACTOR: ONEPATH SYSTEMS, LLC

PROJECT: CITYWALK – FOREST LAKE SECTION – FIBER /
CABLING INFRASTRUCTURE SYSTEM AND TERMINATION HARDWARE

CHANGE ORDER REQUEST NO. 2 - Final DATE: 7/6/2016

1. DESCRIPTION OF CHANGE:
-Deductive Change Order to remove Phase 2 Work from the Contract.

2. CHANGE ORDER COSTS: Twenty nine thousand nine hundred forty five dollars and 00/100 (\$29,945.00)

Proposal Attached N/A 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. Alternate No. 1	1 LS	N/A	N/A	N/A	\$29,945.00
b.					
c.					
d.					
e.					
f.*					
TOTAL:					\$29,945.00

*If more than 6 items, provide attachments.

3. INSTITUTED BY: CITY OF TUSCALOOSA

4. JUSTIFICATION OF NEED: Property has not been acquired for the Phase 2 work and the work will be moved to a separate City project.

5. **JUSTIFICATION OF CHANGE ORDER VERSUS COMPETITIVE BIDDING:** This change removes the alternate part of the bid that was in place related to the property for the permanent location of the fiber connection.

6. **COSTS REVIEW:** Reviewed by Walker Associates, Inc.

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

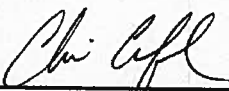
- Minor change of a total monetary value less than required for competitive bidding.
- Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- Emergencies arising during the course of work.
- Change 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: One Hundred Seventy (170) Calendar Days

Days were added due to loss of work time awaiting warranty improvements from a separate City project to be completed on the project site.

RECOMMENDED:

APPROVED:

BY: 
Tuscaloosa's Consulting Engineer/Architect
Chris Crawford, P.E. Walker Associates, Inc.

BY: 
Contractor - Derrick Dunkin, Onepath Systems, LLC.

BY: _____
City Representative

BY: _____
Owner's Legal Advisor

BY: _____
Owner's Authorized Representative



2890 Rice Mine Road NE
Tuscaloosa, AL 35406
P (205) 561-3778 | F (205) 561-3779

August 2, 2016

Ms. Savannah Howell
City of Tuscaloosa Office of Resiliency and Innovation
2201 University Boulevard
Tuscaloosa, Alabama 35401

Via Electronic Delivery: showell@tuscaloosa.com

RE: Citywalk Fiber Cabling Infrastructure – Pay Request No. 4 (FINAL)

Dear Savannah,

Please find the enclosed Application and Certification for Payment No. 4 - FINAL for the above referenced project. We have reviewed the estimate and are in agreement for payment by the City of Tuscaloosa at this time.

If you need any additional information or have any questions, please let me know.

Sincerely,
WALKER ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Chris Crawford', is written over the typed name.

Chris Crawford, PE
Associate

attachments: Application and Certification for Payment No. 4, Schedule of Values, SOV Detail, and Certified Payroll

cc: File



APPLICATION AND CERTIFICATE FOR PAYMENT

TO (OWNER): City of Tuscaloosa
c/o Walker Assoc./TALA

PROJECT: CityWalk- Forest Lake Section

APPLICATION NO: 4

PERIOD TO: 7/13/2016

FROM (CONTRACTOR): Onepath Systems, LLC
2053 Franklin Way SE
Marietta, GA 30067-8712
CONTRACT FOR: Fiber Project PH-1 And PH-2

VIA (ARCHITECT):

ARCHITECT'S
PROJECT NO:

CONTRACT DATE: 7/1/2015

CONTRACTOR'S APPLICATION FOR PAYMENT

Application for the below Payment is made in connection with the Contract.

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner			
CO#1	12/04/2016	\$13,148.35	\$0.00
TOTAL		\$13,148.35	\$0.00
Approved this month			
Number	Date Approved		
CO#2	7/2016	\$0.00	\$29,945.00
TOTALS		\$13,148.35	\$29,945.00
Net change by Change Orders			(\$16,796.65)

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: STB Date 7/13/2016

1. ORIGINAL CONTRACT SUM ..	\$171,445.00
2. Net change by Change Orders ..	(\$16,796.65)
3. CONTRACT SUM TO DATE (Line 1 + 2) ..	\$154,648.35
4. TOTAL COMPLETED & STORED TO DATE ..	\$154,648.35
(Column G on OS703)	
5. RETAINAGE:	
a. 5% of Completed Work ..	\$4,387.00
(Column D + E on OS703)	
b. 5% of Stored Material ..	\$
(Column F on OS703)	
Total Retainage (Line 5a + 5b or Total in Column I of OS703) ..	\$4,387.00
6. TOTAL EARNED LESS RETAINAGE ..	\$150,261.35
(Line 4 less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) ..	\$126,913.85
8. CURRENT PAYMENT DUE ..	\$23,347.50
9. BALANCE TO FINISH, PLUS RETAINAGE ..	\$4,387.00
(Line 3 less Line 6)	

State of: _____ County of: _____
Subscribed and sworn to before me this _____ day of _____,
Notary Public:
My Commission expires:

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED .. \$27,734.50
(Attach explanation if amount certified differs from the amount applied for)
ARCHITECT:

By: _____ Date: _____
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Tuscaloosa CityWalk- Forest Lake Section Fiber Project
Schedul Of Values- BASE BID PHASE 1 AND PHASE 2
Pay Request # _4_

Item Number	Contract Item Description	Orig. Contract Amount	Change Order Amount	New Contract Amount	Amount Billed This Invoice	Amount Billed Previously	Amount Billed to Date	5% Retainage This Invoice	5% Retainage To Date	Percent Invoiced To Date	Remaining Balance
1	PH 1 / Mobilization/Material Storage Unit- 7.00%	\$9,905.00		\$9,905.00	\$0.00	\$9,905.00	\$9,905.00	\$495.00	\$495.00	100.00%	\$495.00
2	PH 1 / Materials-(Fiber & Cat-6 Ca., Cabinet, Hardware Eqmt.)- 50.00%	\$70,750.00		\$70,750.00	\$0.00	\$70,750.00	\$70,750.00	\$3,538.00	\$3,538.00	100.00%	\$3,538.00
3	PH 1 / Labor- Bore and Install Conduit- 5.00%	\$7,075.00		\$7,075.00	\$0.00	\$7,075.00	\$7,075.00	\$354.00	\$354.00	100.00%	\$354.00
4	PH 1 / Labor- Install Fiber Backbone Cabling- 4.00%	\$5,660.00		\$5,660.00	\$0.00	\$5,660.00	\$5,660.00	\$0.00	\$0.00	100.00%	\$0.00
5	PH 1 / Labor- Install Fiber Drop Cabling to IT-Cab on Poles- 4.00%	\$5,660.00		\$5,660.00	\$0.00	\$5,660.00	\$5,660.00	\$0.00	\$0.00	100.00%	\$0.00
6	PH 1 / Labor- Install Copper Cat-6 Cabling in Poles- Copper Enclosures and Terminations- 7.00%	\$9,905.00		\$9,905.00	\$9,905.00	\$0.00	\$9,905.00	\$0.00	\$0.00	100.00%	\$0.00
7	PH 1 / Labor- Install Fiber Optic Enclosures and Terminations- 6.00%	\$8,490.00		\$8,490.00	\$0.00	\$8,490.00	\$8,490.00	\$0.00	\$0.00	100.00%	\$0.00
8	PH 1 / Labor- Install/Perform Fiber Optic Splicing Operations- 5.00%	\$7,075.00		\$7,075.00	\$0.00	\$7,075.00	\$7,075.00	\$0.00	\$0.00	100.00%	\$0.00
9	PH 1 / Labor- Complete all Copper Cat-6 and Fiber Optic Testing- 5.00%	\$7,075.00		\$7,075.00	\$3,537.50	\$3,537.50	\$7,075.00	\$0.00	\$0.00	100.00%	\$0.00
10	PH 1 / Project Labor- Provide all Testing Reports/ As-Built Close Out Documents and Complete all Inspection Punch List Items-	\$9,905.00		\$9,905.00	\$9,905.00	\$0.00	\$9,905.00	\$0.00	\$0.00	100.00%	\$0.00
11	PH 2 / Materials-(Fiber & Cat-6 Ca., Cabinet, Hardware Eqmt.)- 50.00% Changed in CO#2-7/16.	\$14,972.50	-\$14,972.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
12	PH 2 / Labor- Install Fiber Backbone Cabling- 10.00% Changed in CO#2-7/16.	\$2,994.50	-\$2,994.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
13	PH 2 / Labor- Install/Perform Fiber Optic Splicing Operations/ Install Fiber Optic Enclosures and Terminations- 10.00% Changed in CO#2-7/16.	\$2,994.50	-\$2,994.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
14	PH 2 / Labor- Telecomm. Room Build Out (Eqmt. Cabinets/ Ladder Tray Systems)- 10.00% Changed in CO#2-7/16.	\$2,994.50	-\$2,994.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
15	PH 2 / Labor- Install Copper Cat-6 Cabling in Confort Center- Copper Enclosures and Terminations- 10.00% Changed in CO#2-7/16.	\$2,994.50	-\$2,994.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
16	PH 2 / Labor- Complete all Copper Cat-6 and Fiber Optic Testing/ Provide all Testing Reports/ As-Built Close Out Documents and Complete all Inspection Punch List Items- 10.00% Changed in CO#2-7/16.	\$2,994.50	-\$2,994.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00
17	Change Order #1 - New Pathway Installation and Fiber Route Change		\$13,148.35	\$13,148.35	\$0.00	\$13,148.35	\$13,148.35	\$0.00	\$0.00	100.00%	\$0.00
	Contract Totals	\$171,445.00	-\$16,796.65	\$154,648.35	\$23,347.50	\$131,300.85	\$154,648.35	\$4,387.00	\$4,387.00	100.00%	\$4,387.00

SCHEDULE OF VALUES

ESTIMATE No. 4

ATTACHEMENT TO CERTIFICATE FOR PAYMENT PH-1 AND PH-2

Date: 7/13/2016

B. C. No. _____

TO: OWNER		PROJECT:		
City of Tuscaloosa c/o Walker Assoc./TALA		CityWalk- Forest Lake Section Fiber Infrastructure Project- Base Bid/Phase 1 and Phase2		
FROM: CONTRACTOR				
Onepath Systems, LLC 2053 Franklin Way SE Marietta, GA 30067-8712 FEIN/SS <u>20-4040296</u>				
ITEM NO.	BASE BID CONTRACT/PHASE 1- DESCRIPTION OF WORK ITEMS	SCHEDULED VALUE	% COMPLETE	AMOUNT COMPLETE
1	PH1 / Project Mobilization/Material Storage Unit- 7.00%	\$9,905.00	100.00%	\$9,905.00
2	PH1 / Project Materials-(Fiber & Cat-6 Ca., Cabinet, Hardware Eqmt.)- 50	\$70,750.00	100.00%	\$70,750.00
3	PH1 / Project Labor- Bore and Install Conduit- 5.00%	\$7,075.00	100.00%	\$7,075.00
4	PH1 / Project Labor- Install Fiber Backbone Cabling- 4.00%	\$5,660.00	100.00%	\$5,660.00
5	PH1 / Project Labor- Install Fiber Drop Cabling to IT-Cab on Poles- 4.00%	\$5,660.00	100.00%	\$5,660.00
6	PH1 / Project Labor- Install Copper Cat-6 Cabling in Poles- Copper Enclosures and Terminations- 7.00%	\$9,905.00	100.00%	\$9,905.00
7	PH1 / Project Labor- Install Fiber Optic Enclosures and Terminations-	\$8,490.00	100.00%	\$8,490.00
8	PH1 / Project Labor- Install/Perform Fiber Optic Splicing Operations-	\$7,075.00	100.00%	\$7,075.00
9	PH1 / Project Labor- Complete all Copper Cat-6 and Fiber Optic Testing-	\$7,075.00	100.00%	\$7,075.00
10	PH1 / Project Labor- Provide all Testing Reports/ As-Built Close Out Documents and Complete all Inspection Punch List Items- 7.00%	\$9,905.00	100.00%	\$9,905.00
11	PH2 / Project Materials-(Fiber & Cat-6 Ca., Cabinet, Hardware Eqmt.)- 50.00% Changed in CO#2-7/16. -\$14,972.50	\$0.00	0.00%	\$0.00
12	PH2 / Project Labor- Install Fiber Backbone Cabling- 10.00% Changed in CO#2-7/16. -\$2,994.50	\$0.00	0.00%	\$0.00
13	PH2 / Project Labor- Install/Perform Fiber Optic Splicing Operations/ Install Fiber Optic Enclosures and Terminations- 10.00% Changed in CO#2-7/16. -\$2,994.50	\$0.00	0.00%	\$0.00
14	PH2 / Project Labor- Telecomm. Room Build Out (Eqmt. Cabinets/ Ladder Tray Systems)- 10.00% Changed in CO#2-7/16. -\$2,994.50	\$0.00	0.00%	\$0.00
15	PH2 / Project Labor- Install Copper Cat-6 Cabling in Confort Center- Copper Enclosures and Terminations- 10.00% Changed in CO#2-7/16. -\$2,994.50	\$0.00	0.00%	\$0.00
16	PH2 / Project Labor- Complete all Copper Cat-6 and Fiber Optic Testing/ Provide all Testing Reports/ As-Built Close Out Documents and Complete all Inspection Punch List Items- 10.00% Changed in CO#2-7/16. -\$2,994.50	\$0.00	0.00%	\$0.00
17	Change Order #1 for New Pathway Installation and Fiber Route Change	\$13,148.35	100.00%	\$13,148.35
TOTALS THIS PAGE		\$154,648.35	100.00%	\$154,648.35