CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:
Finance

Agenda Item Type
Resolution

Subject Matter:

Approval of agreement

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Change Order #9 to the agreement with Vratsinas Construction Company (VCC) with architectural support from Matheny Goldmon Architects for the Von Braun Center Renovations.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

Routine Procurement Function: Change decreases contract in the amount of $74,000.00.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:_____

Date: 5/21/12

revised 4/13/2011

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: **Finance** Council Meeting Date: **5/24/2012**

Department Contact: **Cecilia Summers** Phone # **427-5060**

Contract or Agreement: **Agreement with VCC Change Order #9**

Document Name: **2012052VCCpro**

City Obligation Amount:

Total Project Budget: **24,194,576.00**

Uncommitted Account Balance:

Account Number:

Procurement Agreements

Title 41	**Competitive**

Grant-Funded Agreements

Not Applicable	**Grant Name:**

Department	Signature	Date
1) Originating		5/21
2) Legal		5-22-12
3) Finance		5/21
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

Revised 04/15/2011

RESOLUTION NO. 2012-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Vratsinas Construction Company (VCC) with architectural support from Matheny Goldmon Architects for the Von Braun Center Renovations, approved and executed by the City of Huntsville, Huntsville, Alabama on the 8th day of October, 2009, be and the same is hereby amended as is reflected on Change Order Number 9 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount is amended from Twenty-Four Million Two Hundred Sixty Eight Thousand Five Hundred Seventy Six dollars and No/100s (24,268,576.00)to Twenty-Four Million One Hundred Ninety Four Thousand Five Hundred Seventy Six dollars and No/100s (24,194,576.00)including these Change Order Number 9 in the deduct amount of Seventy Four Thousand Dollars and No/100s (74,000.00), and said Change Orders are substantially in words and figures as attached hereto and identified as "Change Order Number 9" to the contract for the Von Braun Center Renovations consisting of three pages (3), including Summary Sheet together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the office of the City Clerk Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 24th day of May, 2012.

_____
President of the City Council of
The City of Huntsville, Alabama

ADOPTED this the 24th day of May, 2012.

_____
Mayor of the City of Huntsville,
Alabama

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 9

DATE: May 8, 2012

PROJECT: Von Braun Center

TO: Vratsinas Construction Company (VCC) (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 Complete Change Order Request # 307 (Description of work to be done or changes to be made)

Note: Funding for the change order to come from ADA Remediation Project funding. This is because the change in scope is necessitated by the parameters set forth by the lawsuit agreement addressed in the ADA Remediation Project.

TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions).

For this Change $ ($74,000.00)	$ (74,000.00)
ORIGINAL CONTRACT PRICE	$ 23,264,263.00
REVISED CONTRACT PRICE ($15,182 for insurance revision per COH)	$ 23,249,081.00
Net total previous Change Orders	$ 1,019,495.00
Previous revised Contract Price	$ 24,268,576.00
This Change Order No. 9 ADD (DEDUCT)	$ (74,000.00)
Revised Contract Price this date	$ 24,194,576.00

Extension of time resulting from this Change Order N/A (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of City of Huntsville.

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 fie any father 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

Travelers Casualty & Surety Company of America
(Company)

By _____
(Authorized Representative)
Kevin M. Neidert, Attorney-in-Fact

RECOMMENDED

By _____
H. Paul Matheny
Matheny Goldmon Architects

By _____
Steve Maples
Von Braun Center – Executive Director

By _____
Doug Jeffords
Von Braun Center – Owners Representative

CONTRACTING PARTIES

Vratsinas Construction Company (VCC)
(Contractor)

By _____
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____

Excellence in Construction

Atlanta
5 Concourse Parkway
Suite #2350
Atlanta, GA 30328
P 770.225.1900
F 770.225.1921
vccusa.com

Via email - jhunkapiller@vonbrauncenter.com

April 24, 2012

Mr. Johnny Hunkapiller
Von Braun Center
700 Monroe Street
Huntsville, AL 35801

RE: VCC Project 1824
Von Braun Center Renovations
Huntsville, AL
Change Order Request #307
CCR Item #420

Dear Johnny:

Per the scope changes we submit Change Order Request #307 in the amount of ($74,000) (Seventy-Four Thousand and 00/100 Dollars) for the above referenced project.

Due to the Hamilton Masonry contract default some of the Arena sidewalks were poured and placed during winter conditions causing problems with curing and discoloration. As a result, VCC offered the following credit in final settlement of this issue with VBC in lieu of replacing said sidewalks.

1. Arena sidewalk credit $ (74,000)

Should you have any questions or require additional information, please contact me.

If you approve of this change order request and authorize VCC to proceed, please sign below and return one copy for our files.

_____
Change Order Request #307

Sincerely,

VCC ATLANTA

Charles Lee

4/30/12

4/30/12

4/30/12

cc:
John Edminson - via email jedminson@vccusa.com
Essa Alley - via email ealley@vccusa.com

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 222641

Certificate No. 004697039

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Betsy J. Holmes, Brian K. Hughes, Karen A. Maynard, Kevin M. Neidert, Michael L. Angel, Michael S. Brickner, P.D. Yates III, P.D. Yates Jr., Tamara Hendrix, Daniel Yates, Alan R. Yates, Gary Spuller, Marie M. Hartley, Robert N. Reynolds, and Dana D. Rutledge

of the City of Atlanta, State of Georgia, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 17th day of January, 2012.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 17th day of January, 2012, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.

Marie C. Tetreault, Notary Public

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