

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: **Projects Management**

Council Meeting Date: **2/13/2013**

Department Contact: **Chris O'Neil**

Phone # **256-427-5281**

Contract or Agreement: **Agreement**

Document Name: **Resolution authorizing Change Order #1 for Traffic Engineering Offices & Generator**

City Obligation Amount: **\$21,267.85**

Total Project Budget:

Uncommitted Account Balance:

Account Number: **23-6400-0824-8136**

Procurement Agreements

Select...	Select...
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Grant-Funded Agreements

Select...	Grant Name:
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Department	Signature	Date
1) Originating		02/01/2013
2) Legal		
3) Finance		
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/13/2013

Action Requested By:
Projects Management

Agenda Item Type
Resolution

Subject Matter:

Resolution Authorizing the Mayor to execute Change Order #1 to the agreement between the City of Huntsville and Metro Commercial Contracting for Traffic Engineering Offices and Emergency Generator located at 2100 Clinton Avenue

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Change Order #1 to the agreement between the City of Huntsville and Metro Commercial Contracting for Traffic Engineering Offices and Emergency Generator located at 2100 Clinton Avenue

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.

Change Order #1 for Traffic Engineering Offices and Emergency Generator located at 2100 Clinton Avenue

Associated Cost: \$21,267.85

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____ Date:

RESOLUTION NO. 2013-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Metro Commercial Contracting, LLC. for the Traffic Engineering Offices and Emergency Generator, located at 2100 Church Street, Huntsville, Alabama approved and executed by the City of Huntsville, Huntsville, Alabama on the 25th day of October, 2012, be and the same is hereby amended as is reflected on Change Order Number 1 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from One Hundred Eighty One Thousand Dollars and No 00/100's (\$181,000.00) to Two Hundred Two Thousand Two Hundred Sixty Seven Dollars and 85/100s (\$202,267.85), including this Change Order Number 1 in the amount of Twenty One Thousand Two Hundred Sixty Seven Dollars and 85/100s (\$21,267.85), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 1" to the contract between City of Huntsville and Metro Commercial Contracting, LLC for Traffic Engineering Offices and Emergency Generator consisting of seven pages (7) 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 _____ day of _____, 2013.

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

ADOPTED this the _____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama

“EXHIBIT B”

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: January 28, 2013

PROJECT: Traffic Engineering Offices & Emergency Generator

TO: Metro Commercial Contracting

(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 1) Replace 4 Cat6 Cables 2) Transfer Switch Platform 3) Moving 6 Switches, patching and painting 4) Generator Platform Modifications 5) Add Door Glass

(Description of work to be done or changes to be made)

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

For this Change \$ <u>21,267.85</u>	\$ <u>21,267.85</u>
ORIGINAL CONTRACT PRICE	\$ <u>181,000.00</u>
Net total previous Change Orders	\$ <u>0</u>
Previous revised Contract Price	\$ <u>181,000.00</u>
This Change Order No. <u>1</u> ADD (DEDUCT)	\$ <u>21,267.85</u>
Revised Contract Price this date	\$ <u>202,267.85</u>

Extension of time resulting from this Change Order 0 (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 file any future 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

Pennsylvania National Mutual Casualty
(Company) Insurance Company

Metro Commercial Contracting
(Contractor)

By Donna J. Lowen
(Authorized Representative)

By Steve Siniard
(Authorized Representative)

RECOMMENDED Donna J. Lowen

CITY OF HUNTSVILLE, ALABAMA

By _____
(Design Engineer or Architect)

By _____
(Its Mayor)

By Richard H. ...
(COH Facilities Project Manager)

By _____
(President of City Council)

By _____
(Director of General Services)

Date _____

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY
Harrisburg, Pennsylvania

POWER OF ATTORNEY

7610

Know All Men By these Presents, That PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint SANDRA P. BUTLER, HAMLIN L. CALDWELL, DONNA J. LOWEN, STEVEN D. MCCURRY, AND BEVERLY A. MITCHELL, ALL OF HUNTSVILLE, ALABAMA (EACH)

its true and lawful Attorney(s)-in-Fact to make, execute, seal and deliver for and on its behalf as surety as its act and deed:

ANY AND ALL BONDS AND UNDERTAKINGS PROVIDED THE AMOUNT OF NO ONE BOND OR UNDERTAKING EXCEEDS THE SUM OF FIVE MILLION DOLLARS (\$5,000,000.00)-----

ALL POWER AND AUTHORITY HEREBY CONFERRED SHALL HEREBY EXPIRE AND TERMINATE WITHOUT NOTICE AT MIDNIGHT OF THE 30TH DAY OF June, 2014, AS RESPECTS EXECUTION SUBSEQUENT THERETO.

And the execution of such bonds in pursuance of these presents shall be as binding upon said Company as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Harrisburg Pennsylvania, in their own proper persons.

This appointment is made by and under the authorization of a resolution adopted by the Board of Directors of the Company on October 24, 1973 at Harrisburg, Pennsylvania which is shown below and is now in full force and effect.

RESOLVED, that (1) the President, any Vice President, the Secretary, or any Department Secretary shall have 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 Company, and affix the Company's seal thereto, bonds, undertakings, recognizance's, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any of such Officers of the Company 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 Company; and (3) the signature of any such Officer or of any Assistant Secretary or Department Assistant Secretary and the Company 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.

In Witness Whereof: PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY has caused these presents to be signed and its corporate seal to be affixed on June 5, 2009.

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY



Karen C. Yarrish

Karen C. Yarrish, Vice-President, Secretary & General Counsel

Commonwealth of Pennsylvania, County of Dauphin - ss:

On June 5, 2009, before me appeared Karen C. Yarrish to me personally known, who being by me duly sworn, did say that she resides in the Commonwealth of Pennsylvania, that she is Vice-President, Secretary & General Counsel of PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, That she is the individual described in and who executed the preceding instrument, and that the seal affixed on said instrument is the corporate seal of said Company, and that said instrument was signed and sealed on behalf of said Company by authority and direction of said Company, and the said office acknowledged said instrument to be the free act and deed of said Company.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cristy M. Daly, Notary Public
City Of Harrisburg, Dauphin County
My Commission Expires Dec. 6, 2011

Member, Pennsylvania Association of Notaries

Cristy M Daly

Notary Public

I, Michael F. Greer, Vice President, Surety & Fidelity of the PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by the said Company, which is still in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said Company on January 29th, 2013

Michael F. Greer
Vice President, Surety & Fidelity

1-23-13 - REVIEWED w/ NO EXCEPTIONS NOTES. RW

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: January 4, 2013 NUMBER: 0045 Revision 1

PROJECT: New offices & emergency generator for Traffic Engineering

OWNER: City of Huntsville

ARCHITECT: Jeffrey Alpha, Architect AIA

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

ADD - Electrical - sealtight for conduits (\$1,298)

DEDUCT - Electrical - concrete pad (\$1,000)

ADD - Service Steel - new generator stand, walks and rail (\$13,362)

ADD - D.A.S. - concrete footings & foundation pad (\$2,666)

1. INITIATED BY: City of Huntsville - Jeffery Alpha

2. OWNERS CLASSIFICATION (Check Appropriate Item):

CONTRACT MODIFICATION

VALUE ENGINEERING OR COST REDUCTION

CHANGES IN PROJECT SCOPE OF WORK

CHANGE ORDER

UNFORESEEN CONDITIONS

TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

MINOR CHANGE OF A MONETARY VALUE LESS THAN \$7,500 AND NOT REQUIRED FOR COMPETITIVE BIDDING.

CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.

EMERGENCIES ARISING DURING THE COURSE OF THE WORK.

CHANGE ORDER FOR 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 IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$16,326 plus 5%

5. TIME EXTENSION IN CALENDAR DAYS: none

6. REVIEWED AND RECOMMENDED BY:

A. ARCHITECT

B. OWNERS PROJECT REPRESENTATIVE

7. APPROVED BY:

CONTRACTOR

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: December 17, 2012 NUMBER: 0034 REVISION 1

PROJECT: New offices & emergency generator for Traffic Engineering
OWNER: City of Huntsville
ARCHITECT: Jeffrey Alpha, Architect AIA
CONTRACTOR: Metro Commercial Contracting, LLC
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Moving 6 switches, patching & painting patched area to match existing
Per Tom Sisco

- 1. INITIATED BY: City of Huntsville - Bob Ratagick
2. OWNERS CLASSIFICATION (Check Appropriate Item):

- CONTRACT MODIFICATION
VALUE ENGINEERING OR COST REDUCTION
CHANGES IN PROJECT SCOPE OF WORK
CHANGE ORDER
X UNFORESEEN CONDITIONS
TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- X MINOR CHANGE OF A MONETARY VALUE LESS THAN \$7,500 AND NOT REQUIRED FOR COMPETITIVE BIDDING.
CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.
EMERGENCIES ARISING DURING THE COURSE OF THE WORK.
CHANGE ORDER FOR 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 IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$1,086.00 plus 10%

5. TIME EXTENSION IN CALENDAR DAYS: none

6. REVIEWED AND RECOMMENDED BY:

A. ARCHITECT

B. OWNERS PROJECT REPRESENTATIVE

Handwritten signatures of Bob Ratagick and Tom Sisco

7. APPROVED BY: CONTRACTOR

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: December 17, 2012 NUMBER: 0073 REVISIONS 1

PROJECT: New offices & emergency generator for Traffic Engineering

OWNER: City of Huntsville

ARCHITECT: Jeffrey Alpha, Architect AIA

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Transfer switch platform:

Materials \$399.50

Labor \$960.00

2 Pipe Ballards \$400.00

1. INITIATED BY: City of Huntsville – Bob Ratagick

2. OWNERS CLASSIFICATION (Check Appropriate Item):

CONTRACT MODIFICATION

VALUE ENGINEERING OR COST REDUCTION

CHANGES IN PROJECT SCOPE OF WORK

CHANGE ORDER

UNFORESEEN CONDITIONS

TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

MINOR CHANGE OF A MONETARY VALUE LESS THAN \$7,500 AND NOT REQUIRED FOR COMPETITIVE BIDDING.

CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.

EMERGENCIES ARISING DURING THE COURSE OF THE WORK.

CHANGE ORDER FOR 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 IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

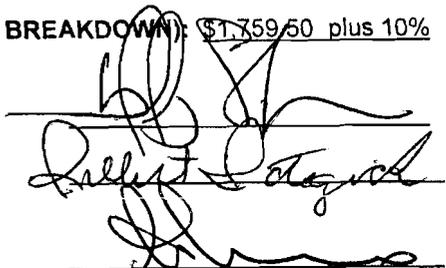
4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$1,759.50 plus 10%

5. TIME EXTENSION IN CALENDAR DAYS: none

6. REVIEWED AND RECOMMENDED BY:

A. ARCHITECT

B. OWNERS PROJECT REPRESENTATIVE



7. APPROVED BY:

CONTRACTOR

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: December 11, 2012 NUMBER: 001 Revision 1

PROJECT: New offices & emergency generator for Traffic Engineering

OWNER: City of Huntsville

ARCHITECT: Jeffrey Alpha, Architect AIA

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
See attached from Crimson Electric Company, Inc. dated 12/11/12

- 1. INITIATED BY: City of Huntsville - Jeffrey Alpha
- 2. OWNERS CLASSIFICATION (Check Appropriate Item):

CONTRACT MODIFICATION

- VALUE ENGINEERING OR COST REDUCTION
- CHANGES IN PROJECT SCOPE OF WORK
- CHANGE ORDER
- UNFORESEEN CONDITIONS
- TECHNICAL COORDINATION

- 3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- MINOR CHANGE OF A MONETARY VALUE LESS THAN \$7,500 AND NOT REQUIRED FOR COMPETITIVE BIDDING.
- CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.
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- CHANGE ORDER FOR 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 IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.

4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$605.00 plus 10%

5. TIME EXTENSION IN CALENDAR DAYS: none

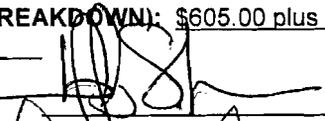
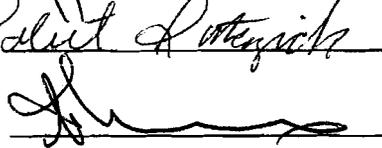
6. REVIEWED AND RECOMMENDED BY:

A. ARCHITECT

B. OWNERS PROJECT REPRESENTATIVE

7. APPROVED BY:

CONTRACTOR

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: January 14, 2013 NUMBER: 00**6**

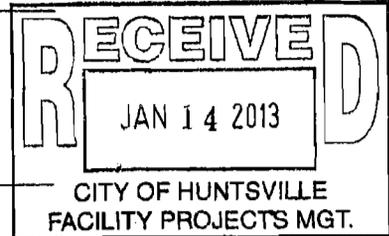
PROJECT: New offices & emergency generator for Traffic Engineering

OWNER: City of Huntsville

ARCHITECT: Jeffrey Alpha, Architect AIA

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
ADD 10x10 rated frame and wire glass



- 1. INITIATED BY: City of Huntsville - Jeffery Alpha
- 2. OWNERS CLASSIFICATION (Check Appropriate Item):

- CONTRACT MODIFICATION
- VALUE ENGINEERING OR COST REDUCTION
 - CHANGES IN PROJECT SCOPE OF WORK
 - CHANGE ORDER
 - UNFORESEEN CONDITIONS
 - TECHNICAL COORDINATION

3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- MINOR CHANGE OF A MONETARY VALUE LESS THAN \$7,500 AND NOT REQUIRED FOR COMPETITIVE BIDDING.
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4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$300.00 + 10%

5. TIME EXTENSION IN CALENDAR DAYS: none

6. REVIEWED AND RECOMMENDED BY:

A. ARCHITECT

B. OWNERS PROJECT REPRESENTATIVE

7. APPROVED BY:

CONTRACTOR