

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 8/8/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Agreement with Uretex USA, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to amend the contract with Uretex USA, Inc. for Redstone Gateway Box Culvert Weep Hole Plugging and Sealing, Project No. 65-13-SP06, by Change Order No. 1

12-1069

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 is needed to adjust for final quantities over estimated quantities. Change Order decreases contract amount by \$5,349.21. Account No. 05-6500-0811-2035

Associated Cost: (\$5,349.21)

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Martin

Date:

revised 3/12/2012

PK
7-22-13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **8/8/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Change Order No. 1**

Document Name: **Uretek-Redstone Gateway Weep Hole Sealing-Project No. 65-13-SP06**

City Obligation Amount: **(\$5,349.21)**

Total Project Budget: **\$15,615.79**

Uncommitted Account Balance: **0**

Account Number: **05-6500-0811-2035**

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Marti</i>	7/24/13
2) Legal	<i>Mary Clater</i>	7/31/13
3) Finance	<i>[Signature]</i>	8/1
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama that the contract with Uretek USA, Inc., adopted and approved on the 20th day of December, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-1069, is hereby amended as is reflected on Change Order #1 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is amended from TWENTY THOUSAND NINE HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$20,965.00) to FIFTEEN THOUSAND SIX HUNDRED FIFTEEN AND .79/100 DOLLARS (\$15,615.79), including this change order, a decrease of FIVE THOUSAND THREE HUNDRED FORTY-NINE AND .21/100 DOLLARS (\$5,349.21). Said change order is substantially similar in words and figures as that document attached hereto and identified as "Change Order No. 1 to Contract with Uretek USA, Inc. for Redstone Gateway Box Culvert Weep Hole Plugging and Sealing, Project No. 65-13-SP06, as adopted by Resolution No. 12-1069 of December 20, 2012" consisting of two (2) pages plus four (4) additional page consisting of "Power of Attorney" and the date of August 8, 2013, appearing on the margin of the first page, together with the signature of the President of the City Council, 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 8th day of August, 2013.

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

APPROVED this the 8th day of August, 2013.

Mayor of the City of Huntsville,
Alabama

CHANGE ORDER REQUEST

OWNER City of Huntsville	ARCHITECT/ENGINEER	CONTRACTOR Uretek USA, Inc.
DATE 8/8/2013	CHANGE ORDER NO. 1	
PROJ. NAME & NUMBER Redstone Gateway Box Culvert Weep Hole Plugging and Sealing, Project No. 65-13-SP06		

TERMS: As a condition of this contract, pursuant to § 31-13-9(a), Contractor hereby certifies that it has not knowingly employed, hired for employment, or continues to employ an unauthorized alien and has attested to such by sworn affidavit signed before a notary. Further, Contractor provided a copy of such affidavit to the City of Huntsville as part of its contract, along with documentation establishing that Contractor is enrolled in the E-Verify program, and will maintain enrollment throughout the term of this contract. You are hereby authorized, subject to the provisions of your contract for this project, to make the following changes thereto in accordance with this Change Order Request and supporting documents and to furnish the necessary labor, materials and equipment to:

Adjust for actual quantities over estimated quantities

THIS CHANGE ORDER SUBMITTED FOR REVIEW AND APPROVAL. JUSTIFICATION IS AS FOLLOWS:

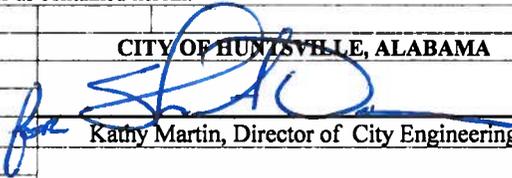
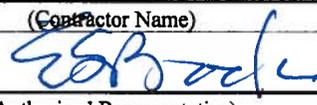
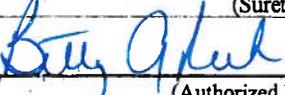
	Emergencies arising during the course of work.
	Minor changes of total monetary value and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work and less than required for competitive bidding.
	Change of or alternates provided for in the original bidding where there is no difference in price of the Change Order from the original best bid on the alternate.
X	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.

TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions). (See attached sheet for line item breakdown of change order costs.)

For This Change Order	1	Deduct	-\$5,349.21
Original Contract Price			\$20,965.00
Net Total Previous Change Orders			\$0.00
Previous Revised Contract Price			\$20,965.00
Revised Contract Price This Date			\$15,615.79

EXTENSION OF TIME resulting from this Change Order is 0 additional days.

This contract modification constitutes full and mutual accord and satisfaction for all time and all costs related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment of the Contract, and further, agrees to waive all right to file for 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 for the Change Order as contained herein.

CONTRACTOR Uretek USA, Inc. (Contractor Name)	CITY OF HUNTSVILLE, ALABAMA  Kathy Martin, Director of City Engineering
 (Authorized Representative)	Tommy Battle, Mayor
CONSENT OF SURETY Western Surety Company (Surety Name)	Mark Russell, Council President
 (Authorized Representative) attorney in fact Bond # 429563104	8/8/2013 (Date)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Pat J Moore, Gary W Wheatley, Bryan K Moore, Clark D Fresher, Betty J Reeh, Individually, of San Antonio, TX
Michael D Hendrickson, Individually, of Irving, TX

its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 26th day of June, 2013.



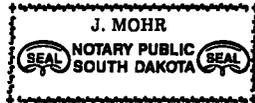
WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 26th day of June, 2013, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
June 23, 2015



J. Mohr
J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 31st day of July, 2013.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.



Western Surety Company

Figure: 28 TAC §1.601(a)(3)

1 IMPORTANT NOTICE

To obtain information or make a complaint:

2 You may contact Western Surety Company at 605-336-0850.

3 You may call Western Surety Company's toll-free telephone number for information or to make a complaint at:

1-800-331-6053

4 You may also write to Western Surety Company at:

P.O. Box 5077
Sioux Falls, SD 57117-5077

5 You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

6 You may write the Texas Department of Insurance:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-Mail: ConsumerProtection@tdi.state.tx.us

7 PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact Western Surety Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

8 ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Puede comunicarse con Western Surety Company al 605-336-0850.

Usted puede llamar al numero de telefono gratis de Western Surety Company's para informacion o para someter una queja al:

1-800-331-6053

Usted tambien puede escribir a Western Surety Company:

P.O. Box 5077
Sioux Falls, SD 57117-5077

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-Mail: ConsumerProtection@tdi.state.tx.us

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concniente a su prima o a un reclamo, debe comunicarse con el Western Surety Company primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA: Este aviso es

solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

State of Texas

Claim Notice Endorsement

To be attached to and form a part of Bond No. 929563104 _____.

In accordance with Section 2253.021(f) of the Texas Government Code and Section 53.202(6) of the Texas Property Code any notice of claim to the named surety under this bond(s) should be sent to:

**CNA Surety
333 South Wabash
Chicago, IL 60604**

Telephone: (312) 822-5000