CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 12/19/2013

Action Requested By:
Projects Management

Agenda Item Type
Resolution

Subject Matter:

Resolution Authorizing the Mayor to execute Change Order #1 (Final) to the agreement between the City of Huntsville and McDonald Brothers Construction Inc for Cove Park Soccer Fields located at 864 Old 431 Highway.

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Change Order #1 (Final) to the agreement between the City of Huntsville and McDonald Brothers Construction Inc for Cove Park Soccer Fields located at 864 Old 431 Highway.

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 (Final) for Cove Park Soccer Fields located at 864 Old 431 Highway. The improvements to the parking lot were based upon unit prices that were accepted with the Base Bid and Alternate 1 at the August 9, 2012 Council meeting per Res.12-715.

Associated Cost: 159,609.35

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____

Date: 11/24/13

revised 3/12/2012

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: **Projects Management** Council Meeting Date: 12/19/13

Department Contact: **Chris O'Neil** Phone # **256-427-5281**

Contract or Agreement: **Agreement**

Document Name: **Cove Park Soccer Fields Change Order #1-McDonald Brothers Construction**

City Obligation Amount: **$159,609.35**

Total Project Budget:

Uncommitted Account Balance:

Account Number: **23-7200-0811-8454**

Procurement Agreements

Select...	Select...

Grant-Funded Agreements

Select...	Grant Name:

Department	Signature	Date
1) Originating		11/15/13 11/24/13
2) Legal		
3) Finance		12/3/13
4) Originating		11.22.13
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

Revised 04/15/2011

RESOLUTION NO. 2013-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with McDonald Brothers Construction Inc., for construction services of Cove Park Soccer Fields at located at 864 Old 431 Highway, approved and executed by the City of Huntsville, Huntsville, Alabama on the 9th day of August, 2012 be and the same is hereby amended as is reflected on Change Order Number 1 (Final)attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Four Hundred Sixteen Thousand Two Hundred Twenty Five Dollars and No/100s ($416,225.00)to Five Hundred Seventy Five Thousand Eight Hundred Thirty Four Dollars and 35/100s ($575,834.35), including this Change Order Number 1 (Final)in the amount of One Hundred Fifty Nine Thousand Six Hundred Nine Dollars and 35/100s ($159,609.35), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 1" to the contract for the Construction services of the Cove Park Fields at 864 Old 431 Highway consisting of two pages (2) 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: 12.5.93

PROJECT: Cove Park Soccer Fields

TO: McDonald Brothers Construction, 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 1) Booster pump for Irrigation Systems 2)Parking Lot Improvements

(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 $ 159,609.35	$ 159,609.35
ORIGINAL CONTRACT PRICE	$ 416,225.00
Net total previous Change Orders	$ 0
Previous revised Contract Price	$ 0
This Change Order No. 1 ADD (DEDUCT)	$ 159,609.35
Revised Contract Price this date	$ 575,834.35

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 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

Merchants Bonding Company (Mutual)
Company)

By Evandia H. Woessner
(Authorized Representative) Evandia H. Woessner, Attorney in fact

RECOMMENDED:

By _____
(Design Engineer or Architect)

By Chris O'Neil
(COH Facilities Project Manager)

By _____
(Director of General Services)

CONTRACTING PARTIES

MCDONALD BROS. CONST
(Contractor)

By _____
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____

MERCHANTS BONDING COMPANY™

POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Mark W. Edwards, II, Robert R. Freel, Ronald B. Giadrosich, Alisa B. Pounders,
Jeffrey M. Wilson, Evondia H. Woessner

of Birmingham and State of Alabama their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

EIGHT MILLION ($8,000,000.00) DOLLARS

and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 20th day of July, 2012.

MERCHANTS NATIONAL BONDING, INC. INCORPORATED -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 20th day of July, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.

NOTARIAL SEAL IOWA
MARANDA GREENWALT
Commission Number 770312
My Commission Expires
October 28, 2014

Maranda Greenwalt
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 11 day of November, 2013.

MERCHANTS NATIONAL BONDING, INC. INCORPORATED -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

William Warner Jr.
Secretary

POA 0014 (11/11)

COVE PARK SOCCEER FIELDS
MCDONALD BROTHERS CONSTRUCTION INC
CHANGE ORDER #1

CMR No.	Description	Amount
1	Booster pump for irrigation system	$ 4,505.00
2	Parking Lot Improvements	$ 155,104.35

Total Change Order No. 1 **$ 159,609.35**

9-5-13 - REVIEWED w/ NO EXCEPTIONS NOTED.
RW

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: SEPT 3 2013 NUMBER: 1

PROJECT: LOVE PARK SOCCER FIELDS
OWNER: CITY OF HUNTSVILLE
ARCHITECT: GARVER ENGINEERING
CONTRACTOR: MCDONALD BROS CONST
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
BUSTER PUMP FOR IRRIGATION SYSTEM

1. INITIATED BY: OWNER
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:

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

X 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): $4505.00
5. TIME EXTENSION IN CALENDAR DAYS: _____
6. REVIEWED AND RECOMMENDED BY:
   A. ARCHITECT
   B. OWNERS PROJECT REPRESENTATIVE 9/5/13
   McDonald Brothers Construction, Inc.
7. APPROVED BY:
   CONTRACTOR

COPY

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: 10/1/13 NUMBER: _____

PROJECT: COVE PARK SOCCER FIELDS
OWNER: CITY OF HUNTSVILLE
ARCHITECT: GARVER ENGINEERING
CONTRACTOR: McDONALD BROS CONST INC
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
PARKING LOT IMPROVEMENTS

1. INITIATED BY: OWNER
2. OWNERS CLASSIFICATION (Check Appropriate Item):

CONTRACT MODIFICATION

___ VALUE ENGINEERING OR COST REDUCTION
X 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.

X 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): $155,104.35 TOTAL OF UNIT. COST
5. TIME EXTENSION IN CALENDAR DAYS: AS REQ'D
6. REVIEWED AND RECOMMENDED BY:
   A. ARCHITECT
   B. OWNERS PROJECT REPRESENTATIVE
7. APPROVED BY: Robert Rossiter 11/5/13
   CONTRACTOR McDonald Brothers Construction, Inc.

REVISED 11-15-2010
Legal Approved

GENERAL LEDGER INQUIRY GLIN040

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2 ACCOUNT NUMBER 3 23-7200-0811-8454,2 ACCOUNT TYPE 0 NORMAL BALANCE +
2 DESCRIPTION 3 COVE PARK SOCCER FIELDS ,
2 ORIGINAL BUDGET .00 LAST YEAR'S BUDGET .00
2 AMENDMENTS 340,902.00 2 YEAR'S AGO BUDGET .00
2 REVISED BUDGET 340,902.00 2 YEAR'S AGO ACTUAL .00

	MONTH	LAST YEAR	THIS YEAR	CURRENT ENCUMB	UNENCUMB BAL
2	1 OCT	.00	.00	124,885.53	216,016.47
2	2 NOV	.00	580.00	.00	215,436.47
2	3 DEC	.00	.00	.00	215,436.47
2	4 JAN	.00	.00	.00	215,436.47
2	5 FEB	.00	.00	.00	215,436.47
2	6 MAR	.00	.00	.00	215,436.47
2	7 APR	.00	.00	.00	215,436.47
2	8 MAY	.00	.00	.00	215,436.47
2	9 JUN	.00	.00	.00	215,436.47
210	JUL	.00	.00	.00	215,436.47
211	AUG	.00	.00	.00	215,436.47
212	SEP	.00	.00	.00	215,436.47
2		---	---		
2	YTD TOTAL	.00	580.00		

,R=(RETURN) P=(PRINT) XMIT > ,

2