

**ROUTING SLIP
CONTRACTS AND AGREEMENTS**

Originating Department: Projects Management Council Meeting Date: 2/27/2014

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

Contract or Agreement: Agreement

Document Name: Metro Commercial Contracting- Change Order #1- Landscape Management

City Obligation Amount: \$6,917.89

Total Project Budget:

Uncommitted Account Balance:

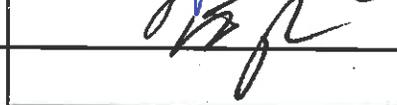
Account Number: 23-7400-0812-8601

Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

<u>Select...</u>	Grant Name: <u></u>
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Department	Signature	Date
1) Originating		<u>02/07/2014 2/10/14</u>
2) Legal		<u>2/24/2014</u>
3) Finance 		<u>2/24</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/27/2014

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 LLC at Landscape Management Office Renovations located at 2413 9th 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 LLC at Landscape Management Office Renovations located at 2413 9th 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 includes doors, door hardware and partition walls.

Associated Cost: \$6917.89

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: _____

2/21/14

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 001

DATE: January 31, 2014 PROJECT: Landscape Management Facility Renovations
TO: William Bell- City of Huntsville Project Manager

FROM: Metro Commercial Contracting, 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

- ADD \$2,273.25 - Modification Request #1 dated 7/24/13 (see attached)
 - ADD \$4,014.15 - Modification Request #2 dated 8/21/13 (see attached)
 - DEDUCT \$925.00 - Modification Request #3 dated 10/18/13 (see attached)
 - ADD \$1,555.49 - Modification Request # 4 dated 1/27/14 (see attached)
- (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 10% (included in costs above)

ORIGINAL CONTRACT PRICE	\$192,425.00
Net total previous Change Orders	\$
Previous revised Contract Price	\$192,425.00
This Change Order No. ADD (DEDUCT)	\$ 6,917.89
Revised Contract Price this date	\$199,342.89

Extension of time resulting from this Change Order None (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 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

CONTRACTING PARTIES

Pennsylvania National Mutual Casualty Ins Co
(Company)

Metro Commercial Contracting, LLC
(Contractor)

By Donna J. Lowen
(Authorized Representative) Donna J. Lowen

By Steve Siniard
(Authorized Representative)

RECOMMENDED

CITY OF HUNTSVILLE, ALABAMA

By [Signature]
(Design Engineer or Architect)

By _____
(Its Mayor)

By [Signature]
(COH Facilities Project Manager)

By _____
(President of City Council)

By [Signature]
(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 February 3rd, 2014

Michael F. Greer
Vice President, Surety & Fidelity

RESOLUTION NO. 2014-

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 renovation of Landscape Management Facility located at 2413 9th Avenue, approved and executed by the City of Huntsville, Huntsville, Alabama on the 13th day of June, 2013, 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 Ninety Two Thousand Four Hundred Twenty Five Dollars 00/100s (\$192,425.00) to One Hundred Ninety Nine Thousand Three Hundred Forty Two Dollars and 89/100s (\$199,342.89), including this Change Order Number 1 in the amount of Six Thousand Nine Hundred Seventeen Dollars and 89/100s (\$6,917.89), 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. 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 _____, 2014.

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

ADOPTED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama

**LANDSCAPE MANAGEMENT FACILITY RENOVATIONS
METRO COMMERCIAL CONTRACTING
CHANGE ORDER #1**

CMR No.	Description	Amount
1	Hollow metal door frames and hardware	\$ 2,273.25
2	White FRP panels on new one hour rated wall	\$ 4,014.15
3	Hardware allowance and termite pretreat	\$ (925.00)
4	Additional electrical controller	\$ 1,555.49
Total Change Order No. 1		\$ 6,917.89

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: July 24, 2013 NUMBER: 001

PROJECT: Landscape Mangement Facility Renovations

OWNER: City of Huntsville

ARCHITECT: Schneider & Associates

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

ADD Hollow metal door frame & door \$525, plus 5% fee

ADD Door Hardware set, closer and smoke gasketing \$890, plus 5% fee

ADD 3 Bolsters \$750, plus 5% fee

1. INITIATED BY: Stephen Schneider, Architect

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): \$2,165.00 plus 5% fee (total \$2,273.25)

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: August 21, 2013 NUMBER: 002

PROJECT: Landscape Mangement Facility Renovations

OWNER: City of Huntsville

ARCHITECT: Schneider & Associates

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

ADD 4'x10' white standard FRP panels on face side of new one-hour rated interior

Partition wall between existing offices and existing warehouse area

Cost: \$3,823.00 plus 5% fee

- 1. INITIATED BY: Stephen Schneider, Architect
- 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

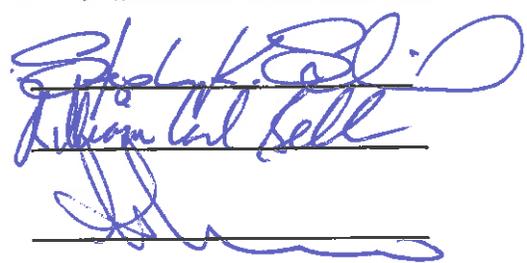
- 3. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- 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 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): \$3,823.00 plus 5% fee (total \$4,014.15)

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: October 18, 2013 NUMBER: 003

PROJECT: Landscape Mangement Facility Renovations

OWNER: City of Huntsville

ARCHITECT: Schneider & Associates

CONTRACTOR: Metro Commercial Contracting, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

DEDUCT \$175.00 – hardware allowance

DEDUCT \$750.00 – termite pretreat

Total Deduct: \$925.00

1. INITIATED BY: Stephen Schneider, Architect
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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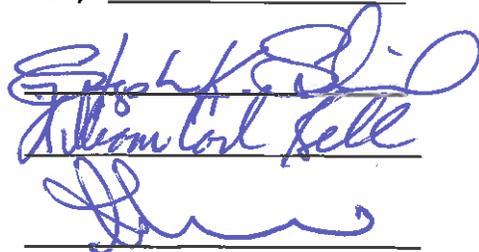
4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): -925.00

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 27, 2014 NUMBER: 004

PROJECT: Landscape Mangement Facility Renovations
OWNER: City of Huntsville
ARCHITECT: Schneider & Associates
CONTRACTOR: Metro Commercial Contracting, LLC
DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
ADD \$1,481.42 plus 5% fee – Electrical – additional controller not on plans

- 1. INITIATED BY: Stephen Schneider, Architect
- 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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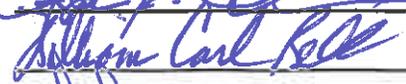
4. TOTAL COST (CONTRACTOR ATTACH DETAIL BREAKDOWN): \$1,481.42 plus 5% fee (Total \$1,555.49)

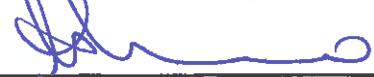
5. TIME EXTENSION IN CALENDAR DAYS: none

6. REVIEWED AND RECOMMENDED BY:

- A. ARCHITECT
- B. OWNERS PROJECT REPRESENTATIVE







7. APPROVED BY:
CONTRACTOR