

**ROUTING SLIP  
CONTRACTS AND AGREEMENTS**

Originating Department: Select... Council Meeting Date: 4/24/2014

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

Contract or Agreement: Agreement

Document Name: Consolidated Construction Company, Inc. Change Order #2- North Public Safety Com...

City Obligation Amount: \$22,641.00

Total Project Budget:

Uncommitted Account Balance:

Account Number: 23-7400-0812-8705

**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	<i>[Signature]</i>	<u>04/09/2014</u> <u>4/11/14</u>
2) Legal	<i>[Signature]</i>	<u>4/15/2014</u>
3) Finance <i>[Signature]</i>	<i>[Signature]</i>	<u>4/16/14</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: 4/24/2014

Action Requested By:  
Projects Management

Agenda Item Type  
Resolution

Subject Matter:

Resolution Authorizing the Mayor to execute Change Order #2 to the agreement between the City of Huntsville and Consolidated Construction Company Inc. for North Public Safety Complex located at 4014 North Memorial Parkway.

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Change Order #2 to the agreement between the City of Huntsville and Consolidated Construction Company Inc. for North Public Safety Complex located at 4014 North Memorial Parkway.

**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 #2 remove asphalt, re-compact base, change floor finishes from stained concrete to carpet tiles and extend 4" PVC conduit to back of fire station.

Associated Cost: \$22,641.00

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: \_\_\_\_\_

Date: \_\_\_\_\_

**“EXHIBIT B”**

CITY OF HUNTSVILLE, ALABAMA

**CONTRACT CHANGE ORDER**

CHANGE ORDER NO. 2

DATE: 3/27/2014

PROJECT: North Public Safety Complex

TO: Consolidated Construction Co. of Ala.

(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 Remove, recompact, and repave Fire Dept Drive & change floor finishes from stained concrete to carpet tiles

(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>22,641.00</u>	\$ 22,641.00
ORIGINAL CONTRACT PRICE	\$ 1,999,000.00
Net total previous Change Orders	\$ 46,530.00
Previous revised Contract Price	\$ 2,045,530.00
This Change Order No. <u>22,641.00</u> ADD	\$ <u>22,641.00</u>
Revised Contract Price this date	\$ 2,068,171.00

Extension of time resulting from this Change Order 62 (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**

The Hanover Insurance Company  
(Company)

Consolidated Construction Co. Ala.  
(Contractor)

By Thomas J. Bole  
(Authorized Representative) **RECOMMENDED Attorney-in-Fact**

By [Signature]  
(Authorized Representative)  
**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 \_\_\_\_\_  
(Director of General Services)

Date \_\_\_\_\_

**THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA**

*POWERS OF ATTORNEY  
CERTIFIED COPY*

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

**Thomas J. Bole, Robert B. Berman, Sharon E. Griffith, Gregg A. Tatum and/or Grantland Rice, III**

of **Birmingham, AL** and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

**Any such obligations in the United States, not to exceed Ten Million and No/100 (\$10,000,000) in any single instance**

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

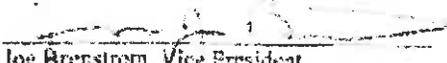
"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this **28th** day of **February** 2014.



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

  
Robert Thomas, Vice President

  
Joe Brenstrom, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this **28th** day of **February** 2014 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



BARBARA A. GARLICK  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Sept. 21, 2018



Barbara A. Garlick, Notary Public  
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 27th day of March 2014.

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

  
J. Michael Pete, Vice President

**RESOLUTION NO. 2014-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Consolidated Construction Company, Inc. for the Construction Services of North Public Safety Complex located at 4014 North Memorial Parkway, approved and executed by the City of Huntsville, Huntsville, Alabama on the 25<sup>th</sup> day of July, 2013 be and the same is hereby amended as is reflected on Change Order Number 2 attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be hereby is amended from Two Million Forty Five Thousand Five Hundred Thirty Dollars and 00/100s (\$2,045,530.00), to Two Million Sixty Eight Thousand One Hundred Seventy One Dollars and 00/100s (\$2,068,171.00) including this Change Order Number 2 in the amount of Twenty Two Thousand Six Hundred Forty One Dollars and 00/100s (\$22,641.00), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 2" to the contract between City of Huntsville and Consolidated Construction Company, Inc. for North Public Safety Complex consisting of six pages (6) 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

**NORTH PUBLIC SAFETY COMPLEX  
CONSOLIDATED CONSTRUCTION COMPANY  
CHANGE ORDER NO. 2**

<b>CMR No.</b>	<b>Description</b>	<b>Amount</b>
1	Adjust time from date of NTP to date building permit obtained	\$ -
6	Remove asphalt, recompact base, provide 2" binder	\$ 17,750.00
9	Extend 4" PVC conduit to the back of the Fire Station as directed	\$ 2,816.00
10	Change floor finishes from stained concrete to carpet tiles	\$ 2,075.00
<b>Total Change Order No. 2</b>		<b>\$ 22,641.00</b>

CHANGE ORDER NO. 2

**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 1-20-14 NUMBER: COR #1

PROJECT: North Safety Complex  
OWNER: City of Huntsville  
ARCHITECT: William Boehme & Assoc.  
CONTRACTOR: Consolidated Construction of AL  
DESCRIPTION OF CHANGE ( BY GENERAL CONTRACTOR):  
Time adjustment from the date of the Notice to Proceed 7-30-13 to the date the Bldg Permit was obtained 9-24-13

1. INITIATED BY : Contractor  
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:

- X   MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000 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): NO COST

5. TIME EXTENSION IN CALENDAR DAYS: 57

6. REVIEWED AND RECOMMENDED BY:  
A. ARCHITECT  
B. OWNERS PROJECT REPRESENTATIVE

7. APPROVED BY :  
CONTRACTOR: Consolidated Construction Company

*William Boehme*  
*William Boehme & Assoc.*  
*Jim Bennett*

“EXHIBIT A”

CONTRACT MODIFICATION REQUEST

DATE: 2-26-14 NUMBER: COR #6

PROJECT: North Safety Complex
OWNER: City of Huntsville
ARCHITECT: William Boehme & Assoc.
CONTRACTOR: Consolidated Construction of AL
DESCRIPTION OF CHANGE ( BY GENERAL CONTRACTOR):
At Existing Fire Dept Drive and Apron
Remove Asphalt, Recompact Base, Provide 2" Binder, 1.5" Wearing Course and
Replace Grate Inlet Top

- 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:

X MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000 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): \$17,750.00

5. TIME EXTENSION IN CALENDAR DAYS:

- 6. REVIEWED AND RECOMMENDED BY:
A. ARCHITECT
B. OWNERS PROJECT REPRESENTATIVE

7. APPROVED BY :
CONTRACTOR: Consolidated Construction Company

Handwritten signatures and initials, including one that appears to be 'William Boehme' and another 'Jim B. Smith'.

3-19-14 - REVIEWED w/ NO EXCEPTIONS NOTED. RW

**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 3-18-14 NUMBER: \_\_\_\_\_ COR #9 \_\_\_\_\_

PROJECT: North Safety Complex  
OWNER: City of Huntsville  
ARCHITECT: William Boehme & Assoc.  
CONTRACTOR: Consolidated Construction of AL  
DESCRIPTION OF CHANGE ( BY GENERAL CONTRACTOR):

Extend 4" PVC Conduit to the back of the Fire Station as Directed

- 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:

- X   MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000 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): \$2,816.00

5. TIME EXTENSION IN CALENDAR DAYS: 0

6. REVIEWED AND RECOMMENDED BY:  
A. ARCHITECT \_\_\_\_\_  
B. OWNERS PROJECT REPRESENTATIVE William Carl Sell

7. APPROVED BY :  
CONTRACTOR: Consolidated Construction Company

William Carl Sell  
Jim Bennett

3-11-14 - REVIEWED W/NO EXCEPTIONS NOTED. RW

**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 3-10-14 NUMBER: COR #10

PROJECT: North Safety Complex  
OWNER: City of Huntsville  
ARCHITECT: William Boehme & Assoc.  
CONTRACTOR: Consolidated Construction of AL  
DESCRIPTION OF CHANGE ( BY GENERAL CONTRACTOR):

Change Floor Finishes from Stained Concrete to Carpet Tiles as per the attached schedule date 3-10-14

- 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:

  X   MINOR CHANGE OF A MONETARY VALUE LESS THAN \$15,000 AND NOT REQUIRED FOR COMPETITIVE BIDDING.  
       CHANGES FOR MATTER RELATIVELY MINOR AND INCIDENTAL TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEBABLE 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): \$2,075.00

5. TIME EXTENSION IN CALENDAR DAYS: 5 Days

6. REVIEWED AND RECOMMENDED BY:  
A. ARCHITECT [Signature]  
B. OWNERS PROJECT REPRESENTATIVE [Signature]

7. APPROVED BY :  
CONTRACTOR: Consolidated Construction Company

[Signature]  
[Signature]  
[Signature]