ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: General Services

Council Meeting Date: 4/14/2016

Department Contact: Chris O'Neil

Phone # 256-427-5281

Contract or Agreement: Huntsville Depot ADA Renovations

Document Name: Thycon Inc- Change Order #1 and FINAL

City Obligation Amount: $2,762.16

Total Project Budget:

Uncommitted Account Balance:

Account Number: 3020-14-00000-523000-PR8303XX

Procurement Agreements

Select...	Select...

Grant-Funded Agreements

Select...	Grant Name:

Department	Signature	Date
1) Originating	[signature]	3/23/2016 3/24/16
2) Legal	Mary C Cates	3/29/2016
3) Finance	[signature]	3-30-16
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

Revised 04/15/2011

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 4/14/2016

Action Requested By:
General Services

Agenda Item Type
Resolution

Subject Matter:

Change Order #1- Thycon Inc.

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Change Order #1 and Final to the contract between the City of Huntsville and Thycon Inc. for Huntsville Depot ADA Renovations located at 320 Church Street.

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 and Final for Huntsville Depot ADA Renovations.

Associated Cost: $2,762.16

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:_____

Date: 3/31/16

revised 3/12/2012

RESOLUTION NO. 2016-__

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Thycon Inc. for Construction Services for the Huntsville Depot Museum ADA Renovations at 320 Church Street, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 5th day of November, 2015, be and the same is hereby amended as is reflected on Change Order Number 1 and Final attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Total Contract Price - Fifty Five Thousand Five Hundred Dollars and No/100s ($55,500.00)on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Fifty Eight Thousand Two Hundred Sixty Two Dollars and 16/100s ($58,262.16), including this Change Order Number 1 and Final in the amount of Two Thousand Seven Hundred Sixty Two Dollars and 16/100s ($2,762.16), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 1 and Final to the contract between City of Huntsville and Thycon Inc. for Huntsville Depot ADA Renovations consisting of four pages (4) 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 _____, 2016.

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

ADOPTED this the _____ day of _____, 2016.

_____
Mayor of the City of Huntsville,
Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: 3/14/2016 PROJECT: Huntsville Depot ADA Renovations

TO: Thycon 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: Change lever hardware on Gift shop and Little Toots Playhouse to superior grade hardware per owners request. Change hardware on automotive building restrooms to meet ADA requirements per owners request.

(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 $ 2,762.16	$ 2,762.16
ORIGINAL CONTRACT PRICE	$ 55,500.00
Net total previous Change Orders	$ 0
Previous revised Contract Price	$ 55,500.00
This Change Order No. 1 ADD (DEDUCT)	$ 2,762.16
Revised Contract Price this date	$ 58,262.16

Extension of time resulting from this Change Order 1 (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of Owner.

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

Pennsylvania National Mutual Casualty Insurance Company
(Company)

By
(Authorized Representative) Jon C. Capan
Attorney-in-Fact

RECOMMENDED

By
(Design Engineer or Architect)

By
(COH Facilities Project Manager)

By
(Director of General Services)

CONTRACTING PARTIES

Thycon Inc
(Contractor)

By
(Authorized Representative) Timothy D. Cannock
President

CITY OF HUNTSVILLE, ALABAMA

By
(Its Mayor)

By
(President of City Council)

Date

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY
Harrisburg, Pennsylvania

0940

POWER OF ATTORNEY

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 MICHAEL H. SHAVER, JANET A. LARI, JON C. CAPAN, GREGORY M. SHAVER, AND BRIAN D. O'ROURKE, ALL OF HUNT VALLEY, MARYLAND (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 ON APRIL 30, 2024, 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 hereto affixed on April 24, 2014.

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY

Mark Fitzgerald, Vice President - Surety

Commonwealth of Pennsylvania, County of Dauphin – ss:

On April 24, 2014, before me appeared Mark Fitzgerald to me personally known, who being by me duly sworn, did say that he resides in the New Jersey, that he is the Vice President – Surety of PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, that he is the individual described in and who executed the preceding instrument, and that the seal affixed to 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
Traci A Kimmich, Notary Public
City Of Harrisburg, Dauphin County
My Commission Expires Oct 31, 2016
Member, Pennsylvania Association of Notaries

Traci A. Kimmich
Notary Public

I, Mark Fitzgerald, Vice President – Surety 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 March 16, 2016.

Vice President - Surety

78-190e (Rev 10/2012)

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 3/4/2016 **CMR NUMBER:** 1

PROJECT: Huntsville Depot ADA Renovations

OWNER: City of Huntsville

ARCHITECT: Hay Buchanan Architects

CONTRACTOR: Thycon Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Change lever hardware on Gift Shop and Little Toots Playhouse to Superior Grade hardware per Owners request. Change hardware on Automotive Building restrooms to meet ADA requirements per Owners request

1. **TOTAL COST** (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): $2762.16
2. **TIME EXTENSION IN CALENDAR DAYS** (ATTACH JUSTIFICATION):
   ☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT
3. **SUBMITTED BY:**
   - (A) CONTRACTOR — Timothy D. Connor, Pres. Thycon Inc.
   - B. ARCHITECT — David K. Hay - Pres. HBA

*****BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE*****

4. **INITIATED BY:** Owner
5. **OWNER'S CLASSIFICATION:**

   CONTRACT MODIFICATION DUE TO:

   ___ VALUE ENGINEERING OR COST REDUCTION
   ___ CHANGES IN PROJECT SCOPE OF WORK
   X OWNER REQUESTED UPGRADE
   ___ UNFORESEEN CONDITIONS
   X TECHNICAL COORDINATION

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

   X MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.
   ___ CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.
   ___ EMERGENCIES ARISING DURING THE COURSE OF THE WORK.
   ___ CHANGE FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO DIFFERENCE IN PRICE OF THE CHANGE FROM THE ORIGINAL BEST BID ON THE ALTERNATE.
   ___ CHANGE 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.
   ___ CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND EXCEEDS 10% OF THE CONTRACT PRICE AND CONSTITUTES EXTRAORDINARY CIRCUMSTANCES.

7. **I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:**
   - A. CoH ESTIMATOR — [signature] JR
   - B. CoH PROJECT MANAGER — [signature]
   - C. DEPARTMENT HEAD (CUSTOMER) — [signature]
   - D. CoH FACILITIES PROJ MANAGER — [signature]
   - E. DEPARTMENT HEAD (GS) — [signature]

*****THIS EXECUTED FORM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGEMENT BY THESE DESIGNATED REPRESENTATIVES THAT THEY RECOMMEND TO THE CITY OF HUNTSVILLE'S CITY COUNCIL TO APPROVE THE CHANGE IN CONTRACT SUM, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.*****

UPDATED 10/07/2015

CMR SUMMARY SHEET

PROJECT: Huntsville Depot ADA Renovations

CMR NUMBER: 1

DESCRIPTION	MATERIAL COST				LABOR COST			EQUIPMENT			SUBCONTRACT	TOTAL
	QTY	UNIT	UNIT COST	SUBTOTAL	HOURS	RATE/HR	SUBTOTAL	DAYS	UNIT COST	SUBTOTAL	SUBTOTAL	
Upgrade hardware on												
Gift Shop and Little					2.5	45.00	112.50					112.50
Tots Playhouse	2		177.50	355.00								355.00
Change hardware on	2		120.00	240.00							500.00	740.00
Automotive Building	2		23.50	47.00								47.00
per COH request	2		7.15	14.30								14.30
	2		7.95	15.90								15.90
R&R hardware on												
Automotive building					4.5	45.00	202.50					202.50
for rekeying												
Touch up paint on	2		9.51	19.02								19.02
Automotive Building	1		11.04	11.04								11.04
restroom doors after					4.5	45.00	202.50					202.50
hardware install												
Self perform design solution							350.00					350.00
for Automotive Bldg hardware												
SUBTOTAL A				702.26			867.50			-	500.00	2069.76
SALES TAX			9.0%	63.20								63.20
LABOR BURDEN			31 %				268.92					268.92
SUB BOND			- %								-	-
SUBTOTAL B				765.46			1136.42			-	500.00	2401.88
OVERHEAD & PROFIT			15 %									360.28
TOTAL AMOUNT FOR CMR												2762.16

*** PLEASE ATTACH QUOTES WITH SIMILAR BREAKDOWNS FROM INCLUDED SUBCONTRACTORS AND SUPPLIERS***