

Cover Memo

Meeting Type: City Council Regular Meeting Meeting Date: 6/22/2023

File ID: TMP-3054

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 1 to the Fixed Price Agreement between the City of Huntsville and Lambert Contracting, LLC for the Sandra Moon Community Center Phase 3.

Resolution No.

Finance Information:

Account Number: 4013-14-00000-523023-PHASE003

City Cost Amount: \$38,916.92

Total Cost: \$ 3,420,616.92

Special Circumstances:

Grant Funded: No

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

 Address:
 7901 Bailey Cove Road

 District:
 District 1 □
 District 2 □
 District 3 ⊠
 District 4 □
 District 5 □

Additional Comments:

Change Order #1 to include - Demo existing sidewalk at new handicap parking and replace with new handicap ramp; add curb and gutter at NW parking lot per RFI #2; At SW parking lot rebuild existing inlets; At NE parking lot at handicap parking change from sidewalk to handicap ramp; replace conduit to street light at the pickle ball court; replace conduit to Musco lights at football field

RESOLUTION NO. 2023-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Lambert Contracting, LLC for Construction Services for the Sandra Moon Community Center Phase 3, Huntsville, Alabama, approved and executed by the City of Huntsville, Alabama on the 26th day of January, 2023, 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 Three Million Three Hundred Eighty-One Thousand Seven Hundred Dollars and 00/100s (\$3,381,700.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Three Million Four Hundred Twenty Thousand Six Hundred Sixteen Dollars and 92/100s (\$3,420,616.92), including this Change Order Number 1 in the amount of Thirty-Eight Thousand Nine Hundred Sixteen Dollars and 92/100s (\$38,916.92), said Change Order is substantially in word and figures as attached hereto and identified as <u>"Change Order Number 1 to the contract between City of Huntsville and Lambert Contracting, LLC for the construction services at the Sandra Moon Community Center Phase 3 consisting of <u>eight pages (8)</u> 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 of the City of Huntsville, Alabama.</u>

ADOPTED this the <u>22nd</u> day of <u>June</u>, 2023.

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

APPROVED this the 22nd day of June, 2023.

Mayor of the City of Huntsville, Alabama

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

May 25, 2023 DATE: TO: City of Huntsville

Sandra Moon Complex Ph III PROJECT

Lambert Contracting, LLC

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 Sandra Moon Phase III CMR 4, 5, 6, 7, 9, and 10, (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 \$ 38,916.92	\$ 38,916.92
ORIGINAL CONTRACT PRICE	\$ 3,381,700.00
Net total previous Change Orders	\$ 0.00
Previous revised Contract Price	\$ 0.00
This Change Order No ADD (DEDUCT)	\$ 38,916.92
Revised Contract Price this date	\$ 3,420,616.92

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 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**

Be	rkley Insurance Company
(Company)	and i do
By	non g Ren
(Authorized	Representative) Thomas J. Bole, Attorney-in-Fact
RECOMM	ENDED
Dr.	-the - schoel
By M	JUNN JUNNET
(Design Eng	incer or Architect)

BAMA

By

By

DON E. Dilk

(Director of General Services)

(COH Facilities Project Manager)

By

By

(Authonized Representative)
CITY OF HUNTSVILLE, ALAE

(Its Mayor)

(President of City Council)

Date

The parties agree that any form of electronic signature, including but not limited to signatures via facsimile, scanning, or electronic mail, may substitute for the original signature and shall have the same legal effect as the original signature.

REVISED 04-29-2021 Legal Approved

00270 - 39

Contract

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Sharon E. Griffith; Gregg A. Tatum; H. Grantland Rice, III; or Thomas J. Bole of Cobbs, Allen & Hall, Inc. of Birmingham, AL its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 5th day of June 2019.

Ser

(Seal)

Ira'S. Lederman Executive Vice President & Secretary Berkley Insurance Company B M. Hafter Je

lce President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

Attest:

Bγ

) ss: **COUNTY OF FAIRFIELD**)

Sworn to before me, a Notary Public in the State of Connecticut, this 5th day of June a 2019, by Ira S. Lederman and Jeffrey M. Halter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, MARIA C RUNDRAKEN NOTARY PUBLIC respectively, of Berkley Insurance Company.

CONNECTICUT COMMISSION EXPIRES APHIL 30, 2024

AA Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date. 25-10. Given under my hand and seal of the Company, this 25-10.

day of

(Seal)

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ENGINEER:	Schoel	States and the second second	and Alexandria States and the
CONTRACTOR:	Lambert Contracting Ll	LC ALL ALL ALL ALL ALL ALL ALL ALL ALL A	The second second second second second
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TUTE 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

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ENGINEER:	Schoel		
CONTRACTOR:	Lambert Contracting LL(ALL DESCRIPTION OF A DE
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UPDATED 10/07/2015

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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.

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UPDATED 10/07/2015

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DATE:	5/18/2023	CMR NUMBER: 7
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OWNER:	СОН	The second s
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EPRESENTATIVES 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

"EXHIBIT A"

ONTRAC MODIFICATION DECLIPET

DATE:	5/18/2023	CMR NUMBER:	9
PROJECT:	Sandra Moon Complex Ph III	and the second s	
OWNER:	СОН		
ENGINEER:	Schoel	Sector Sector	
CONTRACTOR:	Lambert Contracting LLC		a subsection of the particular
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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

CONTRA	CT	MODIFI	CATION	REQUEST
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PROJECT:	Sandra Moon Complex	Ph III	District meta	alancin's Tress	
OWNER:	СОН		Contraction of the second		
ENGINEER:	Schoel				
CONTRACTOR:	Lambert Contracting L	LC	(==)DUXTOR	15月1日本日本の1日本の	
DESCRIPTION OF	CHANGE (BY GENERAL C	ONTRACTOR):			
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B.	ENGINEER - Schoel	the	ant		
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SUM, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.***