



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 7/25/2024

**File ID:** TMP-4415

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**Department:** Finance

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 1 and FINAL between the City of Huntsville and Tecta America Southeast, LLC for the Von Braun Center North Hall Roof Replacement located at 700 Monroe Street SW, Huntsville, Alabama.

Resolution No.

**Finance Information:**

**Account Number:** 4014-00-00000-523042-00000000-

**City Cost Amount:** \$ 898.08

**Total Cost:** \$ 898.08

**Special Circumstances:**

**Grant Funded:** \$ N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location: (list below)**

**Address:** N/A

**District:** District 1  District 2  District 3  District 4  District 5

**Additional Comments:**

**RESOLUTION NO. 24 - \_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Tecta America Southeast, LLC for Construction Services for the Von Braun Center North Hall Roof Replacement located at 700 Monroe Street SW, Huntsville, Alabama, approved and executed by the City of Huntsville, Alabama on the 28<sup>th</sup> day of July, 2022, 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 Seven Hundred Twenty Thousand Three Hundred Twenty Dollars and No/100s (\$720,320.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Seven Hundred Twenty-One Thousand Two Hundred Eighteen Dollars and 08/100s (\$721,218.08), including this Change Order Number 1 and Final in the amount of Eight Hundred Ninety-Eight Dollars and 08/100s (\$898.08), 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 Tecta America Southeast, LLC for Construction Services for the Von Braun Center North Hall Roof Replacement”, consisting of six (6) pages 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 25th day of July, 2024.

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

**APPROVED** this the 25th day of July, 2024.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

# "EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

## CONTRACT CHANGE ORDER

CHANGE ORDER NO. #01

DATE: 05/14/2024  
TO: Tecta America Southeast, LLC.

PROJECT: Von Braun Center North Hall Roof Replacement

(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 complete the modifications outlined in CMR's 01, 02, 03, & 04 (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>898.08</u>	\$ 898.08
ORIGINAL CONTRACT PRICE	\$ 720,320.00
Net total previous Change Orders	\$ N/A
Previous revised Contract Price	\$ N/A
This Change Order No. <u>#01</u> ADD (DEDUCT)	\$ <u>898.08</u>
Revised Contract Price this date	\$ 721,218.08

Extension of time resulting from this Change Order ZERO (0) (Indicate no. of calendar days).

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

Everest Reinsurance Company  
(Company)

By [Signature]  
(Authorized Representative)

### RECOMMENDED

By [Signature]  
(Design Engineer or Architect)

By [Signature]  
(VBC Director of Operations)

By [Signature]  
(VBC Executive Director)

### CONTRACTING PARTIES

Tecta America Southeast, LLC.  
(Contractor)

By [Signature]  
(Authorized Representative)

### CITY OF HUNTSVILLE, ALABAMA

By \_\_\_\_\_  
(Its Mayor)

By \_\_\_\_\_  
(President of City Council)

Date \_\_\_\_\_



POWER OF ATTORNEY
EVEREST REINSURANCE COMPANY

KNOW ALL PERSONS BY THESE PRESENTS: That Everest Reinsurance Company, a corporation of the State of Delaware ("Company") having its principal office located at Warren Corporate Center, 100 Everest Way, Warren, New Jersey, 07059, do hereby nominate, constitute, and appoint:

Desiree Cardlin, Colette R. Chisholm, Camille Maitland, George O. Brewster, Nelly Renchiwich, Thomas Bean, Robert T. Pearson, Susan Lupski, Dana Granice, Michelle Wannamaker, Katherine Acosta, Karolynne Ramirez

its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, for the penal sum of no one of which is in any event to exceed UNLIMITED, reserving for itself the full power of substitution and revocation.

Such bonds and undertakings, when duly executed by the aforesaid Attorney(s)-in-fact shall be binding upon the Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of Company ("Board") on April 21, 2016:

RESOLVED, that the President, any Executive Vice President, and any Senior Vice President are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest to the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the President, any Executive Vice President, and any Senior Vice President are hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, Everest Reinsurance Company has caused their corporate seals to be affixed hereto, and these presents to be signed by their duly authorized officers this 17th day of March 2024.



Everest Reinsurance Company

[Handwritten signature of Anthony Romano]

By: Anthony Romano, Senior Vice President

On this 17th day of March 2024, before me personally came Anthony Romano, known to me, who, being duly sworn, did execute the above instrument; that he knows the seal of said Company; that the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto; and that he executed said instrument by like order.

LINDA ROBINS
Notary Public, State of New York
No 01R06239736
Qualified in Queens County
Term Expires April 25, 2027

[Handwritten signature of Linda Robins]

Linda Robins, Notary Public

I, Sylvia Semerdjian, Secretary of Everest Reinsurance Company do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporation as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATION, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, this 24th day of June 2024.



[Handwritten signature of Sylvia Semerdjian]

By: Sylvia Semerdjian, Secretary

**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 05/14/2024 CMR NUMBER: 01  
PROJECT: Von Braun Center North Hall Roof Replacement  
OWNER: City of Huntsville  
ARCHITECT: Matheny Goldman Architecture + Interiors, LLC  
CONTRACTOR: Tecta America Southeast, LLC

**DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):**

When the new roof system is installed with new 4" & 2" BPS the roof drains are still at deck level. With the drains at deck level the roof drains are not able to be flashed properly with new roof membrane per manufacturer requirements for warranty. We will need to install retrofit drains to be able to flash with new roof membrane per manufacturer requirements

- 1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$7,723.90
- 2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 2 days

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

**3. SUBMITTED BY:**

- A. CONTRACTOR Tecta America Southeast, LLC
- B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

**\*\*\*BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT\*\*\***

4. INITIATED BY: Von Braun Center

**5. OWNER'S CLASSIFICATION:**

CONTRACT MODIFICATION DUE TO:

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

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

- 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. ARCHITECT 
- B. PROJECT MANAGER 
- C. EXECUTIVE DIRECTOR (VBC) 

\*\*\*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.\*\*\*

**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 05/04/2023 CMR NUMBER: 02

PROJECT: Von Braun Center North Hall Roof Replacement

OWNER: City of Huntsville

ARCHITECT: Matheny Goldman Architecture + Interiors, LLC

CONTRACTOR: Tecta America Southeast, LLC

**DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):**

The deck was thought to be insulated light weight decking. After tearing off the roof, we discovered he deck was a load master deck. We had to change our scope from adhering the EPS to fastening the EPS.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$1,870.34
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0 days

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

**3. SUBMITTED BY:**

- A. CONTRACTOR Tecta America Southeast, LLC
- B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

**\*\*\*BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT\*\*\***

4. INITIATED BY: Von Braun Center

**5. OWNER'S CLASSIFICATION:**


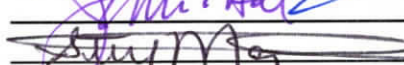

- CONTRACT MODIFICATION DUE TO:
- VALUE ENGINEERING OR COST REDUCTION
- CHANGES IN PROJECT SCOPE OF WORK
- OWNER REQUESTED UPGRADE
- UNFORESEEN CONDITIONS
- TECHNICAL COORDINATION

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

- 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.
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**7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:**

- A. ARCHITECT
- B. PROJECT MANAGER
- C. EXECUTIVE DIRECTOR (VBC)

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**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 12/07/2023 CMR NUMBER: 03  
PROJECT: Von Braun Center North Hall Roof Replacement  
OWNER: City of Huntsville  
ARCHITECT: Matheny Goldman Architecture + Interiors, LLC  
CONTRACTOR: Tecta America Southeast, LLC

**DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):**

Replace wet/damaged ACT tile caused by roof leaks.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): (1,992.55)  
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0 days

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

**3. SUBMITTED BY:**

- A. CONTRACTOR Tecta America Southeast, LLC  
B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

**\*\*\*BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT\*\*\***

4. INITIATED BY: Von Braun Center

**5. OWNER'S CLASSIFICATION:**

CONTRACT MODIFICATION DUE TO:

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

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**7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:**

- A. ARCHITECT   
B. PROJECT MANAGER   
C. EXECUTIVE DIRECTOR (VBC) 

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**"EXHIBIT A"**

**CONTRACT MODIFICATION REQUEST**

DATE: 12/07/2023 CMR NUMBER: 04  
PROJECT: Von Braun Center North Hall Roof Replacement  
OWNER: City of Huntsville  
ARCHITECT: Matheny Goldman Architecture + Interiors, LLC  
CONTRACTOR: Tecta America Southeast, LLC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
50% (Split) cost for repairs to the Fire Alarm System. See attached detail

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): (6,703.61)

2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0 days  
THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

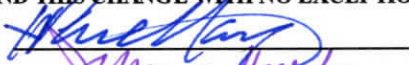

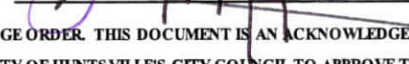
3. SUBMITTED BY:  
A. CONTRACTOR Tecta America Southeast, LLC  
B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

**\*\*\*BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT\*\*\***

4. INITIATED BY: Von Braun Center

5. OWNER'S CLASSIFICATION:  
CONTRACT MODIFICATION DUE TO:  
 VALUE ENGINEERING OR COST REDUCTION  
 CHANGES IN PROJECT SCOPE OF WORK  
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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:  
A. ARCHITECT   
B. PROJECT MANAGER   
C. EXECUTIVE DIRECTOR (VBC) 

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