



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/10/2024

File ID: TMP-4702

Department: Finance

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 3 and FINAL between the City of Huntsville and Thrash Commercial Contractors, LLC for the Von Braun Center East & South Hall Renovations located at 700 Monroe Street SW, Huntsville, Alabama.

Resolution No.

Finance Information:

Account Number: 4020-00-00000-523048-000000000-

City Cost Amount: \$ -88,843.20

Total Cost: \$ -88,843.20

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 - _____

WHEREAS, the City Council of the City of Huntsville has previously approved two change orders for the contract with Thrash Commercial Contractors, Inc. for Construction Services for the Von Braun Center East & South Hall Renovations located at 700 Monroe Street SW, Huntsville, Alabama, adopted and approved by the City on December 7, 2023; and

WHEREAS, the second change order was entitled “Change Order Number 2 and Final”; and

WHEREAS, the City and the Contractor have subsequently determined that another change order is needed to reflect a credit due to the City.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Thrash Commercial Contractors, Inc. for Construction Services for the Von Braun Center East & South Hall Renovations located at 700 Monroe Street SW, Huntsville, Alabama, approved and executed by the City of Huntsville, Alabama on the 7th day of December, 2023, be and the same is hereby amended as is reflected on Change Order Number 3 attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Four Million Four Hundred Forty-One Thousand Eight Hundred Thirty-Six Dollars and 22/100s (\$4,441,836.22) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Four Million Three Hundred Fifty-Two Thousand Nine Hundred Ninety-Three Dollars and No/100s (\$4,352,993.00), including this Change Order Number 3 and Final in the amount of Negative Eighty-Eight Thousand Eight Hundred Forty-Three Dollars and 20/100s (-\$88,843.20), said Change Order is substantially in word and figures as attached hereto and identified as “Change Order Number 3 and Final to the contract between City of Huntsville and Thrash Commercial Contractors, Inc. for Construction Services for the Von Braun Center East & South Hall Renovations”, consisting of five pages (5) 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 10th day of October, 2024.

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

APPROVED this the 10th day of October, 2024.

Mayor of the City of Huntsville, Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3

Von Braun Center East and South Hall

DATE: 09/30/2024

PROJECT: Renovations

TO: Thrash Commercial Contractors, 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 Refer to CMR 013,019,020

(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 \$ (88,843.20)

\$ (88,843.20)

ORIGINAL CONTRACT PRICE

\$ 4,889,000.00

Net total previous Change Orders

\$ (447,163.80)

Previous revised Contract Price

\$ 4,441,836.22

This Change Order No. 03 ADD (DEDUCT)

\$ (88,843.20)

Revised Contract Price this date

\$ 4,352,993.00

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 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 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

Arch Insurance Company

(Company)

By Brody Eric Buckley
(Authorized Representative) Brody Eric Buckley, Attorney-in-Fact

RECOMMENDED

By [Signature]
(Design Engineer or Architect)

By [Signature]
(VBC Director of OPS)

By [Signature]
(VBC Executive Director)

CONTRACTING PARTIES

Thrash Commercial Contractors, Inc.

(Contractor)

By [Signature]
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____

CHANGE ORDER FORM



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Angie M. Strickland, Brody Eric Buckley, John A. Chalk and William L. Painter of Jackson, MS (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed. Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. **In Testimony Whereof**, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 27th day of October, 2023

Attested and Certified

Regan A. Shulman

Regan A. Shulman, Secretary

STATE OF PENNSYLVANIA SS
COUNTY OF PHILADELPHIA SS

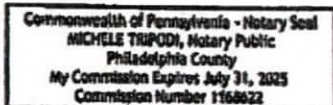


Arch Insurance Company

Stephen C. Ruschak

Stephen C. Ruschak, Executive Vice President

I, Michele Tripodi, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Michele Tripodi

Michele Tripodi, Notary Public
My commission expires 07/31/2025

CERTIFICATION

I, Regan A. Shulman, Secretary of the Arch Insurance Company, do hereby certify that the attached **Power of Attorney dated October 27, 2023** on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate, and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 1st day of October, 2024.

Regan A. Shulman

Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance - Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



*To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com
Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.*

"EXHIBIT A"

CONTRACT MODIFICATION REQUEST

DATE: 6/7/24 CMR NUMBER: 013

PROJECT: Von Braun Center-East & South Hall Renovations

OWNER: City of Huntsville

ARCHITECT: Matheny Goldman Architecture + Interiors, LLC

CONTRACTOR: Thrash Commercial Contractors, Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
This is for providing a Level 5 drywall finish throughout the mezzanine.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$3,308.70
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION):

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:
- A. CONTRACTOR Thrash Commercial Contractors, Inc.
- B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT

4. INITIATED BY: Architect
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: 8/22/24 CMR NUMBER: 019
PROJECT: Von Braun Center-East & South Hall Renovations
OWNER: City of Huntsville
ARCHITECT: Matheny Goldman Architecture + Interiors, LLC
CONTRACTOR: Thrash Commercial Contractors, Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Installation of tile in front of existing doors along prefuction hallway. Counter act partial CMR 017 Deduct

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$1,290.85
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:

- A. CONTRACTOR Thrash Commercial Contractors, Inc.
B. ARCHITECT Matheny Goldman Architecture + Interiors, LLC

BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT

4. INITIATED BY: Architect

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.
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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: 9/30/24 CMR NUMBER: 020
PROJECT: Von Braun Center-East & South Hall Renovations
OWNER: City of Huntsville
ARCHITECT: Matheny Goldman Architecture + Interiors, LLC
CONTRACTOR: Thrash Commercial Contractors, Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

This is for a level 5 finish and paint between the chair rail and baseboard in EH 1,2,3 in lieu of new impact panels.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$(93,442.75)

2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0

THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:

A. CONTRACTOR

Thrash Commercial Contractors, Inc.

B. ARCHITECT

Matheny Goldman Architecture + Interiors, LLC

BOTTOM SECTION TO BE FILLED OUT BY ARCHITECT

4. INITIATED BY: Owner

5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

 VALUE ENGINEERING OR COST REDUCTION

X CHANGES IN PROJECT SCOPE OF WORK

 OWNER REQUESTED UPGRADE

X UNFORESEEN CONDITIONS

 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.

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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)

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