

File ID: TMP-4644

Cover Memo

Meeting Type: City Council Regular Meeting Meeting Date: 9/26/2024

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 2 and Final between the City of Huntsville and Chorba Contracting Corporation for the Hays Farm Sports Park.

Resolution No.

Finance Information:

Account Number: 3012-14-00000-521010-00000000-

City Cost Amount: \$189,195.00

Total Cost: \$2,832,340.00

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: District: District 1 District 2 District 3 District 4 District 5 District 5

Additional Comments:

Change Order No. 2 and Final to include additional topsoil; mis sized wiring for Musco lighting; water closet doors; water closet lights; extend water meter; extend concrete flumes; unforeseen conditions (+ 90 days); additional labor to work the owner provided.

RESOLUTION NO. 24-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Chorba Contracting Corporation for Construction Services for the Hays Farm Sports Park, 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 No. 2 and Final attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Two Million Five Hundred Eighty-Two Thousand One Hundred Ninety-Five Dollars and 00/100s (\$2,582,195.00) to Two Million Eight Hundred Thirty Two Thousand Three Hundred Forty Dollars and 00/100s (\$2,832,340.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to, including this Change Order No. 2 and Final in the amount of Two Hundred Fifty Thousand One Hundred Forty Five Dollars and 00/100s (\$250,145.00), said Change Order No. 2 and Final is substantially in word and figures as attached hereto and identified as <u>"Change Order No. 2 and Final to the contract between City of Huntsville and Chorba Contracting Corporation, for the Hays Farm Sports Park," consisting of <u>twelve (12)</u> 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 of the City of Huntsville, Alabama.</u>

ADOPTED this the 26th day of September, 2024.

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

APPROVED this the <u>26th</u> day of <u>September</u>, 2024.

Mayor of the City of Huntsville, Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 2 and Final

9/9/24 DATE: TO: Chorba Contracting Corporation

PROJECT: Hays Farm Sports Park

(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 CMR's 9R1, 13, 14, 15, 16, 17, 20R1, 21R1 (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>5</u> _250,145.00	5
ORIGINAL CONTRACT PRICE	\$ 2,393,000.00
Net total previous Change Orders	\$ 189,195.00
Previous revised Contract Price	\$ 2,582,195.00
This Change Order No. 2 ADD (DEDUCT)	\$ 250,145.00
Revised Contract Price this date	\$ 2,832,340.00
	4 2,052,540.00

Extension of time resulting from this Change Order _____135 _____ (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

Fidelity & Deposit Company of Maryland

(Company) a By

(Authorized Representative) Charles E. Carper, IV, Attorney-In-Fact

RECOMMENDED By (Design En By (COH Facilities Project Manager) By

CHORBA CONTRACTION

(Contractor) By (Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By (Its Mayor)

By (President of City Council)

Date September 26, 2024

(Director of General Services)

00270-40 REVISED 10-25-2023 LEGAL APPVD

ZURICH AMERICAN INSURANCE COMPANY COLONIAL AMERICAN CASUALTY AND SURETY COMPANY FIDELITY AND DEPOSIT COMPANY OF MARYLAND POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Charles E. Carper, IV, Hannah Hughes, George W. Thompson, III, James A. Gunn, Kimberly A. Spence, Robbie D. Duncan and Sabrina Donaldson, all of Birmingham, Alabama, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 6th day of October, A.D. 2023.



ATTEST: ZURICH AMERICAN INSURANCE COMPANY COLONIAL AMERICAN CASUALTY AND SURETY COMPANY FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray Vice President

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By: Dawn E. Brown Secretary

State of Maryland County of Baltimore

On this 6th day of October A.D. 2023, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

<u>Genevieve M. Maison</u>
GENEVIEVE M. MAISON NOTARY PUBLC BALTIMORE COUNTY, MD My Commission Express JANUARY 27, 2025

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, <u>Attorneys-in-Fact</u>. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attomey and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attomey and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this <u>9th</u> day of <u>September</u>, 2024



By:

Mary Jean Pethick Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims 1299 Zurich Way Schaumburg, IL 60196-1056 reportsfclaims@zurichna.com 800-626-4577

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790



Change Order No. 2 and Final Summary 9/13/2024

Project 2020-12 Hays Farm Sports Park

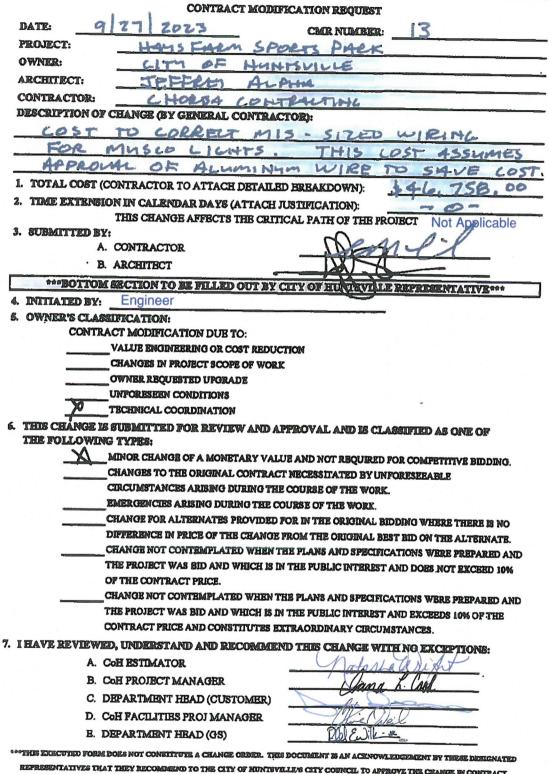
Date	Comments	Qty	Unit	x	Unit Cost	Amount
09/27/23	CMR 9R1 ADD 6" OVER TOPSOIL FIELDS NTE WITH UNITE RATE \$12.00	1	LS	x	\$ 66,000.00	\$ 66,000.00
06/26/24	CMR #13 MISS SIZED WIRING FOR MUSCO LIGHTING	1	LS	х	\$ 46,758.00	\$ 46,758.00
06/26/24	CMR #14 WATER CLOSET DOORS	1	LS	x	\$ 1,815.00	\$ 1,815.00
06/26/24	CMR #15 WATER CLOSET LIGHTS	1	LS	x	\$ 393.00	\$ 393.00
06/26/24	CMR #16 EXTEND WATER METER	1	LS	x	\$ 550.00	\$ 550.00
06/26/24	CMR #17 EXTEND CONCRETE FLUMES	1	LS	x	\$ 8,765.00	\$ 8,765.00
07/18/24	CMR #20-R1 UNFORESEEN CONDITIONS + 90 DAYS	1	LS	x	\$ 59,747.00	\$ 59,747.00
09/04/24	CMR #21 ADDITIONAL LABOR TO WORK THE OWNER PROVIDED TOP SOIL+ 45 DAYS	1	LS	x	\$ 66,117.00	\$ 66,117.00

Total 2020-12 Hays Farm Sports Park \$ 250,145.00

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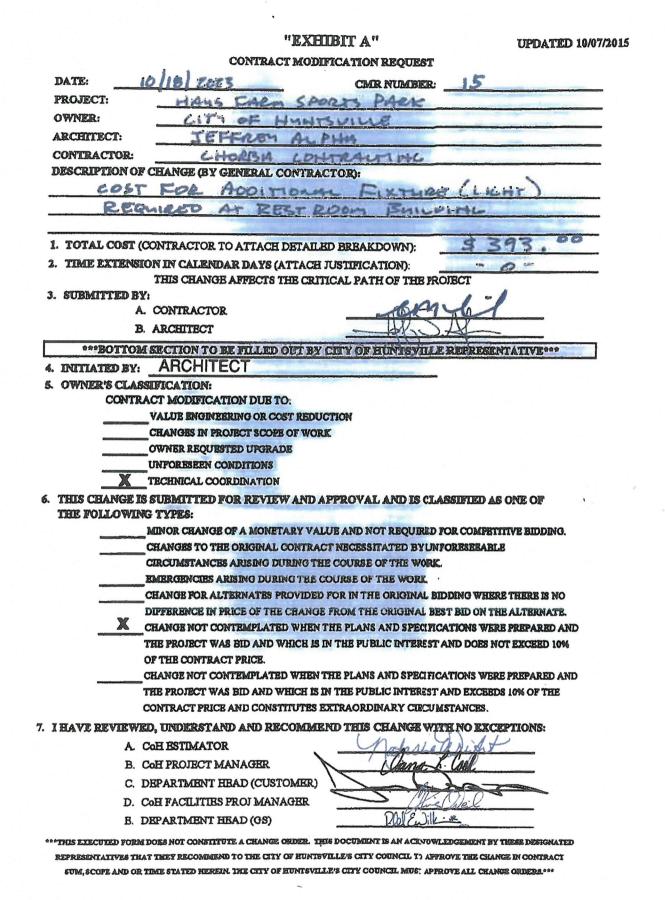
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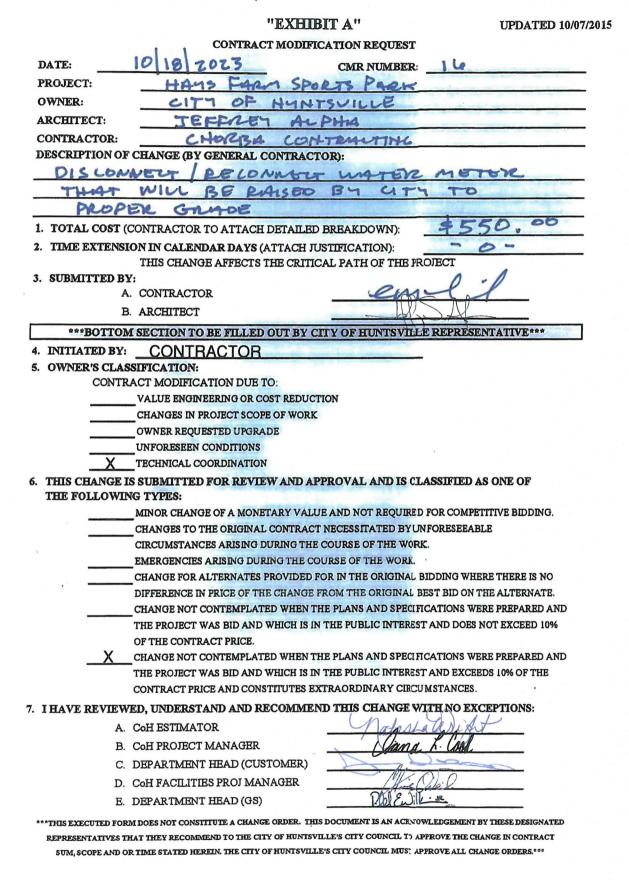
UPDATED 10/07/2015



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	"EXHIBIT A" UPDATED 10/07/20
	CONTRACT MODIFICATION REQUEST
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	E. DEPARTMENT HEAD (GS)
- F	
	DRM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGEMENT BY THESE DESIGNATED





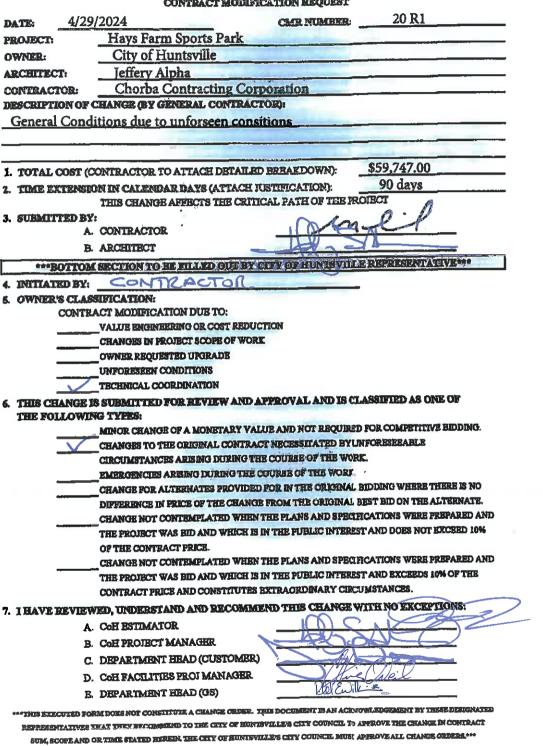
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CONTRACT MODE	FICATION REQUEST	
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C. DEPARTMENT HEAD (CUSTOMER)		
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REPRESENTATIVES THAT THEY RECOMMEND TO THE CITY OF HUNT		
SUM, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVI	LLE'S CITY COUNCIL MUST APP	ROVE ALL CHANGE ORDERS.***

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"EXHIBIT A"

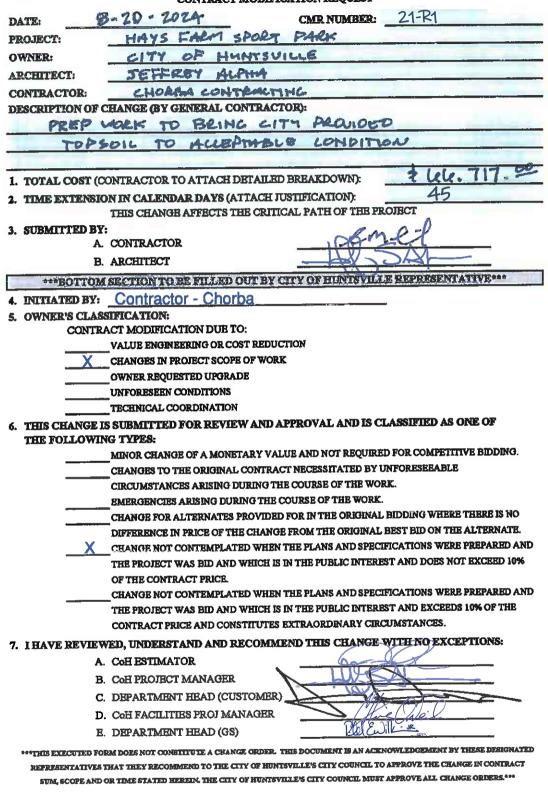
UPDATED 10/07/2015





"EXHIBIT A"

CONTRACT MODIFICATION REQUEST



00270-38 REVISED 10-25-2023 LEGAL APPVD