



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/22/2025

File ID: TMP-5546

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 1 and Final between the City of Huntsville and Pettus Plumbing & Piping, Inc. for Construction Services for the Art Museum HVAC Renovation.

Resolution No.

Finance Information:

Account Number: 3020-14-00000-523020-00000000

City Cost Amount: -\$91,393.96

Total Cost: \$3,401,926.04

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 300 Church Street

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☒

Additional Comments:

Change Order No. 1 and Final includes additional work to install the double doors on the roof; provide and installation of additional steel material for new doors in parapet wall; provide and installation of additional stucco to accommodate additional steel work; provide crane rental for hoisting steel to roof; 1 ton temporary mobile conditioning units at Pane E Vino; fuel tank with pump required; duct material to tie in temporary units; half estimated fuel costs and labor for fueling/power disruptions for Pane E Vino and Hsv Art Museum; tie in to existing backup generators; mechanically fasten 20 gauge metal over existing dens deck; and removal of 2" of

height section of Stuck O & gypsum board; reinstall new dens deck prime; and clean all trash and debris.

RESOLUTION NO. 2025-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Pettus Plumbing & Piping, Inc. for Construction services for the Art Museum HVAC Renovation, Huntsville, Alabama, approved and executed by the City of Huntsville, Alabama on the 8th day of February, 2024, be and the same is hereby amended as is reflected on Change Order No. 1 and Final attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be hereby is amended from Three Million Four Hundred Ninety-Three Thousand Three Hundred Twenty Dollars and No/100s (\$3,493,320.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Three Million Four Hundred One Thousand Nine Hundred Twenty Six Dollars and 04/100s (\$3,401,926.04), including this Change Order No. 1 and Final in the amount of Negative Ninety One Thousand Three Hundred Ninety Three Dollars and 96/100s (-\$91,393.96) said Change Order is substantially in word and figures as attached hereto and identified as “Change Order No. 1 and Final to the contract between City of Huntsville and Pettus Plumbing & Piping, Inc. for the construction services of the Art Museum HVAC Renovation,” 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 of the City of Huntsville, Alabama.

ADOPTED this the 22th day of May, 2025.

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

APPROVED this the 22th day of May, 2025.

Mayor of the City of Huntsville,
Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1 & FINAL

DATE: 04.30.2025

PROJECT: ART MUSEUM HVAC RENOVATIONS

TO: PETTUS PLUMBING & PIPING 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 carry out the work described in CMRs 1R2, 2R1Rec. 4, & 5; and Reconcile Remaining Contingency and Unit Price Allowances.

(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>(\$91,393.96)</u>	\$	
ORIGINAL CONTRACT PRICE	\$	3,493,320.00
Net total previous Change Orders	\$	0
Previous revised Contract Price	\$	3,493,320.00
This Change Order No. <u>1</u> ADD (DEDUCT)	\$	<u>(91,393.96)</u>
Revised Contract Price this date	\$	3,401,926.04

Extension of time resulting from this Change Order N/A (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.

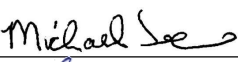
CONSENT OF SURETY

ATLANTIC SPECIALTY INSURANCE CO

(Company)

By 
(Authorized Representative) MIKE GARDNER
ATTORNEY-IN-FACT

RECOMMENDED

By 
(Design Engineer or Architect)

By 
(COH Facilities Project Manager)

By 
(Director of General Services)

CONTRACTING PARTIES

PETTUS PLUMBING & PIPING INC

(Contractor)

By 
(Authorized Representative) GROVER JOHNSON
SECRETARY OF OPERATIONS

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Cyra B. Peterson, Mike Gardner**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, 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, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.

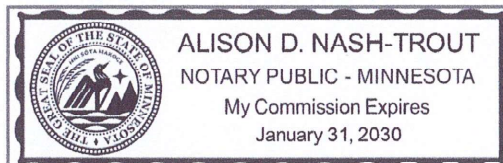
STATE OF MINNESOTA
HENNEPIN COUNTY



By

Sarah A. Kolar, Vice President and General Counsel

On this first day of January, 2023, before me personally came Sarah A. Kolar, Vice President and General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 30TH day of APRIL, 2025

This Power of Attorney expires
January 31, 2030



Kara L.B. Barrow, Secretary

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 9/16/2024 CMR NUMBER: 1R2

PROJECT: HUNTSVILLE ART MUSEUM HVAC RENOVATIONS

OWNER: CITY OF HUNTSVILLE

ARCHITECT: MIMS ENGINEERING INC

CONTRACTOR: PETTUS PLUMBING & PIPING INC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Additional work to install the double doors on the roof per RFI #2

Provide & install additional steel material for new doors in parapet wall. Provide & install additional stucco to accommodate additional steel work. Provide crane rental for hoisting steel to roof.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$36,534.96

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

☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT**3. SUBMITTED BY:**

A. CONTRACTOR PETTUS PLUMBING & PIPING INC/GROVER JOHNSON

B. ARCHITECT MIMS ENGINEERING INC/MICHAEL LEE

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

4. INITIATED BY: CONTRACTOR

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. CoH ESTIMATOR

B. CoH PROJECT MANAGER

C. DEPARTMENT HEAD (CUSTOMER)

D. CoH FACILITIES PROJ MANAGER

E. DEPARTMENT HEAD (GS)

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"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST


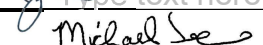
DATE:	2/25/2025	CMR NUMBER:	CMR2R1-REC
PROJECT:	HUNTSVILLE ART MUSEUM HVAC RENOVATIONS		
OWNER:	CITY OF HUNTSVILLE		
ARCHITECT:	MIMS ENGINEERING INC		
CONTRACTOR:	PETTUS PLUMBING & PIPING INC		

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

1. Provide quote for electrical tie in of the backup generator to the existing feeder at Pane E Vino. 2. Provide quote for dedicated circuits on generator to operate (2) 1 Ton temporary mobile conditioning units at Pane E Vino. 3. Provide quote for rental of 500-550 fuel tank with pump required at Pane E Vino. 4. Provide quote for duct material required to tie in of 2 temporary units at Pane E Vino into the existing duct. 5. Provide half of the estimated fuel costs required at Pane E Vino. 6. Provide half of the required labor for fueling/power disruptions at Pane E Vino. 7. Provide field labor for tie in of the 2 temporary units to existing duct at Pane E Vino. 8. Provide quote for electrical tie in of 2 Liebert units into the existing backup generator. 9. Provide half of the estimated fuel costs required at HSV Art Museum. 10. Provide half of the required labor for fueling/power disruptions at HSV Art Museum. 11. The additional fuel and labor expenses required to complete generator work at both locations will be increased or decreased as necessary when this work is complete. **(RECONCILIATION OF CMR2)**

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN):	\$37,021.72
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION):	0
<input type="checkbox"/> THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT	N/A

3. SUBMITTED BY:

A. CONTRACTOR	PETTUS PLUMBING & PIPING INC/GROVER JOHNSON	
B. ARCHITECT	MIMS ENGINEERING INC/MICHAEL LEE	

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: CONTRACTOR

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. CoH ESTIMATOR
- B. CoH PROJECT MANAGER
- C. DEPARTMENT HEAD (CUSTOMER)
- D. CoH FACILITIES PROJ MANAGER
- E. DEPARTMENT HEAD (GS)

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 3/25/2025 CMR NUMBER: CMR4
PROJECT: HUNTSVILLE ART MUSEUM HVAC RENOVATIONS
OWNER: CITY OF HUNTSVILLE
ARCHITECT: MIMS ENGINEERING INC
CONTRACTOR: PETTUS PLUMBING & PIPING INC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Due to walls being old dens deck. Not dens deck prime and required by manufacturer. After talking with roofing consultant & Johnmansville roof inspector. The most efficient way to resolve this issue. Would be to mechanically fasten 20 Ga. metal over existing dens deck while being sure to hit metal studs. Giving us ability to adhere our TPO to walls. So, walls can be properly flashed and terminated. Pictures and change order are attached.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$ 2,846.39
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): -0-
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A
3. SUBMITTED BY:
A. CONTRACTOR PETTUS PLUMBING & PIPING INC/GROVER JOHNSON Grover Johnson
B. ARCHITECT MIMS ENGINEERING INC/MICHAEL LEE Michael Lee

BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE

4. INITIATED BY: CONTRACTOR
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:
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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:
A. CoH ESTIMATOR
B. CoH PROJECT MANAGER
C. DEPARTMENT HEAD (CUSTOMER)
D. CoH FACILITIES PROJ MANAGER
E. DEPARTMENT HEAD (GS)

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 04/23/2025 CMR NUMBER: CMR#5
PROJECT: HUNTSVILLE ART MUSEUM HVAC RENOVATIONS
OWNER: CITY OF HUNTSVILLE
ARCHITECT: MIMS ENGINEERING INC
CONTRACTOR: PETTUS PLUMBING & PIPING INC

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Remove 2" of height section of Stuck-O & Gyp board. Where existing counter flashing is surface mounted (48").
Reinstall new Dens Deck Prime where Gyp board was removed. Ensuring to match the thickness of existing gyp board, if possible.
Clean all trash & debris from demo of this scope of work. Prior to another contractor reinstalling Stuck-O.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$3,031.25
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT N/A
3. SUBMITTED BY:
A. CONTRACTOR PETTUS PLUMBING & PIPING INC/GROVER JOHNSON Grover Johnson
B. ARCHITECT MIMS ENGINEERING INC/MICHAEL LEE Michael Lee

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

4. INITIATED BY: CONTRACTOR
5. OWNER'S CLASSIFICATION:
CONTRACT MODIFICATION DUE TO:
☐ VALUE ENGINEERING OR COST REDUCTION
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☐ 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. CoH ESTIMATOR
B. CoH PROJECT MANAGER
C. DEPARTMENT HEAD (CUSTOMER)
D. CoH FACILITIES PROJ MANAGER
E. DEPARTMENT HEAD (GS)

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