



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/26/2023

File ID: TMP-3510

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Change Order No. 1 and Final to the Fixed Price Agreement between the City of Huntsville and Thrive Outdoor, Inc., for the W.H. Council Memorial Park Paver Replacement.

Resolution No.

Finance Information:

Account Number: 3020-14-00000-523004-00000000

City Cost Amount: \$4,487.71

Total Cost: \$99,290.71

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 620 St. Clair Avenue

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

Additional Comments:

Demolition of existing concrete for statue installation; prepare sub base and compact crushed aggregate 6" deep for statue; pour 4" additional concrete.

RESOLUTION NO. 2023-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Thrive Outdoor Inc. for Construction Services for the W.H. Councill Memorial Park Paver Replacement, Huntsville, Alabama, approved and executed by the City of Huntsville, Alabama on the 1st day of December, 2022, 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 Ninety-Four Thousand Eight Hundred Three Dollars and 00/100s (\$94,803.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to Ninety-Nine Thousand Two Hundred Ninety Dollars and 71/100s (\$99,290.71), including this Change Order Number 1 and Final in the amount of Four Thousand Four Hundred Eighty-Seven Dollars and 71/100s (\$4,487.71), 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 Thrive Outdoor Inc., for the construction services at W.H. Councill Memorial Park Paver Replacement," consisting of three (3) 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 26th day of October, 2023.

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

APPROVED this the 26th day of October, 2023.

Mayor of the City of Huntsville,
Alabama

"EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: 7/13/2023
TO: Thrive Outdoor, Inc.

PROJECT: Councill High Park Paver Replacement Project

(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 Status Area Demolition & Pour
(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>4,487.71</u>	\$ <u>4,487.71</u>
ORIGINAL CONTRACT PRICE	\$ <u>94,803.00</u>
Net total previous Change Orders	\$ <u>0.00</u>
Previous revised Contract Price	\$ <u>94,803.00</u>
This Change Order No. <u>CMR 1</u> ADD (DEDUCT)	\$ <u>4,487.71</u>
Revised Contract Price this date	\$ <u>99,290.71</u>

Extension of time resulting from this Change Order 2 (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of City of Huntsville, Alabama.

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

Platte River Insurance Company
(Company)

By Michelle Delone
(Authorized Representative) Michelle Delone, Attorney-in-Fact

RECOMMENDED

By [Signature]
(Design Engineer or Architect)

By [Signature]
(COH Facilities Project Manager)

By _____
(Director of General Services)

CONTRACTING PARTIES

Thrive Outdoor, Inc.
(Contractor)

By [Signature]
(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By _____
(Its Mayor)

By _____
(President of City Council)

Date _____

PLATTE RIVER INSURANCE COMPANY
POWER OF ATTORNEY

PR2741685

Bond Number

KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

Michelle Deligne

Name of Individual

its true and lawful Attorney(s)-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, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

\$ See Bond Form for PR2741685

Bond Amount

Bond Number

on behalf of Thrive Outdoor, Inc.

Principal

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2020.

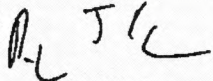
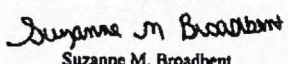
"RESOLVED, that the President, Executive Vice President, Vice President, Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings, and other writings obligatory in the nature thereof, one or more resident vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of this company; the signature of such officers and seal of the Company may be affixed to any such power 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 valid and binding upon the Company, and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

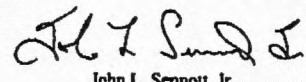
IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 1st day of January, 2020.

Attest:


Ryan J. Byrnes
Senior Vice President,
Chief Financial Officer and Treasurer

Suzanne M. Broadbent
Assistant Secretary



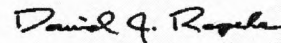
PLATTE RIVER INSURANCE COMPANY


John L. Sennott, Jr.
Chief Executive Officer and President

STATE OF WISCONSIN }
COUNTY OF DANE } S.S.:

On the 1st day of January, 2020 before me personally came John L. Sennott, Jr., to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is Chief Executive Officer and President of PLATTE RIVER INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.





David J. Regele
Notary Public, Dane Co., WI
My Commission Is Permanent

STATE OF WISCONSIN }
COUNTY OF DANE } S.S.:

I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this 29th day of September, 2023




Andrew B. Diaz-Matos
Senior Vice President, General Counsel and Secretary

THIS DOCUMENT HAS BEEN GENERATED FOR A SPECIFIC BOND. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.

PR-ePOA (Rev. 01-2020)

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 7/13/2023 CMR NUMBER: 1

PROJECT: Council High Park Paver Replacement Project - Statue Area Demolition & Pour

OWNER: City of Huntsville

ARCHITECT: Chad Bostick

CONTRACTOR: Thrive Outdoor, Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):
Demolition of existing concrete at the area for the statue to be installed Prepare sub base and compact crushed aggregate 6" deep for statue to be installed upon Pour 4" of concrete following the installation of the Statue Finish the concrete similar to the areas surrounding it No representations made for it to match perfectly.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$4,487.71

2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 2 days, plus the statue install time
THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:

A. CONTRACTOR Lee Buffington - Thrive Outdoor, Inc.

B. ARCHITECT Chad Bostick - Bostick Landscape Architects

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

4. INITIATED BY: OWNER
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)
- [Signature]
- [Signature]
- [Signature]

THIS EXECUTED FORM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGEMENT BY THOSE 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.

00270-39

REVISED 11-3-2015 LEGAL APPVD