



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 1/26/2023

**File ID:** TMP-2460

**Department:** General Services

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Change Order 1 and Final to the agreement between the City of Huntsville and EMW Construction Inc. for construction services for the Cavalry Hill Envision Center.

Resolution No.

**Does this item need to be published?** No

If yes, please list preferred date(s) of publication: NO \_\_\_\_\_

**Finance Information:**

**Account Number:** 4013-14-00000-523043-00000000-

**City Cost Amount:** (\$10,419.50)

**Total Cost:** \$786,380.50

**Special Circumstances:**

**Grant Funded:** NO

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

**Resolution #:** N/A

**Location:** (list below)

**Address:** 2800 C Poplar Avenue

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

**Additional Comments:** Change Order 1 to include modifications to curb, additional electrical work, add binder required to pass inspections, deduct for signage allowance and unit prices, and additional fence post as request.



**RESOLUTION NO. 2022-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with EMW Construction, Inc., for the Construction Services for the Cavalry Hill Envision Center located at 2800 C Poplar Avenue, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 24th day of March, 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 Ninety Six Thousand Eight Hundred Dollars and 00/100s (\$796,800.00) to Seven Hundred Eighty Six Thousand Three Hundred Eighty Dollars and 50/100s (786,380.50) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to, including this Change Order Number 1 in the negative amount Ten Thousand Four Hundred Nineteen Dollars and 50/100s (- \$10,419.50), 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 EMW Construction Inc. for the Cavalry Hill Envision Center” consisting of seven pages (7) 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 26th day of January, 2023.

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

**ADOPTED** this the 26th day of January, 2023.

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Mayor of the City of Huntsville,  
Alabama

# "EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

## CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: 12/21/2022  
TO: The City of Huntsville

PROJECT: Cavalry Hills Envision Center

(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 Approved CMRs 1-5  
(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>(10,419.50)</u>	\$
ORIGINAL CONTRACT PRICE	\$ 796,800.00
Net total previous Change Orders	\$
Previous revised Contract Price	\$
This Change Order No. <u>1</u> ADD (DEDUCT)	\$ <u>(10,419.50)</u>
Revised Contract Price this date	\$ <u>786,380.50</u>

Extension of time resulting from this Change Order 48 (Indicate no. of calendar days).

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

American Southern Insurance Company  
(Company)

By [Signature]  
(Authorized Representative)  
Scott E. Stoltzner, Attorney-In-Fact

RECOMMENDED NOLA VANPEURSEM  
ARCHITECTS, PC

By [Signature]  
(Design Engineer or Architect)

By [Signature]  
(COH Facilities Project Manager)

By [Signature]  
(Director of General Services)

### CONTRACTING PARTIES

EMW Const. Inc.  
(Contractor)

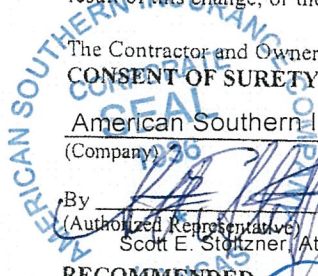
By John S. Martin (President) John S. Martin  
(Authorized Representative)

### CITY OF HUNTSVILLE, ALABAMA

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

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

Date \_\_\_\_\_





# AMERICAN SOUTHERN INSURANCE COMPANY

Home Office: 3715 Northside Parkway, NW  
Suite 4-800  
Atlanta, Georgia 30327

Mailing Address: P. O. Box 723030  
Atlanta, GA 31139-0030

## GENERAL POWER OF ATTORNEY

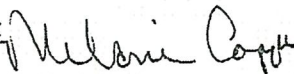
Know all men by these Presents, that the American Southern Insurance Company had made, constituted and appointed, and by these presents does make, constitute and appoint Stefan E. Tauger of Parker, Colorado; Scott E. Stoltzner of Hoover, Alabama; Arthur S. Johnson of Atlanta, Georgia; Jeffery L. Booth of Blacklick, Ohio; James E. Feldner of West Lake, Ohio; Melanie J. Stokes of Atlanta, Georgia; Jason S. Centrella of Jacksonville, Florida; or Omar G. Guerra of Overland Park, Kansas, EACH as its true and lawful attorney for it and its name, place and stead to execute on behalf of the said company, as surety, bonds, undertakings and contracts of suretyship to be given to all obligees provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount of the sum of \$1,000,000 (one million dollars), including but not limited to consents of surety for the release of retained percentages and/or final estimates on construction contracts or similar authority requested by the Department of Transportation, State of Florida; and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of the presents, shall be as binding upon the Company as if they had been duly signed by the President and attested by the Secretary of the Company in their own proper persons.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted pursuant to due authorization by the Executive Committee of the Board of Directors of the American Southern Insurance Company on the 26th day of May, 1998:

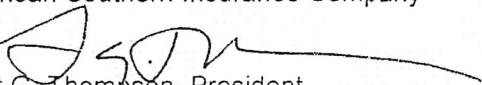
RESOLVED, that the Chairman, President or any Vice President of the Company be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the American Southern Insurance Company bonds, undertakings and all contracts of suretyship; and that any Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signature of such officers and the 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 when so affixed and in the future, with respect to any bond undertaking or contract of suretyship to which it is attached.

In Witness Whereof, the American Southern Insurance Company has caused its official seal to be hereto affixed, and these presents to be signed by its President and attested by its Secretary this 13th day of April 2022.

Attest:   
Melonie A. Coppola, Secretary

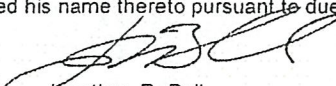
American Southern Insurance Company

  
Scott G. Thompson, President

STATE OF GEORGIA  
SS:  
COUNTY OF FULTON

On this 13th day of April 2022, before me personally came Scott G. Thompson to me known, who being by me duly sworn, did depose and say that he resides in Atlanta, in the County of Fulton, State of Georgia, at 421 Hollydale Court; that he is the President of American Southern 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 the said instrument is such corporate seal; that it was so affixed and that he signed his name thereto pursuant to due authorization.

STATE OF GEORGIA  
SS:  
COUNTY OF FULTON

  
Jonathan R. Bell  
Notary Public, State of Georgia  
Qualified in Cherokee County  
Commission Expires March 12, 2025

I, the undersigned, a Vice President of American Southern Insurance Company, a Kansas Corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and, furthermore, that the Resolution of the Executive Committee of the Board of Directors set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Atlanta, Dated the 27th day of December, 2022

Power No. **53737**

  
John R. Huot  
Vice President

Bond #69958

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 07/26/22 CMR NUMBER: #1  
 PROJECT: Callery Hills Evision Center  
 OWNER: City of Huntsville  
 ARCHITECT: Nola Van Peusen  
 CONTRACTOR: FWL Carst Inc.  
 DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
Modifications to curb / flat work as drawn by civil Engineer.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$ 3151.58  
 2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): N/A  
 THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT: Not Applicable

3. SUBMITTED BY:  
 A. CONTRACTOR: FWL Carst Inc.  
 B. ARCHITECT: Nola Van Peusen

**\*\*\*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 CORRECTION

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 UNFORESEEN 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. C&H ESTIMATOR
  - B. C&H PROJECT MANAGER
  - C. DEPARTMENT HEAD (CUSTOMER)
  - D. C&H FACILITIES PROJ MANAGER
  - E. DEPARTMENT HEAD (GS)
- (Signatures and initials are present next to these options)*

\*\*\*THIS EXECUTED FORM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGMENT BY THOSE DESIGNATED REPRESENTATIVES THAT THEY RECOMMEND TO THE CITY OF HUNTSVILLE'S CITY COUNCIL TO APPROVE THE CHANGE IN CONTRACT BID, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVILLE CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.\*\*\*



"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 10/11/2022 CMR NUMBER: 2 Rev. 1  
 PROJECT: Galaxy Hills Envision Center  
 OWNER: The City of Huntsville  
 ARCHITECT: Nole VanPurseum Architects PC  
 CONTRACTOR: EMW Const. Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
Extra electrical work requested by owner. See attached proposal.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$9894.89  
 2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 42 days  
 THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT Yes

3. SUBMITTED BY:  
 A. CONTRACTOR Cory Elrod Project Manager  
 B. ARCHITECT [Signature]

\*\*\*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  
X 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:  
X MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.  
 \_\_\_\_\_ CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEENABLE 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.  
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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: 10/11/2022 CMR NUMBER: 3  
 PROJECT: Cavalry Hills Envision Center  
 OWNER: The City of Huntsville  
 ARCHITECT: Nola VanPurseum Architects PC  
 CONTRACTOR: EMW Const. Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
Added Binder Required to Pass Inspection by Nassir Antin for new Parking Lots.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$13,251.89  
 2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): N/A  
 THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT Not Applicable

3. SUBMITTED BY:  
 A. CONTRACTOR Cory Elrod Project Manager  
 B. ARCHITECT [Signature]

\*\*\*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.  
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7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:  
 A. CoH ESTIMATOR [Signature]  
 B. CoH PROJECT MANAGER [Signature]  
 C. DEPARTMENT HEAD (CUSTOMER) [Signature]  
 D. CoH FACILITIES PROJ MANAGER [Signature]  
 E. DEPARTMENT HEAD (GS) [Signature]

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 12/08/2022 CMR NUMBER: 4

PROJECT: Cavalry Hills Envision Center

OWNER: The City of Huntsville

ARCHITECT: Nola VanPeurseem Architects PC

CONTRACTOR: EMW Const. Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):  
Deductive Change for Signage Allowance and Unit Prices.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): Deduct \$39,910.50

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

3. SUBMITTED BY:  
A. CONTRACTOR  
B. ARCHITECT NOLA VANPEURSEEM ARCHITECTS, PC *Cory Elrod* Project Manager  
*Robert VanPeurseem, AIA*

\*\*\*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:  
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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)  
*Natasha G. Light*  
*William Carl Bell*  
*Chris Weil*  
*Bob E. Wilk*

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"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 12/08/2022 CMR NUMBER: 5  
 PROJECT: Cavalry Hills Envision Center  
 OWNER: The City of Huntsville  
 ARCHITECT: Nola VanPeurseem Architects PC  
 CONTRACTOR: EMW Const. Inc.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Extra Fence Post as requested by owner.

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): \$3,192.64  
 2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION): 0  
 THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT

3. SUBMITTED BY:  
 A. CONTRACTOR \_\_\_\_\_  
 B. ARCHITECT NOLA VANPEURSEEM ARCHITECTS, PC Cory Elrod Project Manager  
Robert VanPeurseem, AIA

\*\*\*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

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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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