

Huntsville, Alabama

308 Fountain Circle Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting Meeting Date: 5/25/2023 **File ID:** TMP-2973 **Department:** General Services Subject: **Type of Action:** Approval/Action Resolution authorizing the Mayor to execute Change Order #1 to the Fixed Price Agreement between the City of Huntsville and Consolidated Construction Company services for the Huntsville Transit Transfer Station. Resolution No. **Finance Information:** Account Number: 2001-54-62000-522000-CONSTRUC **City Cost Amount:** \$739,696.25 **Total Cost:** \$12,849,696.25 **Special Circumstances: Grant Funded:** No **Grant Title - CFDA or granting Agency:** N/A Resolution #: N/A **Location: (list below)** Address: 520 Pratt Avenue **District:** District 1 □ District 2 ⊠ District 3 \square District 4 District 5 **Additional Comments:**

Change Order #1 that includes OldCastle Block; 1HP Gate Operator; Platform Metal Cabinet; Unsuitable soils

replacement; changing brick to Cherokee velour black, and additional unsuitable soils replacement.

RESOLUTION NO. 2023-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Consolidated Construction Company for Construction Services for the Huntsville Transit Transfer Station located at 520 Pratt Avenue, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 22nd day of September, 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 Twelve Million One Hundred Ten Thousand Dollars and 00/100s (\$12,110,000.00) to Twelve Million Eight Hundred Forty-Nine Thousand Six Hundred Ninety-Six Dollars and 25/100s (\$12,849,696.25) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to, including this Change Order Number 1 in the amount of Seven Hundred Thirty-Nine Thousand Six Hundred Ninety-Six Dollars and 25/100s (\$739,696.25), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 1 to the contract between City of Huntsville and Consolidated Construction Company for the Huntsville Transit Transfer Station consisting of ten pages (10) 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 <u>25th</u> day	of <u>May</u> , 2023.
	President of the City Council of the City of Huntsville, Alabama
APPROVED this the 25th da	ay of <u>May</u> , 2023.
	Mayor of the City of Huntsville, Alabama

NEW TRANSIT TRANSFER STATION PROJECT

5/12/2023

CONSOLIDATED CONSTRUCTION CHANGE ORDER NO. 1 SUMMARY

CMR NO.	DESCRIPTION	AMOUNT	
1R1	OLDCASTLE BLOCK	\$ 5,347.63	
2	1HP GATE OPERATOR	\$ 1,804.32	
3	PLATFORM METAL CABINET	\$ 405.30	
4R1	UNSUITABLE SOILS REPLACEMENT	\$ 224,766.00	
5	CHANGE BRICK TO CHEROKEE VELOUR BLACK	\$ 19,845.00	
9R1	ADDITIONAL UNSUITABLE SOILS REPLACEMENT	\$ 487,528.00	
	TOTAL CHANGE ORDER NO. 1	\$ 739,696.25	

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER	CHANGE ORDER NO. 01
DATE: 5/10/23	PROJECT: Huntsville Transit Transfer Station
	nstruction Company
	(Contractor)
TERMS: You are hereby authorized, subject to the proving changes thereto in accordance with the attached	sions of your contract for this project, to make the following I Change Order Request and supporting documents and to
FURNISH the necessary labor, materials and equipment to See attached CMRs (Description of work to be done or changes to be made)	1R1 - Oldcastle blocks. 2 - Slide gate operator to 1 HP. 3 - Platform metal cabine 4R2 - Unsuitable soils replacement. 5 - Change brick to Cherokee Velour Black. 9R1 - Additional unsuitable soils replacement.
TOTAL ADDITION OR DEDUCTION TO CONTRACT For this Change \$ 739,696.25 ORIGINAL CONTRACT PRICE Net total previous Change Orders Previous revised Contract Price This Change Order No. 01 ADD (SEDUCX) Revised Contract Price this date	FPRICE (NOTE: Numbers in parentheses are deductions). \$ 739,696.25 \$ 12,110,000.00 \$ 12,110,000.00 \$ 739,696.25 \$ 12,849,696.25
By acceptance of this Contract Modification, the Contracto	of City of Huntsville rd and satisfaction for all time and all cost related to this change, or hereby agrees that the modification represents an equitable right to file any father claims or changes arising out of or as a
The Contractor and Owner(s) hereby agree to the terms of to CONSENT OF SURETY	his Change Order as contained herein. CONTRACTING PARTIES
Fidelity and Deposit Company of Maryland Company) y	Consolidated Construction Co. (Contractor) By (Authorized Representative)
ECOMMENDED .	CITY OF HUNTSVILLE, ALABAMA
esign Engin Fer/or Architect) We OH Facilities Project Manager)	(Its Mayor) By (President of City Council)
Plo Ewilk-ur (irector of General Services)	Date

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 Bruce S. DENSON, Sharon E. GRIFFITH, Grantland RICE, III, Gregg A. TATUM and Thomas J. BOLE, all of Birmingham, Alabama, EACH, 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 COLONIAL AMERICAN CASUALTY AND SURETY COMPANY 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 4th day of February, A.D. 2020.







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

By: Robert D. Murray Vice President

Dawn & Shown

By: Dawn E. Brown Secretary

State of Maryland County of Baltimore

On this 4th day of February, A.D. 2020, 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.

Along Along

Constance A. Dunn, Notary Public My Commission Expires: July 9, 2023

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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, Secretary 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 Attorney 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 Attorney 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 toth day of thay . 2023.



By: Brian M. Hodges Vice President

Kun Hodgeo

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
www.reportsfclaims@zurichna.com
800-626-4577

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE:	2/16/2023	CMR NUMBER:	I R1
PROJECT:	Huntsville Transit Transfer Station	1	
OWNER:	City of Huntsville		
ARCHITECT:	Fuqua & Partners Architects		
CONTRACTOR:	Consolidated Construction Compa	ny	
DESCRIPTION C	of change (by general contra	CTOR):	
Material Only	y Cost Related to the Change in used	ing Oldcastle ground face blo i on bid day	ck in lieu of SRM product
1. TOTAL COST	(CONTRACTOR TO ATTACH DETAIL	ED BREAKDOWN):	\$5,347.63
2. TIME EXTENS	SION IN CALENDAR DAYS (ATTACH	JUSTIFICATION):	0
1	THIS CHANGE Does Not AFFECT	THE CRITICAL PATH OF THE PIN	DJECT
3. SUBMITTED B	TY:	5/6/	1/
	A. CONTRACTOR	Erik Kallas Gal	Project Manager
1	B. ARCHITECT	Les Tillery /BITM	FPA
BO	TTOM SECTION TO BE FILLED OUT	BY CITY OF HUNTSVILLE REP	RESENTATIVE
4. INITIATED BY			
5. OWNER'S CLA			= 3
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	CHANGE NOT CONTEMPLATED WHEN	THE PLANS AND SPECIFICATIONS	WERE PREPARED AND
	THE PROJECT WAS BID AND WHICH IS	IN THE PUBLIC INTEREST AND DOE	IS NOT EXCERD 10%
	OF THE CONTRACT PRICE.		
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	ED, UNDERSTAND AND RECOMME	IND THIS CHANGE WITH NO ES	CENTIONS:
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	Coh Project Manager	Agin Go	
C.	DEPARTMENT HEAD (CUSTOMER)	- quina tou	7
D.	Coh facilities proj manager	(Hire Cheil	
E.	DEPARTMENT HEAD (GS)	Dal Ewill	

AMPTHE 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.

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE:	12/13/2022	CMR NUMBER:	2
PROJECT:	Huntsville Transit Transfer Station		
OWNER:	City of Huntsville	THE RESERVE OF THE PARTY OF THE	***************************************
ARCHITECT:	Fuqua & Partners Architects		
CONTRACTOR	Consolidated Construction Company		
DESCRIPTION OF	CHANGE (BY GENERAL CONTRACT		THE RESERVE OF THE PERSON OF T
During subm	ittal review the architect requeste	d the 1 HP slide rate operator	r in lien of the 1/2 HP
operator origin	ally bid for project. Please see att	ached subcontractor quote as	backun documentation
I. TOTAL COST (C	CONTRACTOR TO ATTACH DETAILED	BREAKDOWN):	\$1,804.32
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3. SUBMITTED BY		~ 10	cel.
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^,	CONTRACTOR	Erik Kallar	Project Manager
В.	ARCHITECT	Les Tillery 81/W	→ FPA
BOTT	OM SECTION TO BE FILLED OUT B	Y CITY OF HUNTSVILLE REPR	ESENTATIVE
4. INITIATED BY:	Architect		
5. OWNER'S CLASS			
	CT MODIFICATION DUE TO:	NA.	
	VALUE ENGINEERING OR COST REDUCT CHANGES IN PROJECT SCOPE OF WORK	ION	
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***************************************	UNFORESEEN CONDITIONS		
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6. THIS CHANGE IS	SUBMITTED FOR REVIEW AND API	PROVAL AND IS CLASSIFIED A	8 ONE OF
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E. D	EPARTMENT HEAD (GS)	DONE JAK	

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UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE:	12/13/2022	CMR NUMBER:	the design of
PROJECT:	Huntaville Transit Transfer Sta	tion	
OWNER:	City of Hundsville	A STATE OF THE PARTY OF THE PAR	
ARCHITECT:	Fugus & Partners Architects		THE REAL PROPERTY.
CONTRACTOR:	Consolidated Construction Con	npany	
DESCRIPTION OF	CHANGE (BY GENERAL CONT	AND STREET OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO	Marie and American Street Stre
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1. TOTAL COST (C	CONTRACTOR TO ATTACH DETA	AILED BREAKDOWN):	\$405,30
2. TIME EXTENSION	ON IN CALENDAR DAYS (ATTA	CH JUSTIFICATION):	0
		CT THE CRITICAL PATHOE THE PRO	ECT
3. SUBMITTED BY		57.6	la M.
		7-12	Mar
Α.	CONTRACTOR	Erik Kalles	Project Manager
B.	ARCHITECT	Los Tillery / M	- · FPA
***BOTT	OM SECTION TO BE FILLED O		ESENTATIVE ***
. INITIATED BY:	Architect	1316	
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D. C	OH FACILITIES PROJ MANAGEF	(More later	

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.

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE:	3/8/2023	CMR NUMBER:	4 Rev.2
PROJECT:	Huntsville Transit Transfer Station		
OWNER:	City of Huntsville		7
ARCHITECT:	Fuqua & Partners Architects		
CONTRACTOR:	Consolidated Construction Compar	1V	The second second
DESCRIPTION O	F CHANGE (BY GENERAL CONTRAC		
This Contract and debri	Modification Request consists of t s in the building pad area and is c	the removal of the unsuital	ble soils, unforeseen concr llowances and unit costs.
1 TOTAL COST	CONTRACTOR TO ATTACH DETAILS	'D DDE AVDOUDA	
			\$224,766.00
	ION IN CALENDAR DAYS (ATTACH.		TBD
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A	L CONTRACTOR	Erik Kallas	Project Manager
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	B. ARCHITECT	Les Tillery	· FPA
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ATHIS 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 HEIGHN, THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.A

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE:	3/21/2023	CMR NUMBER:	5		
PROJECT:	Huntaville Transit Tomefor Station	A STATE OF THE PARTY OF THE PAR	AND THE RESERVE		
OWNER:	City of Hansyllis				
ARCHITECT:	Fagus & Perison Architects				
CONTRACTOR:	Consolidated Construction Company				
DESCRIPTION OF	CHANGE (BY GENERAL CONTRAC	TOR):			
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	Additional Cost for the Charoke	e Velour Black Brick with In	ata ilintion		
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3. SUBMITTED BY	THE RESERVE THE PERSON NAMED IN COLUMN 1	3/1	STAD .		
		1-10	Call Plan		
A.	CONTRACTOR	Brik Kallan	Project Manager		
B.	ARCHITECT	Les Tillery Bliller	- FPA		
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4. INITIATED BY:	Andrilect		- Constitution of the Cons		
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В. С	oH PROJECT MANAGER	au so			
C. D	BPARTMENT HEAD (CUSTOMER)	China Brown			
D, C	H FACILITIES PROJ MANAGER	- MEDWED			
E. D	EPARTMENT HEAD (GS)	DONE ENIL			

****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

BUM, SCOPE AND OR TIME STATED HEREIN, THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS, 444

CONTRACT MODIFICATION REQUEST

DATE:	5/10/2023	CMR NUMBER:	9R1
PROJECT:	Huntsville Transit Transfer Stat	tion	
OWNER:	City of Huntsville	的 可以是1000年2月2日 (1981年2月1日)	
ARCHITECT:	Fuqua & Partners Architects	国际公司 (1) (1) (1) (1)	从来通名的 成立是通
CONTRACTOR:	Consolidated Construction Con	pany	Andrew Contract
DESCRIPTION OF	CHANGE (BY GENERAL CONT	RACTOR):	
Per the onsite m	TO A TO A STAN AND A S	o remove the unsuitable soils h gineering and Building & Eart	
1. TOTAL COST (CONTRACTOR TO ATTACH DETA	AILED BREAKDOWN):	\$487,528.00
2. TIME EXTENS	ION IN CALENDAR DAYS (ATTA	CH JUSTIFICATION):	90
T	HIS CHANGE DOES AFFE	CT THE CRITICAL PATH OF THE	PROJECT
3. SUBMITTED B	Y:	7-16	
£ª	A. CONTRACTOR	Erij Kalas M	Project Manager
	architect	Les Tillery & TW	FPA FPA
BOT	TOM SECTION TO BE FILLED O	OUT BY CITY OF HUNTSVILLE R	EPRESENTATIVE
4. INITIATED BY:			
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	CHANGE FOR ALTERNATES PROV	IDED FOR IN THE ORIGINAL BIDDIN	G WHERE THERE IS NO
	DIFFERENCE IN PRICE OF THE CH	ANGE FROM THE ORIGINAL BEST BI	D ON THE ALTERNATE.
9	_ CHANGE NOT CONTEMPLATED W	THEN THE PLANS AND SPECIFICATION	NS WERE PREPARED AND
		CH IS IN THE PUBLIC INTEREST AND	DOES NOT EXCEED 10%
	OF THE CONTRACT PRICE.	GUEN THE DEANIC AND ODERS TWO	AIC WEDE DOED A DED AND
-	-	THEN THE PLANS AND SPECIFICATION THE PUBLIC INTEREST AND	
		JTES EXTRAORDINARY CIRCUMSTA	
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	DEPARTMENT HEAD (GS)	Da E. Dilk - JR.	
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***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.**