

**RESOLUTION NO. 3979**

**A RESOLUTION APPROVING A CHANGE ORDER TO THE AGREEMENT WITH WILLIAMS BROTHER CONSTRUCTION, LLC, FOR MILES CITY WASTEWATER IMPROVEMENTS PHASE II-2016.**

**WHEREAS**, the City of Miles City and Williams Brother Construction, LLC, have entered into an agreement for wastewater improvements phase II-2016;


**AND WHEREAS**, the parties desire to approve a change order to said project as a result of an error in the original bid regarding electrical work;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. "CHANGE ORDER ONE" between the City and Williams Brother Construction, LLC, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said document on behalf of the City of Miles City, and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 13th DAY OF SEPTEMBER, 2016.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
\_\_\_\_\_  
Lorrie Pearce, City Clerk

## CHANGE ORDER ONE

WILLIAMS BROTHERS CONSTRUCTION - MILES CITY WASTEWATER IMPROVEMENTS PHASE 2

### DESCRIPTION AND JUSTIFICATION

There was an error in the original bid submitted by Williams Brother Construction, LLC on June 14, 2016. Process Instrumentation items and installation of these items were not included in Item 8, Electrical. This shortfall is \$150,000 as declared by Colstrip Electric and Williams Brothers Construction in the Submitted Bid. City of Miles City agrees to modify the contract price for Item 8, Electrical, from \$807,000.00 to \$957,000.00 to relieve Williams Brother Construction, LLC. from this shortfall. This Change Order includes an increase in contract price of \$150,000 and does not change the Contract Time. This Change Order includes all work not included in the original bid to construct the project as shown in the Construction Drawings and Contract Documents. See attached letter from Williams Brothers Construction and Colstrip Electric supporting the error in the submitted bid, as well as the quote from Integrated Process Solutions (the purported equipment not included in the original bid).

# CHANGE ORDER

**PROJECT TITLE:** Miles City Wastewater Improvements Phase II - 2016  
**PROJECT NO.:** 14804.001 **CHANGE ORDER NO.:** 1  
**OWNER:** City of Miles City **DATE OF CHANGE ORDER:** August 2, 2016  
**CONTRACTOR:** Williams Brother Construction  
**CONTRACT DATE:**

Change orders must be accompanied by an itemized cost breakdown, i.e.: unit prices, negotiated lump sum prices, negotiated cost plus basis. Note all cost plus pricing to be supported by documentation which supports the cost of that item.

ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT	BASIS OF UNIT PRICE
1	Electrical / Process Instruments	1		\$150,000	\$150,000	Lump Sum

### JUSTIFICATION OF CHANGE ORDER:

Attached

### SUMMARY OF COST AND TIME:

#### COST BREAKDOWN:

Original Contract Price: \$3,810,000.00  
 Previous Change Order Amount: 0  
 Current Contract Price: \$3,810,000.00  
 Amount of This Change Order: \$150,000.00  
 New Contract Price: \$3,960,000.00

#### TIME BREAKDOWN:

Start of Construction: \_\_\_\_\_  
 Calendar Days by Contract: \_\_\_\_\_  
 Contract Completion Date: \_\_\_\_\_  
 No. of Days Granted This Change Order: \_\_\_\_\_  
 New Contract Completion Date: \_\_\_\_\_

The completion date as set forth in the contract documents shall be  unchanged  increased  decreased by NA calendar days. The date for completion of all work will be (start date dependent - NA).



**CHANGE ORDER**

**FULL AND FINAL RESOLUTION:**

Execution of this Change Order by the Contractor shall constitute full and final resolution of all claims, impacts, delays, or costs associated with the change, and the Contractor waives any and all claims for money, impacts, delays, costs, or any other effect of the change(s) covered by this Change Order.

**APPROVALS:**

Surety consent is required if the net increase of this change order and all previous change orders exceeds 20% of the original contract amount.

**SURETY CONSENT**

The surety hereby consents to the aforementioned contract change order and agrees that its bond or bonds shall apply and extend to the contract as thereby modified or amended per this change order. The principal and the surety further agree that on or after execution of this consent, the penalty of the applicable performance bond or bonds is hereby increased by \$ 150,000 (100% of the change order amount) and the penalty of the applicable labor and material bond or bonds is hereby increased by \$ 150,000 (100% of the change order amount).

**COUNTERSIGNED BY MONTANA RESIDENT AGENT**

Williams Brother Construction, LLC

By: [Signature]  
Barry Curtis  
TITLE

**SURETY**

Travelers Casualty and Surety Company of America

By: [Signature]  
John D. Leaf, Attorney-In-Fact  
TITLE



RECOMMENDED BY (Engineer):

[Signature]  
SIGNATURE

BRAD KOENIG

8/2-16

PRINT OR TYPE NAME

DATE

ACCEPTED BY (Contractor):

[Signature]  
SIGNATURE

Barry Curtis

8-22-16

PRINT OR TYPE NAME

DATE

APPROVED BY (Owner):

[Signature]  
SIGNATURE

John Hallowell

8-13-16

PRINT OR TYPE NAME

DATE

