

## RESOLUTION NO. 3573

### **A RESOLUTION AUTHORIZING CHANGE ORDER NO. 6 TO CMG CONSTRUCTION, INC. ON THE CONTRACT FOR WATER SYSTEM IMPROVEMENTS FOR PHASE 3 WATER MAIN REPLACEMENT 20” TRANSMISSION MAIN DATED APRIL 12, 2011.**

**WHEREAS**, on April 12, 2011, the City of Miles City and Ahanu Construction, Inc. entered into a contract for the construction of certain improvements for the City of Miles City municipal water system commonly referred to as “ System Improvements for Phase 3 Water Main Replacement 20” Transmission Main” hereinafter “*the Contract*”;

**AND WHEREAS**, by letter dated October 25, 2011, and signed on October 26, 2011 and delivered to the City of Miles City on October 26, 2011, Ahanu Construction, Inc. informed the City of Miles City, that it was irrevocably and voluntarily abandoning the Contract effective upon the City's receipt of such letter;

**AND WHEREAS**, North American Specialties Insurance (“*NAS*”) is the surety on the performance bond for Ahanu Construction, Inc. under the Contract;

**AND WHEREAS**, due to Ahanu Construction, Inc’s. default in the performance of the Contract and its voluntary and irrevocable abandonment of the Contract, NAS had undertaken the performance and completion of the Contract and has designated CMG Construction, Inc. of Billings, Montana as the independent contractor to perform and complete the Contract on behalf of NAS;

**AND WHEREAS**, CMG Construction, Inc., with the concurrence of the project engineers, Interstate Engineering, Inc., has submitted for approval by the City of Miles City City Council Change Order No. 6, a copy of which is attached hereto as Exhibit “A” and made a part hereof;

**AND WHEREAS**, such change order will result in the alteration or modification of the specifications or plans of the Contract and will result in an increase in the contract price in the sum of \$34,075.53 and an increase in the contract time of 12 days;

**AND WHEREAS**, Pursuant to §7-5-4308 MCA, the change order and the change in contract price may be authorized only upon resolution of the City Council;

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

1. Change Order No. 6 to CMG Construction, Inc. upon the Contract, a copy of which is attached hereto as Exhibit “A” and made a part hereof, is hereby approved by this Council;
2. An increase in the Contract price by \$34,075.53 and an increase in the contract time by 12 days for the work performed pursuant to such change order is hereby approved by this Council;

# Change Order

No. 6

Date of Issuance: October 19, 2012

Effective Date: May 31, 2012

Project: City of Miles City Water System Improvements Phase 3	Owner: City of Miles City	Owner's Contract No.: S10-069
Contract: 20" Transmission Main Schedules I & II		Date of Contract: April 12, 2011
Contractor: NAS Surety Group		Engineer's Project No.: S10-069

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: Balancing Change order for additional and reduced quantities on the project per the attached Change Worksheet. Additional Springline costs for Bucking Horse Sale delay(\$39,026.61). Deduct for Asphalt repair at Dickinson And Cale and chip seal of Schedules I and II. (-\$12,500)

**Attachments (list documents supporting change):**

Change Order #6 Worksheet

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price:

\$434,988.00

[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1 to No. 5:

\$133,758.28

Contract Price prior to this Change Order:

\$568,746.28

[Increase] ~~[Decrease]~~ of this Change Order:

\$34,075.53

Contract Price incorporating this Change

\$602,821.81

Original Contract Times:  Working  Calendar days

Substantial completion (days or date): 60 days

Ready for final payment (days or date): 90 days

[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1 to No. 5:

Substantial completion (days): 38

Ready for final payment (days): 38

Contract Times prior to this Change Order:

Substantial completion (days or date): 98 days

Ready for final payment (days or date): 128 days

[Increase] ~~[Decrease]~~ of this Change Order:

Substantial completion (days or date): 12

Ready for final payment (days or date): 12

Contract Times with all approved Change Orders:

Substantial completion (days or date): 110 days

Ready for final payment (days or date): 140 days

RECOMMENDED:

By: [Signature]  
Engineer (Authorized Signature)

Date: 1/8/13

Approved by Funding Agency (if applicable):

ACCEPTED:

By: [Signature]  
Owner (Authorized Signature)

Date: 1/8/13

ACCEPTED:

By: [Signature]  
Contractor (Authorized Signature)

Date: 1/8/13

Date: \_\_\_\_\_