

# CUYAHOGA COUNTY DEPARTMENT OF CENTRAL SERVICES

## CHANGE ORDER DIRECTIVE AND APPROVAL

### A. CONTRACTOR'S COST / SCHEDULE REQUIREMENTS

CHANGE ORDER NO.:	151-008	ORIGINAL CONTRACT AMOUNT:	\$5,149,000.00
PROJECT NO. & TITLE:	06-925 CUYAHOGA COUNTY JUVENILE JUSTICE CENTER	CURRENT CONTRACT VALUE:	\$5,236,310.06
LOCATION:	EAST 93RD & QUINCY AVENUE	CHANGE ORDER AMOUNT:	(\$333.25)
CONTRACT DAYS CHANGED:	0	REVISED CONTRACT VALUE:	\$5,235,976.81
REVISED COMPLETION DATE:		CONTRACT ENCUMBRANCE NO.:	CE0800389
REQUEST FOR PROPOSAL DATE:		INDEX CODE NUMBER:	CC767699
CONTRACTOR'S PROPOSAL DATE:		OBJECT CODE NUMBER:	0706

The terms and conditions of the original Contract for the work shall govern this change.

### DESCRIPTION:

To affirm approval of executed Construction Change Directives within the original cash allowance in accordance with contract clause 11.2.10. To decrease the Unforeseen conditions Cash Allowance amount from \$450,000.00 to \$449,666.75. This final reconciliation Change Order is for a reduction of the Contract Sum in the amount of \$333.25

Original Contract Value \$5,149,000.00

Change Order 1 \$87,310.06

Change Order 2 \$0

Change Order 3 (\$333.25)

Final Contract \$5,235,976.81

All work completed in accordance with the Project Schedule and Project Specifications as verified with the issuance of the Temporary Certificate of occupancy dated December 30, 2010 and the Final Certificate of Occupancy dated January 20, 2011.

TOTAL (\$333.25)

### SCHEDULE IMPACT:

None

DEDUCTED COST \$ (333.25)

### REASON FOR CHANGE ORDER

- ( ) Error / Omission
- ( ) Field Condition
- ( ) Claims
- ( ) Accepted Alternative
- ( ) User Group Request

### CONTRACTOR'S NAME & ADDRESS

E. B. Katz, Inc.

930 East 70th Street

Cleveland, Ohio 44103

Trade Contractor Signature, Title

President

Date

3/10/11

County's Project Manager - Nick Willis

Date

### B. SURETY CONSENT

We the undersigned, sureties on the above-mentioned contract, do hereby consent to the alterations and modifications, and agree that said changes should not in any manner prejudice our liability under the Bond.

Federal Insurance Company  
Surety Co.

Signature Date  
Eileen M. Tilbert, attorney-in-fact  
Name & Title (printed)

3-10-11

### C. COUNTY AUTHORIZATION

X

Date

9/8/11

Edward FitzGerald  
County Executive



**Chubb  
Surety**

**POWER  
OF  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Howard Danziger, Maribeth Ebner, Julie Humphries, Susan Olson and Eileen M Tilbert of Cleveland, Ohio--**

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **16th** day of **February, 2010**

*Kenneth C. Wendel*  
Kenneth C. Wendel, Assistant Secretary

*David B. Norris, Jr.*  
David B. Norris, Jr., Vice President

STATE OF NEW JERSEY  
County of Somerset

On this **16th** day of **February, 2010**

before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



**STEPHEN B. BRADT**  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2014

*Stephen B. Bradt*  
Notary Public

#### CERTIFICATION

Extract from the By-Laws of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands; and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this **10th** day of **March, 2011**



*Kenneth C. Wendel*  
Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3556  
e-mail: surety@chubb.com

# EXHIBIT A

(Summary and CCDs Approved within Original Allowance)

**CONSTRUCTION CHANGE DIRECTIVE SUMMARY**  
*APPROVED ALLOWANCE AUTHORIZATIONS*Owner Proj No: 08-925  
Ozanne Proj No: 268P2Date: 3/3/2011  
Page: 1 of 1

Type	Title	Status	Dated	Cost	Ref PCO	Reason
CCDA 151-A032	151EBK	Final Remaining Allowance Balance	APP	2/11/2011	(\$333.25)	822

All prior CCD's have been previously approved by  
the Cuyahoga County Board of Commissioners



Cuyahoga County of Ohio

## Construction Change Directive

### Distribution List:

Owner [ ]  
Architect [ ]  
Contractor [ ]  
Construction Manager [ ]

CCD No: 151-A032

Final Remaining Allowance Balance

DATE: 2/11/2011

PROJECT: **Cuyahoga County Juvenile Justice Center**  
9300 Quincy Avenue  
Cleveland, OH 44106

OWNER PROJECT NO: 06-925  
ARCHITECT PROJECT NO: 01021  
CM REF/PCO NO: PCO No: 822

TO CONTRACTOR: **E. B. Katz**  
930 East 70th Street  
Cleveland, OH 44103

CONTRACT ENCUMBRANCE NO:  
REQUISITION NO:

CONTRACT FOR: **BP 151 - Plumbing Allowance**  
CONTRACT DATE: 4/24/2008

You are hereby directed to make the following change(s) in this Contract:

Final Construction Change Directive to the Contingency Allowance for the scope of work dedicated to Plumbing performed by EB Katz.

### JUSTIFICATION:

In accordance with Section 012100 of the trade contract, this CCD is issued to closeout the contract allowance. The amount listed herein will be included in a final change order to the contract.

Total Deduct (\$333.25)

TOTAL COST	(\$333.25)
Original Allowance Sum	\$ 450,000.00
Net change by previously authorized Construction Change Directives	\$ (\$449,666.75)
The Allowance Sum prior to this Construction Change Directive was	\$ 333.25
The Allowance Sum Will be Decreased	\$ (\$333.25)
The Remaining Allowance Sum including this Construction Change Directive will be	\$ 0.00

### ALLOWANCE ADJUSTMENT:

Original Allowance Sum	\$	450,000.00
Net change by previously authorized Construction Change Directives	\$	(\$449,666.75)
The Allowance Sum prior to this Construction Change Directive was	\$	333.25
The Allowance Sum Will be Decreased	\$	(\$333.25)
The Remaining Allowance Sum including this Construction Change Directive will be	\$	0.00

When signed by the Owner, Architect and Construction Manager and received by the Contractor, this document becomes effectively IMMEDIATELY as a Construction Change Directive (CCD) and the Contractor shall proceed with the change(s) describe above. Contractor signature indicates agreement with the contract or allowance values.

**E. B. Katz**  
CONTRACTOR

BY: 

DATE: 2/16/11

Rick Mohar

Project Manager

**Ralph Tyler Companies**  
ARCHITECT

BY: 

DATE: 2/14/11

Geoffrey Varga, AIA, Director of Architecture/Manager

**Ozanne Turner VAA & JWA**  
CONSTRUCTION MANAGER

BY: 

DATE: 2/14/11

Joseph A. Molnar, Sr. Project Manager

**Cuyahoga County**  
OWNER

BY: 

DATE: 3-1-11

Nick Willis, Project Manager

BY: 

DATE:

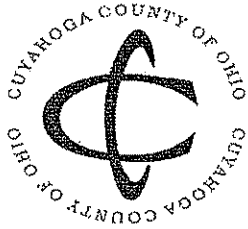
Jay Ross, Director of Central Services

**Heery International**  
OWNER'S REPRESENTATIVE

BY: 

DATE: 2/14/11

J. Marc Scoble, Project Executive

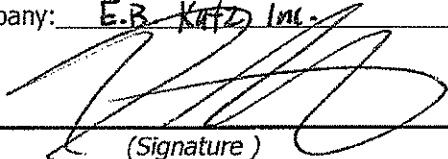


**CUYAHOGA COUNTY  
DEPARTMENT of PUBLIC WORKS**

**CUYAHOGA COUNTY  
ELECTRONIC SIGNATURE POLICY AGREEMENT**

By entering into this contract I agree on behalf of the contracting or submitting business entity, its officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring county signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. I also agree on behalf of the aforementioned entities and persons, to be bound by the provisions of chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

Name: David Katz  
Title: President  
Company: E.B. Katz Inc.

X  3/21/11  
(Signature) Date