

AMENDED AGREEMENT NO 1 Final CONTRACT NO. CE1000111-01

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the County of Cuyahoga Ohio and Suburban Maintenance & Construction, Inc., an Ohio Corporation, with principal offices located at 16330 York Road, North Royalton, Ohio 44133.

WITNESSETH that whereas in the performance of Contract No CE1000111-01 between the above named parties, calling for the Replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville, it is the opinion of the County of Cuyahoga, Ohio,

that it is necessary to make alterations and modifications as follows in said contract in order that the work be properly completed:

*The following quantity adjustments are based on final field measurements and calculations.  
The new items were necessary as a result of the water line location shown on original plan differing from actual location  
Therefore the water had to be re-located.*

WHEREAS, the Contractor has agreed and by these presents does agree to perform the work necessary to complete the contract in accordance with the alterations and modifications desired by the County at the following prices for the following work, viz:

#### NEW PLAN ITEMS

<u>Ref.</u> <u>No.</u>	<u>Descriptions</u>	<u>Qty.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
40	PREP FOR ABBREVIATED SWPPP PLAN	1 00	LUMP	\$ 1,260 00	\$ 1,260 00
41	PREP FOR WATER LINE PLAN	1 00	LUMP	\$ 3,045 00	\$ 3,045 00
42	RELOCATION WATER LINE	1 00	LUMP	\$ 83,615 89	\$ 83,615 89
				\$	87,920 89

#### DECREASED/NON-PERFORMED PLAN ITEMS

<u>Ref.</u> <u>No.</u>	<u>Descriptions</u>	<u>Qty.</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
19	DUST CONTROL	(1 00)	LUMP	\$ 1 000 00	\$ (1,000 00)
20	FIELD OFFICE	(1.00)	LUMP	\$ 2,000 00	\$ (2,000 00)
37	CONSTRUCTION EROSION CONTROL	(0 733)	EACH	\$ 3,000 00	\$ (2,199 90)
				\$	(5 199 90)

DECREASED PLAN ITEMS:	\$	(3,199.90)
NEW PLAN ITEMS:	\$	87,920.89
GRAND TOTAL:	\$	82,720.99

Therefore, \$82,720.99 is needed to complete construction per plan intent.

It is now therefore agreed that the work shall be done by the Contractor at prices named above, and that the County shall pay for the work when completed to its satisfaction at the said prices on estimates in the same manner as for the items in the original contract.

By entering into this amendment I agree on behalf of the contracting 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 Chapter 604 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

Nothing in this agreement shall in any way release either party from any of the obligations of the original contract.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_.

County of Cuyahoga, Ohio

By: [Signature]  
Edward FitzGerald, County Executive

Suburban Maintenance & Construction, Inc.

[Signature] Vice President

Eric R. Udzick  
Contractor

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

Western Surety Company

By: [Signature]  
Linda M. Cowin,  
Attorney-in-Fact

WESTERN SURETY COMPANY

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Kyp L Ross, Lori A Proch, Frank P Middelberg, Melissa M Lear, Robert W Lampus, Sandy Kruger, Louis A Colagrossi, Kathy Van Tassel, Linda M Cowin, Maggie Loeser, Individually**

of Rocky River, OH, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 23rd day of April, 2010.



WESTERN SURETY COMPANY

*Paul T. Brulat*

Paul T. Brulat, Senior Vice President

State of South Dakota  
County of Minnehaha

} ss

On this 23rd day of April, 2010, before me personally came Paul T. Brulat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



*D. Krell*

D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 7th day of February, 2011.



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.