City Contract

Version 4.6 released on 8/3/21





ENOLISO 92

Tracking #:_			CITY CLERK USE ONLY		
		Scanned	Date: 10,05,2022		
2 nd Agenda Date:		□ Posted Item# <u>2210</u> 0220			
tems requiring Council approva	I must be submitted th	be submitted through the Mayor's Office.			
	-	upplemental [Documentation O Quantity		
Other Board Name	City Council Approval ♥ Yes ○ No		Contract Number 135691		
Contact Name	Email		Phone		
Ryan McKaskle	rmckaskle@cityoftu	lsa.org	918-596-9518		
Vendor Number 95	Description (Subject) Art Str. Rehab -S. U	nion Ave - W	61st St. S -51st		
Contract Subtype PI/CP SCO COT	NO MARCINE NEW DE LA SUPERIOR DE LA	784	Contract Amount \$0.00		
Funding Source(s)					
к.			\$0.00		
		тс	STAL: \$0.00		
Jacken C	Cassia Carr Mayor Pro	Tem	Date: $05.31.22$ Date: $9/2.7/22$ Date: $0CT 0 5 2022$ Date: Date:		
	Committee: Hearing Date: 2 nd Agenda Date: tems requiring Council approva- o Amendment Statutory (O Permission to Continue O ther Board Name Contact Name Ryan McKaskle Vendor Number 95 Contract Subtype PI/CP SCO COT	Committee: Hearing Date: 2nd Agenda Date: tems requiring Council approval must be submitted the submitted t	Committee: □ Scanned 2 nd Agenda Date: □ Posted tems requiring Council approval must be submitted through the M Amendment Statutory Change Order O Supplemental E ○ Permission to Continue O Terminate/Cancel Other Board Name City Council Approval @ Yes No Contact Name Email Ryan McKaskle Description (Subject) 95 Art Str. Rehab -S. Union Ave - W. Contract Subtype Bid/Project Number PI/CP SCO COT 144017-H, SWD 10784		

Policy Statement

Background Information

CHANGE ORDER DESCRIPTION AND JUSTIFICATION: Change Order No. 1 to Contract No. 135691, between the CITY OF TULSA and ELLSWORTH CONSTRUCTION, LLC., for Project No. 144017-H & SWD 10784, in the amount of 128 calendar days is necessary due to the delays caused by design issues tied to a stormwater structure, unforeseen utility conflicts and extreme winter weather (Feb-2021).



Summation of the Requested Action Request Approval of Change Order No. 1

Other Pertinent Details

Council District #2, S. Union, West S. 61st St. S. to W. 51st St. S.

Processing Information for City Clerk's Office

Post Execution Processing

- □ Mail vendor copy (addt'l signature copies attached)
- □ Must be filed with other governmental entity

□ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details



Engineering Services Department

MEMORANDUM

DATE: 4/12/2022

SUBJECT: CHANGE ORDER NO. 1 Contract: 135691 Project: 144017-H, SWD 10784 Project Title: ARTERIAL STREET REHABILITATION OF SOUTH UNION AVE - WEST 61ST STREET SOUTH TO WEST 51ST STREET SOUTH

Original Contract Amount:	\$	1,598,067.65
Change Order No. 1 Amount:	\$	-
Change Order No. 1 Percent:		0.00%
New Contract Amount:	\$	1,598,067.65
Total of Change Order Amounts:	\$	-
Total Change Order Percent:		0.00%
Original Contract Time (Calendar Days):	_	120
Change Order No. 1 Time Added (Calendar Days):		128
New Contract Time (Calendar Days):		248

CHANGE ORDER NO. 1 Consists of the Following:

Change Order No. 1 to Contract No. 135691, between the CITY OF TULSA and ELLSWORTH CONSTRUCTION, LLC., for Project No. 144017-H & SWD 10784, in the amount of 128 calendar days is necessary due to delays caused by design issues tied to a stormwater structure, unforeseen utility conflicts, and extreme winter weather (Feb-2021) (See attached exhibit).

2317 South Jackson Avenue - Tulsa, OK 74107 - Office (918)-596-9565 - Fax (918)-596-7277 www.cityoftulsa.org

Page 1 of 1

CITY OF TULSA CHANGE ORDER NO. 1 BOND NO. 1021305 CONTRACT NO. 135691 PROJECT NO. 144017-H ARTERIAL STREET REHABILITATION OF SOUTH UNION AVE - WEST 61ST STREET SOUTH TO WEST 51ST STREET SOUTH

CHANGE ORDER DESCRIPTION AND JUSTIFICATION: Change Order No. 1 to Contract No. 135691, between the CITY OF TULSA and ELLSWORTH CONSTRUCTION, LLC., for Project No. 144017-H, in the amount of 128 calendar days is necessary due to delays caused by design issues tied to a stormwater structure, unforeseen utility conflicts, and extreme winter weather (Feb-2021) (See attached exhibit).

Decrease in Contract Price: \$0.00

Increase in Contract Price: \$0.00

Net Change in contract Amount: \$0.00

DESCRIPTION OF CHANGES:

Original contract amount was:	\$1,598,067.65
Net dollar increase by previous Change Order:	\$0.00
Net percent increase by previous Change Order:	0.00%
Contract amount prior to this Change Order:	\$1,598,067.65
Contract sum is increased by this Change Order:	\$0.00
This Change Order is a percentage increase of:	0.00%
Contract amount including this Change Order:	\$1,598,067.65
The total dollar increase including this Change Order:	\$0.00
The percentage increase including this Change Order:	0.00%
Contract time prior to this Change Order:	120 Calendar Days
Contract time will be increased by:	128 Calendar Days

IN TESTIMONY WHEREOF, the parties hereto have caused this Change Order to be executed by their duly authorized officers or representatives on this _____ day of _____, 20____ (to be dated by City Clerk upon approval)

CITY OF TULSA A municipal corporation

By

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Mayor

ATTEST:

City Clerk

APPROVED: 1
A.C. City Atterney Str
ALLY City Kindling Sal
City Engineer
AND
Architect/Engineer

Elsion construction UC
By: ALAHWIN FILSUNATIO
Printed Name: Nathan El Suban
Title: MANACING Member COLIAB
Date: 4-12-22
ATTEST: OKLAHOMA
Corporate Secretary (SEAL) Date
Mid continent Casualty company
By: CINCLARK
Printed Name: Cindi L. South
Date: 412-72
Attorney-in-Fact (SEAL)
(Attached Power of Attorney)

(Date must match Power of Attorney)

APPROVED BY CITY COUNCIL

Date:_____

By:_____ Chairman

MID-CONTINENT CASUALTY COMPANY

1437 South Boulder, Suite 200, Tulsa, Oklahoma 74119 · Ph: 918-587-7221 · Fax: 918-588-1296

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the Mid-Continent Casualty Company, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof. Sandra L. Crain, Dayna Harjo, Cindi L. Smith, William C. Taylor, all of TULSA, OK.

IN WITNESS WHEREOF, the Mid-Continent Casualty Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 13 day of September, 2021.



ATTEST:

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Sheren Hachl

Sharon Hackl, Assistant Secretary

MID-CONTINENT CASUALTY COMPANY

Todd Bazata, Vice President

On this 13 day of September, 2021 before me personally appeared Todd Bazata, to me known, being duly sworn, deposes and says that s/he resides in Broken Arrow, Oklahoma, that s/he is a Vice President of Mid-Continent Casualty Company, the company described in and which executed the above instrument; that s/he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of her/his office under the By-Laws of said Company, and that s/he signed his name thereto by like authority.



Commission #	11008253	

My Commission Expires: 09-08-23

Jelie Callahan

Julie Callahan, Notary Public

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Mid-Continent Casualty Company by unanimous written consent dated September 25, 2009.

RESOLVED: That the President, the Executive Vice President, the several Senior Vice Presidents and Vice Presidents or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, Sharon Hackl, Assistant Secretary of Mid-Continent Casualty Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of September 25, 2009 have not been revoked and are now in full force and effect.



heron blackl

Sharon Hackl, Assistant Secretary

Signed and sealed this day of April

PROJECT NUMBER: 144077-H PROFECT NUMBER: 144077-H CONTRACT NUMBER: 134071 ATTENER REHAD of Units 7.15051 CONTRACT NUMBER: 14407-1 CONTRACT NUMBER: 14407-1 CONTRACT NUMBER: 145151 CONTRACT NUMBER: 1410-1 CONTRACT NUM EXAMPLE NATHER JANDER NATHER JANDER CONTRACT NUM SEGREMENT ON DATE: 12.021 SEGREMENT ON DATE: 14.000 CONTRACT NUM EXAMPLE NATHER JANDER ANDER PERFECT JANDER SEGREMENT ON DATE: 14.000 CONTRACT NUM EXAMPLE NOMELE TIS, 2011 JANDER SEGREMENT ON DATE: 14.000 CONTRACT NUM EXAMPLE NOMELE TIS, 2011 JANDER SEGREMENT ON DATE: 15.021 NUM NUM NUM NUM NUM SEGREMENT NUM NUM	PROJECT NUMBER: 144017-H CONTRACT NUMBER: 135691 ATT Street Rehab of Union Ave - W 61st St S to S1st S CONTRACT NUMBER: 135691 ATT Street Rehab of Union Ave - W 61st St S to S1st S S1,598,067,65 January 11, 2021 31,598,067,65 DAYS DAMATE January 11, 2021 120 DAYS REVISED COMPLETION DATE January 11, 2021 128 DAYS REVISED COMPLETION DATE September 16, 2021 248 DAYS REVISED COMPLETION DATE September 16, 2021 120 DAYS DAYS REQUESTED DAYS REQUESTED DAYS REQUESTED 93% 0 13 27 14 7 21 17.6% 14 13 27 14 7 27 27 17.6% 14 13 27 14 7 27 27 33.6% 0 27 14 7 7 27 27 47.1% 15 0 0 0 0 0 0 0 </th <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th>PROJ</th> <th>PROJECT TIME</th> <th></th> <th></th> <th></th>							PROJ	PROJECT TIME									
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AFFIDAVIT OF CLAIMANT

STATE OF OILLAHANA	
COUNTY OF THISA	

The undersigned, of lawful age, being first duly sworn, on oath says that this contract is true and correct. Affiant further states that the work, services or materials will be completed or supplied in accordance with the contract, plans, specifications, orders or requests furnished to the affiant. Affiant further states that (s)he has made no payment directly or indirectly of money or any other thing of value to any elected official, officer or employee of the City of Tulsa or any public trust of which the City is a beneficiary to obtain or procure the contract or purchase order.

By: 77	
	e Mathan Elisiban
Name: MATVAN ENSIL	MAN
Company: Elsury CM	svutun, UC
Title: MUNUJINCIN	Nember
Subscribed and sworn to before me this day of Poril	, 20 <u>12</u>
Thenepmanie pleaner	
Notary Public	TIFFANY MARIE HEARON
My Commission Expires: Sept. 20, 2023	Notary Public - State of Oklahoma Commission Number 19009744
Notary Commission Number: 19009044	My Commission Expires Sep 26, 2023

INTEREST AFFIDAVIT

STATE OF OWNMAN ĪSS. COUNTY OF TUS

I, MALLING, of lawful age, being first duly sworn, state that I am the agent authorized by Contractor, Engineer, Architect or provider of professional service ["Services Provider"] to submit the attached Agreement. Affiant further states that no officer or employee of the City of Tulsa either directly or indirectly owns a five percent (5%) interest or more in the Services Provider's business or such a percentage that constitutes a controlling interest. Affiant further states that the following officers and/or employees of the City of Tulsa own an interest in the Services Provider's business which is less than a controlling interest, either direct or indirect.

By: HAMMELSWAN Signature Subscribed and sworn to before me this 12 day of 26Notary Public TIFFANY MARIE HEARON Notary Public - State of Oklahoma My Commission Expires: Commission Number 19009744 My Commission Expires Sep 26, 2023 Notary Commission Number: County & State Where Notarized

The Affidavit must be signed by an authorized agent and notarized.

NON-COLLUSION AFFIDAVIT

(Required by Oklahoma law, 74 O.S. §85.22-85.25)

STATE OF SS (Authorized Agent)

of lawful age, being first duly sworn, state that:

- 1. I am the authorized agent of Contractor, Engineer, Architect or provider of professional service ["Services Provider"] herein for the purposes of certifying facts pertaining to the existence of collusion between and among Services Provider and municipal officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to which this statement is attached.
- 2. I am fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached, and I have been personally and directly involved in the proceedings leading to the awarding of such contract; and
- 3. Neither the Services Provider nor anyone subject to the Services Provider's direction or control has been a party:
 - a. to any collusion with any municipal official or employee as to quantity, quality, or price in the prospective contract, or as to any other terms of such prospective contract, nor
 - b. in any discussions between Services Provider and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

By:	NINEILIN Signature
Title:	anaging Member
Subscribed and sworn to before me this day of	
Subscribed and sworn to before me this day of	20_20_20_20_20_20_20_20_20_20_20_20_20_2
THANY MANULANA Notary Public	
My Commission Expires: Spl- 10, 1023 Notary Commission Number: 190091144	TIFFANY MARIE HEARON Notary Public - State of Oklahoma Commission Number 19009744 My Commission Expires Sep 26, 2023
County & State Where Notarized:	and and and an an an an an an an an an

The Affidavit must be signed by an authorized agent and notarized.

ACORD	

CCAMPBELL

CERTIFICATE I BELOW. THIS REPRESENTAT IMPORTANT: If SUBROGATIC this certificate of PRODUCER Laird & Walkingsti 1010 Manvel Aven Chandler, OK 7483 INSURED INSURED Ellsw PO B Tulsa COVERAGES THIS IS TO CER INDICATED. NO CERTIFICATE MA EXCLUSIONS ANI INSR THIS IS TO CER INDICATED. NO CERTIFICATE MA EXCLUSIONS ANI	COCES NOT A CERTIFICAT IVE OR PROD If the certific ON IS WAIVE loes not confi ick Insurance ue 34 Forth Constru- gorth Constru	FFIRMAT E OF INS UCER, AI ate holde D, subject rights to rights to ction LLC LLC CER IE POLICIE IG ANY R OR MAY	TIFIC EQUID	TER OF INFORMATION O OR NEGATIVELY AMENI NCE DOES NOT CONSTIT E CERTIFICATE HOLDER. ADDITIONAL INSURED, th the terms and conditions of certificate holder in lieu of s ertificate holder in lieu of s MATE NUMBER: INSURANCE LISTED BELOW IEMENT, TERM OR CONDITION	D, EXTEND OR ALT UTE A CONTRACT e policy(ies) must ha of the policy, certain such endorsement(s) CONTACT Christy (PHONE (A/C, No, Ext): (405) 2 E-MAIL ADDRESS: Christyck INSURER A : Valley F INSURER A : Valley F INSURER B : Nationa INSURER C : Mt. Hav INSURER C : Markel INSURER F :	TER THE CO BETWEEN Ave ADDITIO policies may Campbell 258-4281 @lw-ins.co Surer(s) AFFOI Forge Insur al Fire Insur	DVERAGE AFFORDED THE ISSUING INSURER NAL INSURED provision require an endorsemen (A/C, No):(m RDING COVERAGE rance Company rance Company of Hannee Company	BY THI (S), AU s or be t. A st (405) 2	E POLICIES ITHORIZED e endorsed. atement on 240-5588 NAIC # 20508
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CLAIMS		BILITY					EACH OCCURRENCE	\$	1,000,000
	S-MADE X O	CUR		PMT7012253579	4/1/2021	4/1/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	300,000
							MED EXP (Any one person)	\$	10,000
							PERSONAL & ADV INJURY	\$	1,000,000
GEN'L AGGREGA	and the second sec	PER:					GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$	2,000,000
POLICY X	PRO- JECT	LOC						\$	2,000,000
OTHER:								\$	
B AUTOMOBILE LIA	BILITY						COMBINED SINGLE LIMIT (Ea accident)	\$	1,000,000
X ANY AUTO	COLIE			BUA7012253582	4/1/2021	4/1/2022	BODILY INJURY (Per person)	\$	
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								\$	
UMBRELLA EXCESS LIA		CUR AIMS-MADE					EACH OCCURRENCE	\$	
		AINIS-WADE	-				AGGREGATE	\$	
A WORKERS COMP	RETENTION \$						X PER OTH-	\$	
AND EMPLOYERS	LIABILITY	Y/N		WC7012253596	4/1/2021	4/1/2022	STATULE		1,000,000
ANY PROPRIETOR OFFICER/MEMBER (Mandatory in NH)	EXCLUDED?	TIVE	N/A				E.L. EACH ACCIDENT	\$	1,000,000
If yes, describe und	ler						E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT		1,000,000
DÉSCRIPTION OF C Pollution Liab		DW		EGL0008446	4/1/2021	4/1/2022	Limit	\$	3,000,000
D Equipment Fl	oater			MKLM4IM0052003	4/1/2021	4/1/2022	\$2,500 ded Limit:		9,771,971

AUTHORIZED REPRESENTATIVE

D

Kennth Re

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ACORD

CCAMPBELL

DATE (MM/DD/YYYY) 2/15/2022

							2/1	572022
THIS CERTIFICATE IS ISSUED AS CERTIFICATE DOES NOT AFFIRM BELOW. THIS CERTIFICATE OF REPRESENTATIVE OR PRODUCER,	NSURA	Y OF	R NEGATIVELY AMEND, EX DOES NOT CONSTITUTE	END OR AL	TER THE CO	VERAGE AFFORDE	DBYT	HE POLICIES
IMPORTANT: If the certificate hol If SUBROGATION IS WAIVED, sub	ject to	the	terms and conditions of the p	olicy, certain	policies may			
this certificate does not confer right	s to the	certi						
PRODUCER				CONTACT Christy Campbell				
Laird & Walkingstick Insurance			PHO (A/C	PHONE (A/C, No, Ext): (405) 258-4281 FAX (A/C, No): (405) 240-5588				
1010 Manvel Avenue Chandler, OK 74834			Ę-MA	E-MAIL ADDRESS: christyc@lw-ins.com				
Chandler, OK 14034			ADD					
				IN	SURER(S) AFFOR	DING COVERAGE		NAIC #
			INSU	RER A : Valley	Forge Insur	ance Company		20508
INSURED			INSU	RER B :				
City of Tulsa 175 E. 2nd Street, Ste: 450			INCL	INSURER C :				
				INJURER C .				
Tulsa, OK 74103			INSU	RER D :				
14154, 01(14100			INSU	INSURER E :				
			INSU	RER F :				
COVERAGES C	RTIFIC	ATE	NUMBER:			REVISION NUMBER		
THIS IS TO CERTIFY THAT THE POLI INDICATED. NOTWITHSTANDING ANY CERTIFICATE MAY BE ISSUED OR M EXCLUSIONS AND CONDITIONS OF SUC	CIES OF REQUI	F INS REME TAIN, CIES.	URANCE LISTED BELOW HAVE ENT, TERM OR CONDITION OF THE INSURANCE AFFORDED	ANY CONTRA BY THE POLIC N REDUCED BY POLICY EFF	TO THE INSUF CT OR OTHEF IES DESCRIB PAID CLAIMS POLICY EXP	RED NAMED ABOVE FOR DOCUMENT WITH RES ED HEREIN IS SUBJEC	R THE PO	O WHICH THIS
LTR TTPE OF INSURANCE	INSD	WVD	POLICY NUMBER	(MM/DD/YYYY)	(MM/DD/YYYY)	LI	MIIS	1 000 000
A X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$	1,000,000
CLAIMS-MADE X OCCUR			OCP7015715375	4/1/2021	4/1/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	
χ Owner's & Contractor						MED EXP (Any one person)	\$	
]	-					PERSONAL & ADV INJURY	\$	2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$	2,000,000
POLICY X PRO- JECT LOC						PRODUCTS - COMP/OP AG	G\$	
OTHER:							\$	
						COMBINED SINGLE LIMIT		
AUTOMOBILE LIABILITY						(Ea accident)	\$	
ANY AUTO						BODILY INJURY (Per persor	i) \$	
OWNED SCHEDULED AUTOS ONLY AUTOS						BODILY INJURY (Per accide	nt) \$	
HIRED AUTOS ONLY AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$	
AUTOS ONLY AUTOS ONLY						(or doordonly	s	
UMBRELLA LIAB OCCUR						EACH OCCURRENCE	\$	
EXCESS LIAB CLAIMS-MA	DE					AGGREGATE	\$	
DED RETENTION \$							\$	
WORKERS COMPENSATION						PER OTH STATUTE ER	-	
AND EMPLOYERS' LIABILITY	N							
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N/A					E.L. EACH ACCIDENT	\$	
(Mandatory in NH)	_					E.L. DISEASE - EA EMPLOY	'EE \$	
If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIM	ΙТ \$	
DESCRIPTION OF OPERATIONS / LOCATIONS / VE Project # 144017-H,Arterial Street Rehal	IICLES (A	CORD of S	101, Additional Remarks Schedule, ma outh Union Ave	y be attached if mo	re space is requir	ed)		
			CA	NCELLATION				
CERTIFICATE HOLDER			CA	UCELLATION				
City of Tulsa 175 E. 2nd Street Ste: 450 Tulsa, OK 74107				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.				
			Ke	month he P				
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