



CHANGE ORDER NO. 6
DATE 04/16/24

This Change Order No. 6 ("Change Order No. 6") to the construction services agreement is made by and between the City of Chandler, an Arizona municipal corporation, ("City") and Achen-Gardner Construction, LLC ("Contractor"), on this ____ day of _____, 202____ ("Effective Date" by Clerk).											
Change Order not valid until signed by both the City and the Contractor. Contractor's signature indicates Agreement herewith, including any adjustments in the Agreement Price or Agreement Time.											
Project Name: Arrowhead Water Production Facility Rehabilitation and Pecos Surface Water Treatment Plant Surge System											
Project No.: WA1903.401 & WA1908.401											
User Dept.: <u>Public Works & Utilities</u>		NTP Date: <u>11/18/21</u>									
<table border="0" style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> TO: Achen-Gardner Construction, LLC _____ (CONTRACTOR) </td> <td style="width:50%; vertical-align: top;"> 2195 W. Chandler Boulevard, Suite 200, Chandler, AZ 85224 _____ (Mailing Address) knunez@achen.com _____ (Email Address) </td> </tr> </table>			TO: Achen-Gardner Construction, LLC _____ (CONTRACTOR)	2195 W. Chandler Boulevard, Suite 200, Chandler, AZ 85224 _____ (Mailing Address) knunez@achen.com _____ (Email Address)							
TO: Achen-Gardner Construction, LLC _____ (CONTRACTOR)	2195 W. Chandler Boulevard, Suite 200, Chandler, AZ 85224 _____ (Mailing Address) knunez@achen.com _____ (Email Address)										
Contractor must make the following changes to this Agreement: (Detail scope change (Exh. A) / cost breakdown (Exh. B), if needed)											
The intent of this change order is to compensate Contractor for efforts associated with the leak discovered during the commissioning of the renovated Arrowhead WPF. Efforts include the investigation and determination of the leak's source, the repair of the leaking suction line, and the repair of discovered reservoir floor cracks. To perform described work, 300 calendar days will be added.											
<table border="0" style="width:100%;"> <tr> <td style="width:60%;">Amendment authorized by Owner name: Danny Sargent</td> <td style="width:40%;">Date: 4/4/24</td> </tr> </table>			Amendment authorized by Owner name: Danny Sargent	Date: 4/4/24							
Amendment authorized by Owner name: Danny Sargent	Date: 4/4/24										
Original Agreement amount:		\$6,053,000.00									
Previous Change Order total:		\$798,000.00									
Last Agreement amount approved by Council:		\$6,851,000.00									
This Change Order:		\$353,512.43									
This Change Order + previous Change Order(s) not approved by Council total:		\$353,512.43									
Revised Agreement total:		\$7,204,512.43									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th align="left" style="text-align: left;">Council Approval Required (yes indicates approval required)</th> <th align="center">Yes</th> <th align="center">No</th> </tr> <tr> <td>Change Order(s) total over \$100,000:</td> <td align="center">☒</td> <td align="center">☐</td> </tr> <tr> <td>Change Order(s) total causes Agreement to exceed \$100,000:</td> <td align="center">☐</td> <td align="center">☒</td> </tr> </table>			Council Approval Required (yes indicates approval required)	Yes	No	Change Order(s) total over \$100,000:	☒	☐	Change Order(s) total causes Agreement to exceed \$100,000:	☐	☒
Council Approval Required (yes indicates approval required)	Yes	No									
Change Order(s) total over \$100,000:	☒	☐									
Change Order(s) total causes Agreement to exceed \$100,000:	☐	☒									
Agreement Time											
Agreement time prior to this Change Order (including previous change order(s):		743 Calendar Days									

Net change resulting from this Change Order:	<u>300</u> Calendar Days
Revised Agreement time (including this Change Order):	<u>1043</u> Calendar Days
Council Approval (if applicable)	
Council Approval Date: <u>5/23/24</u> Item No. <u>Pending</u>	

Exhibit A

Item No. 73 Leak Investigation

This bid item is added to compensate the contractor for the costs associated with the investigation of the leak that occurred while filling the reservoir just prior to the facility's commissioning.

Measurement and Payment: Investigation efforts will be measured as a single complete unit of work and paid at the contract lump sum of \$ 83,512.43.

Item No.74 Suction Line Leak Repair

This bid item is added to compensate the contractor for the costs associated with the leak repair of suction line between reservoir and the Arrowhead WPF.

Measurement and Payment: Investigation efforts will be measured as a single complete unit of work and paid at the contract lump sum of \$ 225,000.00.

Item No.75 Reservoir Floor Crack Repair

This bid item is added to compensate the contractor for the costs associated with the repair of discovered floor cracks within the floor of the Arrowhead Water Reservoir.

Measurement and Payment: Investigation efforts will be measured as a single complete unit of work and paid at the contract allowance of \$ 25,000.00.

Item No.76 Owner's Construction Allowance

This bid item is added to compensate the contractor for the costs associated with unforeseen conditions and related efforts.

Measurement and Payment: Investigation efforts will be measured as a single complete unit of work and paid at the contract lump sum of \$ 20,000.00.

Exhibit B

WA1903.401 Arrowhead WPF Rehab & Pecos SWTP Surge System Construction

Change Order No. 6 – Leak Investigation, Suction Line Leak Repair, Reservoir Floor Crack Rehab

Item No.	Description	Est. Qty.	Unit	Unit Price	Extended Price
73	Leak Investigation	1	Lump Sum	\$ 83,512.43	\$ 83,512.43
74	Suction Line Leak Repair	1	Lump Sum	\$ 225,000.00	\$ 225,000.00
75	Reservoir Floor Crack Repair	1	Allowance	\$ 25,000.00	\$ 25,000.00
76	Owner's Construction Allowance	1	Allowance	\$ 20,000.00	\$ 20,000.00
	Change Order No. 6 Total				\$ 353,512.43

THE ABOVE IS AGREED TO BY:

"CITY" CITY OF CHANDLER

MAYOR

**"CONTRACTOR"
ACHEN-GARDNER CONSTRUCTION, LLC.**

Signature Date

RECOMMENDED BY:

Daniel Haskins
Daniel Haskins, P.E.
CIP City Engineer

Kevin J. Nunez
Print Name
Vice President
Title

APPROVED AS TO FORM:

Knunez@achen.com
Signer Email Address

City Attorney *TMB*

ATTEST:

City Clerk Seal

C: Owner / Project Mgr

RIDER

TO BE ATTACHED TO AND FORM PART OF

Performance & Payment Bonds NO. 609203507
(Bond Type) (Bond Number)
IN FAVOR OF City Of Chandler; Development Services
(Obligee)
ON BEHALF OF Achen-Gardner Construction, LLC
(Principal)
EFFECTIVE May 4, 2021
(Original Effective Date)

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider.

The Surety, Liberty Mutual Insurance Company,
hereby gives its consent to change;

Bond/Contract Amount

(of) the referenced bond FROM: Old Bond Amount = \$6,851,000.00

TO: New Bond Amount = \$7,204,512.43 (per Change Order No. 06, dated April 16, 2024\$

PROJECT: Arrowhead Water Production Facility Rehabilitation and
Pecos Surface Water Treatment Plant Surge System
Project Nos. WA1903.401 and WA1908.401

EFFECTIVE: April 16, 2024

PROVIDED, however that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

SIGNED, AND SEALED this 26th day of April, 2024.

Achen-Gardner Construction, LLC

Principal

Liberty Mutual Insurance Company

Surety

Stephanie L. Bucholz, Attorney-in-fact



Seal No. 5831



**Liberty
Mutual.**
SURETY

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8200472-975281**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Stephanie L. Bucholz, Andrew A. Farr, Barry R. Farr, Gregory P. Griffith, Debra K. Williams

all of the city of Mesa state of Arizona each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 7th day of February, 2019.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 7th day of February, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 26th day of April, 2024.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.