

# Memorandum

**To:** Bill Hanson

**From:** Kerry M. Leider



**Date:** July 18, 2014

**Re:** Bid #1184, Work Scope #9 - Timber Systems Change Order #1 for Truss Corrective Work at Lincoln Park Middle School

Attached are two (2) copies of Change Order #1 between Independent School District #709 and Timber Systems, LLC for truss repairs at Lincoln Park Middle School. The total estimated cost of these services is \$0.00.

I am recommending approval of Change Order #1 for Timber Systems, LLC at Lincoln Park Middle School related to School District Bid #1184, WS #9. After review and if you concur, please sign both copies of the Change Order and return them to the Facilities Management office for processing.

Attachments





# Document G701™ – 2001

## Change Order

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| <b>PROJECT</b> (Name and address):<br>Duluth Public Schools<br>Lincoln Park Middle School - Bid #1184<br>37 <sup>th</sup> Avenue West & Grand Avenue<br>Duluth, MN 55807 | <b>CHANGE ORDER NUMBER:</b> 001<br><br><b>DATE:</b> June 25, 2014  | <b>OWNER:</b> <input checked="" type="checkbox"/><br><br><b>ARCHITECT:</b> <input checked="" type="checkbox"/><br><br><b>CONTRACTOR:</b> <input checked="" type="checkbox"/><br><br><b>FIELD:</b> <input type="checkbox"/> |
| <b>TO CONTRACTOR</b> (Name and address):<br>Timber Systems, LLC<br>162 South Saginaw Street<br>Lapeer, MI 48445  | <b>ARCHITECT'S PROJECT NUMBER:</b> LHB #080330<br><br><b>CONTRACT DATE:</b> June 16, 2010<br><br><b>CONTRACT FOR:</b> Work Scope #09 | <b>Construction Manager:</b> <input checked="" type="checkbox"/>   |

**THE CONTRACT IS CHANGED AS FOLLOWS:**

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Provide required truss repair work necessary to meet the current Building Code snowload requirements; and all associated architectural, structural, mechanical and electrical work to modify existing conditions to accommodate repairs as shown on attached drawings.

TOTAL COST: \$0.00

2. The following additional terms shall be made a part of this Change Order:

This Zero Cost Change Order is made between Owner, Independent School District No. 709, the Duluth Public Schools, and Timber Systems, LLC, a Michigan Limited Liability Company. This Change Order relates to the Contract dated June 16, 2010, for work relating to the new Lincoln Park Middle School. Timber Systems, LLC agrees to perform the work to make corrections on the Timber Systems, LLC trusses, as identified on the attached plans and specifications (the "Truss Repair Documents"). Timber Systems, LLC agrees that its corrective work must be satisfactorily completed by August 15, 2014, and shall comply not only with the Truss Repair Documents, but also with the construction drawings and specifications previously issued in connection with the original construction.

Timber Systems, LLC agrees that it will perform this additional work without any additional compensation. It is performing this additional work to fulfill its obligations under the original Contract.

Timber Systems, LLC shall strictly comply with the Truss Repair Documents, the original plans and specifications, the requirements of the City of Duluth and any special inspectors on the project. Timber Systems, LLC shall confirm the extension of performance and payment bonds, and required insurance coverage to cover the full scope of the truss corrective and related repair work. *THIS CHANGE ORDER SPECIFICALLY EXCLUDES ANY COSTS INCURRED BY LHB OR ANY OTHER ENGINEERING FIRM FOR WORK RELATED TO THE REINFORCEMENT OF THE HEAVY TRUSSES.*  
 Any and all warranties and other obligations regarding the work by Timber Systems, LLC, shall begin to run from the acceptance by District of the work, upon completion of the latest of this Change Order, and any subsequent Change Orders. *RLH*

As part of this Change Order, Timber Systems, LLC, <sup>2016 RLH</sup> agrees that it will pay Independent School District No. 709, the sum of \$40,667 on or before January 15, ~~2015~~. If Timber Systems, LLC, complies with the terms of the current Change Order, and any subsequent change orders, and if Timber Systems, LLC, pays the sum of \$40,667 to Independent School District No. 709 on or before January 15, 2016, then Independent School District No. 709 agrees that it will not commence collection action against Timber Systems, LLC, for that sum of \$40,667 before January 15, 2016. If that sum, or part of it is not paid by that date, then Independent School District No. 709 retains all rights which it has to reassert its claims against Timber Systems, LLC, for that sum. Timber Systems, LLC agrees, as part of this Change Order, to execute a Confession of Judgment in favor of Independent School District No. 709, that it will pay the sum of \$40,667 or any unpaid parts of that, by January 15, 2016, and if it has not paid that sum, or parts of that sum, then Independent School District No. 709, shall be entitled to a Judgment against Timber Systems, LLC, for that remaining balance. The sum due on this agreed amount from Timber Systems, LLC of \$40,667 shall also accumulate additional interest at the rate of 4% on the unpaid balance from August 1, 2014. *RLH*

Independent School District No. 709 and its construction manager, engineers and other parties have additional claims against Timber Systems, LLC for additional sums. Independent School District No. 709 and those other entities retain all rights regarding those claims, and those claims are not waived by this Agreement. These entities include, but are not limited to, LHB, JCI, Kraus-Anderson and Qualtim. Timber Systems, LLC retains all defenses which it has regarding those other additional claims and those other additional claims are not included in the Confession of Judgment.

- Attachments:
- LHB Drawing A2.23R Level 2 Floor Plan - Area C dated 06/12/14.
  - Timber Systems Drawing E20 Cafeteria Truss Connections Plan dated 05/27/14.
  - Timber Systems Drawing E12 Additional Truss Connection Details dated 05/27/14.
  - Timber Systems Drawing E13 Additional Truss Connection Details dated 05/27/14.
  - Timber Systems Drawing E14 T1 Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing E15 T2 Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing E16 T1R Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing E17 T2R Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing E18 T1L Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing E19 T2I Truss Web Reinforcements dated 05/27/14.
  - Timber Systems Drawing 217 Connection Fabrication Details dated 05/27/14.
  - Timber Systems Drawing 219 Connection Fabrication Details dated 05/27/14.
  - Timber Systems Drawing 220 Connection Fabrication Details dated 05/27/14.
  - Timber Systems Drawing 221 Connection Fabrication Details dated 05/27/14.
  - Timber Systems Drawing 222 Connection Fabrication Details dated 05/27/14.
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  - Timber Systems Drawing 233 Connection Fabrication Details dated 05/27/14.
  - Timber Systems Drawing 234 Connection Fabrication Details dated 05/27/14.

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|--|---------------|
| The original Contract Sum was  | \$ 521,532.00 |
| The net change by previously authorized Change Orders                    | \$ 0.00       |
| The Contract Sum prior to this Change Order was                          | \$ 521,532.00 |
| The Contract Sum will be unchanged by this Change Order in the amount of | \$ 0.00       |
| The new Contract Sum including this Change Order will be                 | \$ 521,532.00 |

The Contract Time will be increased by Zero (0) days.  
The date of Substantial Completion as of the date of this Change Order therefore is August 15, 2014.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

LHB, Inc.

Timber Systems, LLC

Independent School District No. 709  
Duluth Public Schools

**ARCHITECT** (Firm name)

**CONTRACTOR** (Firm name)

**OWNER** (Firm name)

21 West Superior Street,  
Duluth, MN 55802

162 South Saginaw Street  
Lapeer, MI 48440

215 North First Avenue West  
Duluth, MN 55802

**ADDRESS**

**ADDRESS**

**ADDRESS**

**BY** (Signature)

**BY** (Signature)

**BY** (Signature)

Kevin C. Holm  
(Typed name)

Roger L. Harris  
(Typed name)

Bill Hanson  
(Typed name)

June 25, 2014

6/27/14

7/18/2014

**DATE**

**DATE**

**DATE**