

Doc Number: **0824761**

06/04/2013 10:27 AM

OFFICIAL RECORDS

Requested By:

DC/PUBLIC WORKS

DOUGLAS COUNTY RECORDERS
Karen Ellison - Recorder

Page: 1 of 7 Fee: \$ 0.00

Bk: 0613 Pg: 524



Deputy pk

Assessor's Parcel Number: N/A

Date: JUNE 4, 2013

Recording Requested By:

Name: EILEEN CHURCH, PUBLIC WORKS
(RR)

Address: _____

City/State/Zip: _____

Real Property Transfer Tax: \$ N/A

CHANGE ORDER NO 3 (#2013.098)

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

CHANGE ORDER

FILED

(Instructions on reverse side)

No. 2013.098

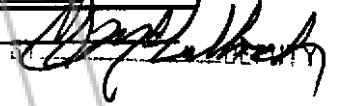
2013 JUN -4 AM 8:41

PROJECT: NDC - CC Water Line Inter-tie Project

DATE OF ISSUANCE: May 16, 2013 EFFECTIVE DATE: May 16, 2013

TED THUAN
CLERK

OWNER: Douglas County Public Works



OWNER's Contract No. PWP-DO-2012-282

CONTRACTOR: Harber Company ENGINEER: HDR Engineering

You are directed to make the following changes in the Contract Documents.

Description: Adjust contract quantities as shown in Attachment "A" and the Settlement Agreement reached with contractor.

Reason for Change Order: A change in site conditions and the amounts claimed due required mediation to resolve. Provide payment to contractor as a result of mutual agreement to settle all of contractor's claims per the attached Settlement Agreement.

Attachments: Contract quantity adjustments and Settlement Agreement.

| CHANGE IN CONTRACT PRICE: | CHANGE IN CONTRACT TIMES: |
|--|---|
| Original Contract Price <u>\$4,694,427.00</u> (corrected amount - see NOTE Attachment "A") | Original Contract Times Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net changes from previous Change Orders No. 1 to No. 1 <u>\$85,030.11</u> Increase | Net change from previous Change Orders No. <u>0</u> to No. <u>0</u> <u>0</u> days |
| Contract Price prior to this Change Order <u>\$4,779,457.11</u> (corrected amount - see NOTE Attachment "A") | Contract Times prior to this Change Order Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net Increase (decrease) of this Change Order <u>\$188,056.00</u> Decrease | Net Increase (decrease) of this Change Order <u>0</u> days |
| Contract Price with all approved Change Orders <u>\$4,591,401.11</u> (corrected amount - see NOTE Attachment "A") | Contract Times with all approved Change Orders Substantial Completion: March 18, 2013 Ready for final payment: June 17, 2013 days or dates |

RECOMMENDED:

APPROVED:

ACCEPTED:

By: 
Engineer (Authorized Signature)

By: 
Owner (Authorized Signature)

By: 
Contractor (Authorized Signature)

Date: 5-23-13

Date: 5-30-13

Date: 5/24/13

**DOUGLAS COUNTY INTERTIE PROJECT
 CHANGE ORDER NO. 3 – ATTACHMENT "A"
 QUANTITY REVISIONS**

| Bid Item Number | Description | Estimated Quantity | Unit | Unit Bid Price | Total Bid Price |
|----------------------------|--|--------------------|-------|----------------|-----------------------|
| 5 | Combined 24" & 16" Dewatering | -1 | LS | \$ 45,000.00 | \$ -45,000.00 |
| 6 | Combined 24" & 16" Wet Trench Construction | -800 | Linft | \$ 30.00 | \$ -24,000.00 |
| 14 | Dewatering | -1 | LS | \$ 275,000.00 | \$ -275,000.00 |
| 19 | 30" Water Main Wet Trench Construction | -8170 | Linft | \$ 20.00 | \$ -163,400.00 |
| 30 | Dewatering | -1 | LS | \$ 75,000.00 | \$ -75,000.00 |
| 33 | Individual Wet Trench Construction | -1842 | Linft | \$ 18.00 | \$ -33,156.00 |
| 36 | Dewatering | -1 | LS | \$ 10,000.00 | \$ -10,000.00 |
| 39 | Individual Wet Trench Construction | -500 | Linft | \$ 15.00 | \$ -7,500.00 |
| | Claim Settlement | 1 | LS | \$ 445,000.00 | \$ 445,000.00 |
| TOTAL COST DECREASE | | | | | \$ -188,056.00 |

NOTE:

Due to math errors in the Contractor's original Base Bid Schedule, Change Order Nos. 1 and 2 were processed with the incorrect "Original Contract Price". As a result, the "Contract Price prior to this Change Order" and "Contract Price with all approved Change Orders" are also incorrect. The corrected amounts are reflected on the attached copies of Change Order Nos. 1 and 2.

CHANGE ORDER

(Instructions on reverse side) No. 1

PROJECT: NDC - CC Water Line Inter-tie Project

DATE OF ISSUANCE: March 27, 2013 EFFECTIVE DATE: March 27, 2013

OWNER: Douglas County Public Works

OWNER's Contract No. PWP-DO-2012-282

CONTRACTOR: Harber Company ENGINEER: HDR Engineering

You are directed to make the following changes in the Contract Documents.
 Description: Furnish and install three (3) butterfly valves, relocate water meter pit sets and pull boxes, and reimburse Douglas County for Invoice #123112.
 Reason for Change Order: Install valves for future booster station locations, relocate pit set to accommodate adjacent property owners, reimburse Douglas County for restoring water service to Fire Station #12.
 Attachments: Douglas County force account listing for valves & water meter pits, Douglas County Invoice for water service.

| | |
|---|---|
| CHANGE IN CONTRACT PRICE: Original Contract Price \$4,675,427.00 4,694,427.00 | CHANGE IN CONTRACT TIMES: Original Contract Times Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net changes from previous Change Orders No. <u>0</u> to No. <u>0</u> \$0.00 | Net change from previous Change Orders No. <u>0</u> to No. <u>0</u> 0 days |
| Contract Price prior to this Change Order \$4,675,427.00 4,694,427.00 | Contract Times prior to this Change Order Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net Increase (decrease) of this Change Order \$55,139.11 Increase | Net Increase (decrease) of this Change Order 0 days |
| Contract Price with all approved Change Orders \$4,730,566.11 4,749,566.11 | Contract Times with all approved Change Orders Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |

RECOMMENDED:
 By: [Signature]
 Engineer (Authorized Signature)
 Date: 3-28-13

APPROVED:
 By: [Signature]
 Owner (Authorized Signature)
 Date: 4-10-13

ACCEPTED:
 By: [Signature]
 Contractor (Authorized Signature)
 Date: 4/1/13

CHANGE ORDER

(Instructions on reverse side) No. 2

PROJECT: NDC - CC Water Line Inter-tie Project

DATE OF ISSUANCE: April 16, 2013 EFFECTIVE DATE: April 16, 2013

OWNER: Douglas County Public Works

OWNER's Contract No. PWP-DO-2012-282

CONTRACTOR: Harber Company ENGINEER: HDR Engineering

You are directed to make the following changes in the Contract Documents.
Description: Furnish and install materials to modify the recently installed fence from station 260+28 to 309+85 and tie-in new fence to the two existing gates.

Reason for Change Order: Revise fence to match existing fence installed during Phase 1 of the 30" North Douglas County Water Line Tie-In project.

Attachments: Douglas County force account listing, materials invoices, and Work Change Directive No. 4.

| CHANGE IN CONTRACT PRICE: | CHANGE IN CONTRACT TIMES: |
|--|--|
| Original Contract Price <u>\$4,675,427.00</u> 4,694,427.00 | Original Contract Times Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net changes from previous Change Orders No. 1 to No. 1 <u>\$55,139.11</u> | Net change from previous Change Orders No. 0 to No. 0 <u>0</u> days |
| Contract Price prior to this Change Order <u>\$4,730,566.11</u> 4,749,566.11 | Contract Times prior to this Change Order Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |
| Net Increase (decrease) of this Change Order <u>\$29,891.00</u> Increase | Net Increase (decrease) of this Change Order <u>0</u> days |
| Contract Price with all approved Change Orders <u>\$4,760,457.11</u> 4,779,457.11 | Contract Times with all approved Change Orders Substantial Completion: March 18, 2013 Ready for final payment: April 18, 2013 days or dates |

RECOMMENDED:
By: [Signature]
Engineer (Authorized Signature)

APPROVED:
By: [Signature]
Owner (Authorized Signature)

ACCEPTED:
By: [Signature]
Contractor (Authorized Signature)

Date: 4-17-13

Date: 5-8-13

Date: 4/17/13

SETTLEMENT AND RELEASE OF CLAIMS

Douglas County, a political subdivision of the State of Nevada ("County"), and Harber Company, Inc., dba Mountain Cascade of Nevada ("Harber"), hereby enter into this Settlement and Release of Claims ("Agreement") related to the North Douglas County – Carson City Water Line Inter-tie Project, North County Water Line, Project Number PWP-DO-2012-282 (the "Project").

In consideration of Harber's receipt of Four Hundred and Forty-Five Thousand Dollars (\$445,000) within 30 days of the execution of this Agreement, Harber promises and agrees to release all claims against County related to or arising from any agreement between the parties for the installation of any restraining joints, filter fabric, water stops, and dewatering at the Project (the "Released Claims"). Harber will not cause or permit any action or claim to be brought against County or its officers, employees, elected officials or agents related to the Released Claims.

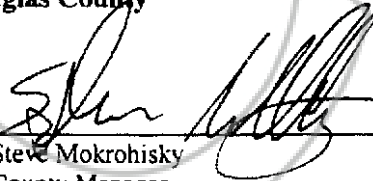
County and Harber jointly agree that they will each comply with all of the terms of the Contract and all warranties, indemnifications, progress payments, retention payments, and duties will remain in full force and effect pursuant to the terms of the Contract and Article 17.04 of the General Conditions. If any dispute related to the Contract arises, other than for the Released Claims, the parties agree to comply with the terms of the Contract, including Articles 10.05 and 16.01 of the General Conditions.

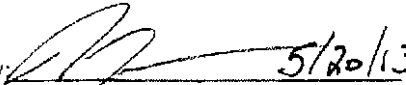
It is intended that this Agreement act as an accord and satisfaction of Harber's claims related to the Released Claims. This Agreement is not intended to benefit any third party and only County or Harber may seek to enforce the terms of this Agreement or the Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Settlement and Release of Claims to be signed and intend to be legally bound thereby this 20 day of May, 2013.

Douglas County

Harber Company, Inc.
dba Mountain Cascade of Nevada

By:  5-24-13
Steve Mokrohisky (Date)
County Manager

By:  5/20/13
Michael "Duke" Fuller (Date)
President

COPY

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and on record in my office.

DATE: June 7 2013
T. Reed Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.
By Shirley M. Mulock Deputy