



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
Purchase Order

Order Date: 09-21-2022

CORRECT ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS ORDER SHOULD BE DIRECTED TO THE DEPARTMENT CONTACT.

Order Number:	CPO 0603 0603 ADJ2100000044 12	Procurement Folder:	880633
Document Name:	MCA South- Renovations Tech Center & Maclin Hall	Reason for Modification:	Change Order No. 5- To increase contract amount per the attached documentation.
Document Description:	Change Order No. 5- To increase contract amount per attached		
Procurement Type:	Central Purchase Order		
Buyer Name:	David H Pauline		
Telephone:	304-558-0067		
Email:	david.h.pauline@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2021-07-29
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2022-11-21

VENDOR		DEPARTMENT CONTACT	
Vendor Customer Code:	000000208659	Requestor Name:	Charles A Bowman
MAYNARD C SMITH CONSTRUCTION CO INC PO BOX 11888		Requestor Phone:	(304) 561-6654
CHARLESTON WV 253391888		Requestor Email:	charles.a.bowman26.nfg@army.mil
US		<div style="font-size: 48pt; font-weight: bold;">23</div> <div style="font-weight: bold;">FILE LOCATION _____</div>	
Vendor Contact Phone:	304-925-3190 Extension:		
Discount Details:			
#1	No 0.0000 0		
#2	Not Entered		
#3	Not Entered		
#4	Not Entered		

INVOICE TO	SHIP TO
STATE FINANCE ADJUTANT GENERALS OFFICE 1703 COONSKIN DR CHARLESTON WV 25311-1085 US	MOUNTAINEER CHALLENGE PROGRAM - SOUTH ADJUTANT GENERALS OFFICE 305 FAYETTE PIKE MONTGOMERY WV 25136 US

9-26-22 BJS

Total Order Amount:	\$1,147,934.00
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Purchasing Division's File Copy

ENTERED

PURCHASING DIVISION AUTHORIZATION DATE: <i>Tanya J. Gabe</i> ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM DATE: <i>9/28/2022</i> ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION DATE: <i>Beverly Telen 9-28-22</i> ELECTRONIC SIGNATURE ON FILE
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9/28/2022

Extended Description:

Change Order No. 5 - To increase the original contract according to all terms, conditions, and specifications contained in the original contract including all authorized change orders. The contract is increased as defined in the attached documentation.

All provisions of the original Contract and subsequent Change Orders not modified herein shall remain in full force and effect.

Original Contract Price:	\$1,133,000.00
Change Order No. 2 Increase:	\$ 4,740.00
Change Order No. 4 Increase:	\$ 4,715.00
Change Order No. 5 Increase:	\$ 5,479.00
Contract New Total:	\$1,147,934.00

No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	72000000	0.00000		0.000000	794400.00
Service From	Service To	Manufacturer		Model No	
2021-07-29	2022-11-21				

Commodity Line Description: MCA South- Renovations Tech Center & Maclin Hall-BASE BID

Extended Description:

Contract Item #1- Lump Sum Price for Base Bid Renovations Tech Center & Maclin Hall, per the attached documentation.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	72000000	0.00000		0.000000	74900.00
Service From	Service To	Manufacturer		Model No	
2021-07-29	2022-11-21				

Commodity Line Description: Add-Alternate No.1- Toilet Room Renovations in Maclin Hall

Extended Description:

Add-Alternate Bid No.1- Lump Sum Price for Toilet Room renovations in Maclin Hall, per the attached documentation.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
3	72000000	0.00000		0.000000	263700.00
Service From	Service To	Manufacturer		Model No	
2021-07-29	2022-11-21				

Commodity Line Description: Add-Alternate No. 2- Toilet Room Renovations in Tech Center

Extended Description:

Add-Alternate Bid No.2- Lump Sum Price for Toilet Room renovations in the Tech Center, per the attached documentation.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
4	72000000	0.00000		0.000000	4740.00
Service From	Service To	Manufacturer		Model No	
2021-09-22	2022-11-21				

Commodity Line Description: CHANGE ORDER NO.2- To increase contract amount

Extended Description:

CHANGE ORDER NO.2- To increase contract amount per the attached documentation.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
5	72000000	0.00000		0.000000	4715.00
Service From	Service To	Manufacturer		Model No	
2022-08-03	2022-11-21				

Commodity Line Description: CHANGE ORDER NO.4- To increase contract amount and time

Extended Description:

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
6	72000000	0.00000		0.000000	5479.00
Service From	Service To	Manufacturer		Model No	
2022-08-03	2022-11-21				

Commodity Line Description: CHANGE ORDER NO.5- To increase contract amount

Extended Description:

CHANGE ORDER NO.2- To increase contract amount per the attached documentation.

**West Virginia Army National Guard
Construction & Facilities Management Office
1707 Coonskin Drive
Charleston, West Virginia, 25311-1085**

FMO-OTR-

August 04, 2022

Mrs. Lyle,

Please find the following change order request for the subject contract (CPO-ADJ2100000044) in the amount of \$11,156.00 with a credit of \$5,677.00 for work not performed, for the installation of automated controls for the boiler, on this contract, for a total actual price increase of \$5,479.00. This change order is for delays associated with the local natural gas company failing to provide proper sizing of supply lines and regulator adjustments. Furthermore, multiple attempts were made by the general contractor, Maynard C. Smith's, sub-contractor to startup the boiler system. These attempts all failed. Once the gas utility changed the pipe sizing and adjusted the regulators correctly, the system worked. The project is in Montgomery, West Virginia. A description of the services is provided below.

We request a courtesy call if there are any problems associated with the attached change order request so that we may have an opportunity to address the issue in a timely manner. The point of contact for this change order is Paul Richards at (304) 561-6548.

1. Itemized Changes:

a. **Item #1: Delays, parts and multiple boiler startup attempts**

1. Description of work: Compensation for time, parts and travel
2. Justification for Change:
 - (a) Facts: Due to complications with the local natural gas utility, the contractor, Maynard C. Smith's, sub-contractors made multiple trips attempting to startup the boiler system. This caused unnecessary use of manpower and parts due to the local natural gas utility providing improper supply line and regulator adjustments.

b. Item #2: Credit for work not completed (\$5,677.00)

1. Description of work: Credit for not installing automated controls.
2. Credit: \$5,677.00
3. Funding: 75% Federal 25% State

2. Accounting Summary:

CONSOLIDATED PRICING OF CHANGE ORDER		
Description	Federal Funds	State Funds
Item #1: Delays in Startup	\$8,367	\$2,789.00
Item #2: Credit -Work Not Completed	(\$4,257.75)	(\$1,419.25)
Total	\$4,109.25	\$1,369.75

Respectfully



PAUL RICHARDS
Project Manager

Concurrence,

Cc:
LTC Beckner, FMO



June 14, 2022

Re: Maclin Hall Gas Issues

We spent an additional 40 hours, \$3,575.00, dealing with the gas company. Their original tap was 3/4". They tied the 3/4" into a 1 1/2" tap but that still does not have the volume of a 2" tap. We are charged an additional \$500 for each start up fee. I paid \$1,200 for the new domestic water gas regulator that will not fix the problem and an additional 8 hours of labor, \$710.00. I emailed you the install manual about the air intake requirements. I will forward the start up findings on the domestic water heaters. Thank you.

Mary Beth Johnson
304-756-3788

July 6, 2022

Re: Update to Maclin Hall Gas Issues

An additional \$1840 in labor and \$500 start-up fee was added.



DEPARTMENT OF THE ARMY
ADJUTANT GENERAL'S OFFICE
JOINT FORCES HEADQUARTERS WEST VIRGINIA
1707 COONSKIN DRIVE
CHARLESTON, WEST VIRGINIA 25311-1026

NGWV-FMO

21 September 2022

TO: Ms. Tara Lyle, Buyer Supervisor
West Virginia Division of Purchasing

FROM: Mr. Dean Wingerd, Procurement Analyst
Office of the Adjutant General, State of West Virginia

RE: Change Order Justification
CPO-ADJ2100000044
CO#5 MCA South- Renovations Tech Center & Maclin Hall
Maynard C. Smith Construction Company, Inc.

This change order request for the project noted above is to increase the contract amount by \$5,479.00. The increase is needed because of additional complications with the local natural gas utility and continued materials and parts lead times during the pandemic, the request from the vendor and supporting documentation is attached to this submission. This change order request is late because of issues obtaining a properly executed bond rider, staff vacations and illness, attendance at the State Purchasing Conference and because of staff workload.

Per this justification, we respectfully request the approval of Change Order #5 as submitted.

The point of contact for this correspondence is the undersigned at 304-561-6629 or email at claude.d.wingerd.nfg@army.mil.

A handwritten signature in blue ink that reads "Dean Wingerd".

Dean Wingerd
Procurement Analyst
WV Military Authority
Construction & Facilities Management Office

A handwritten signature in blue ink that reads "Tara Lyle".



**Maynard C. Smith
Construction Co., Inc.**

August 3, 2022

Paul Richards
WVARNG
1703 Coonskin Drive
Charleston, WV 25311

Re: Change Order #5 MCS – South Phase 2
CPO 0603 0603 ADJ2100000038 for the Project RENOVATIONS TO THE TECH CENTER
& MACLIN HALL FOR THE WEST VIRGINIA ARMY NATIONAL GUARD MONTGOMERY, WEST
VIRGINIA
Montgomery, WV

Dear Paul:

Maynard C. Smith Construction Company, Inc. (MCS) has attached its signed Change Order #5 with the following documents:

- Its bond rider
- Its COR #005r with a cost of \$11,156.00
- Its COR #007 with a cost of (\$ 5 677.00)
- Its Certificate of Liability Insurance expiring 07/01/2023
- Its West Virginia Contractor's License WV000011 expiring January 20, 2023

Sincerely,

A handwritten signature in blue ink, appearing to read "John Strickland", is written over a faint blue circular stamp.

John Strickland
Project Manager

encls.

cc(w/encls): Nathan Spencer ZMM, Inc.
Amy Rhodes ZMM, Inc.
Joe Hill MCS Construction Co., Inc.

BOND NUMBER: 146942C

Change Order #5

Increase PENALTY RIDER

ORIGINAL BOND AMOUNT \$1,133,000.00

To be attached and form a part of Bond No. 146942C dated the 14th day of June, 2021, executed by Ohio Farmers Insurance Company as surety, on behalf of Maynard C. Smith Construction Company, Inc. as current principal of record, and in favor of West Virginia Army National Guard, as Obligee, and in the amount of One Million One Hundred Thirty Three Thousand Dollars and 00/100 (\$1,133,000.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Ohio Farmers Insurance Company hereby consents that effective from the 3rd day of August, 2022, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE Increased:

TO: One Million One Hundred Forty Seven Thousand Nine Hundred Thirty Four Dollars and 00/100 (\$1,147,934.00)

The Increase of said bond penalty shall be effective as of the 3rd day of August, 2022, and does hereby agree that the continuity of protection under said bond subject to changes in penalty shall not be impaired hereby, provided that the aggregate liability of the above mentioned bond shall not exceed the amount of liability assumed by it at the time the act and/or acts of default were committed and in no event shall such liability be cumulative.

Signed, sealed and dated this 3rd day of August, 2022.

Maynard C. Smith Construction Company, Inc.
PRINCIPAL

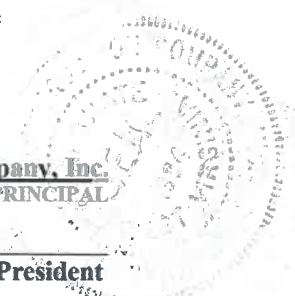
BY: _____

John Strickland, President

Ohio Farmers Insurance Company
SURETY

BY: _____

Patricia A. Moye, WV Resident Agent, ATTORNEY-IN-FACT



ACKNOWLEDGMENTS

Acknowledgment by Principal if individual or Partnership

1. STATE OF _____
2. County of _____ to-wit:
3. I, _____, a Notary Public in and for the
4. county and state aforesaid, do hereby certify that _____
whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.
5. Given under my hand this _____ day of _____ 20 _____
6. Notary Seal _____
7. _____
(Notary Public)
8. My commission expires on the _____ day of _____ 20 _____

Acknowledgment by Principal if Corporation

9. STATE OF West Virginia
10. County of Kanawha to-wit:
11. I, Pamela K. Casto, a Notary Public in and for the
12. county and state aforesaid, do hereby certify that John Strickland
13. who as, President signed the foregoing writing for
14. a corporation, has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
15. Given under my hand this 3rd day of August 20 22
16. Notary Seal _____
17. Pamela K Casto
(Notary Public)
18. My commission expires on June 3rd day of June 20 25



Acknowledgment by Surety

19. STATE OF West Virginia
20. County of Kanawha to-wit:
21. I, Kimberly J. Wilkinson, a Notary Public in and for the
22. county and state aforesaid, do hereby certify that Patricia A. Moye
23. who as, Attorney-in-fact and WV Resident Agent signed the foregoing writing for
24. Ohio Farmers Insurance Company a corporation,
25. has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
25. Given under my hand this 3rd day of August 20 22
26. Notary Seal _____
27. Kimberly J. Wilkinson
(Notary Public)
28. My commission expires on July 24, 2027 day of July 20 27



Sufficiency in Form and Manner
of Execution Approved

This 28th day of September 2022

By: John S. Gray Attorney General
(Deputy Attorney General)

THIS POWER OF ATTORNEY SUPERCEDES ANY PREVIOUS POWER BEARING THIS SAME POWER # AND ISSUED PRIOR TO 08/16/18, FOR ANY PERSON OR PERSONS NAMED BELOW.

POWER NO. 4752152 06

General Power of Attorney

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint GREGORY T. GORDON, KIMBERLY J. WILKINSON, PATRICIA A. MOYE, JOINTLY OR SEVERALLY

of CHARLESTON and State of WV its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 16th day of AUGUST A.D., 2018 .

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

By: Dennis P. Baus

Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio County of Medina ss.:

On this 16th day of AUGUST A.D., 2018 , before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



David A. Kotnik

David A. Kotnik, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

3rd

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this August day of A.D., 2022 .



Frank A. Carrino Secretary Frank A. Carrino, Secretary