



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: 07-19-2023

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 0310 6547 DNR2200000005 5	Procurement Folder:	901669
Document Name:	Watters Smith State Park New Event Pavilion and Additions	Reason for Modification:	Change Order No. 02 issued to increase contract as per the attached documentation.
Document Description:	Change Order No. 02		
Procurement Type:	Central Purchase Order		
Buyer Name:	Joseph E Hager III		
Telephone:	(304) 558-2306		
Email:	joseph.e.hageriii@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2022-02-14
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2022-10-11

VENDOR		DEPARTMENT CONTACT		
Vendor Customer Code:	000000159595	Requestor Name:	James H Adkins	
FAIRCHANCE CONSTRUCTION CO 77 S MORGANTOWN ST		Requestor Phone:	(304) 558-3397	
FAIRCHANCE PA 15436 US		Requestor Email:	jamie.h.adkins@wv.gov	
Vendor Contact Phone:	724-564-7485	<div style="font-size: 48pt; font-weight: bold;">24</div> <div style="font-weight: bold;">FILE LOCATION _____</div>		
Extension:				
Discount Details:				
Discount Allowed	Discount Percentage			Discount Days
#1 No	0.0000			0
#2	Not Entered			
#3	Not Entered			
#4	Not Entered			

INVOICE TO	SHIP TO
DIVISION OF NATURAL RESOURCES PARKS & RECREATION-PEM SECTION 324 4TH AVE SOUTH CHARLESTON WV 25305 US	SUPERINTENDENT DIVISION OF NATURAL RESOURCES WATTERS SMITH MEMORIAL STATE PARK 831 RR 3 LOST CREEK WV 26385 US

7-20-23 RST

Total Order Amount:	\$869,515.55
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Purchasing Division's File Copy

ENTERED

PURCHASING DIVISION AUTHORIZATION DATE: <i>Munk</i> 7/19/2023 ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM DATE: <i>John D. Gray</i> ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION DATE: <i>Beverly Toler</i> 7-26-23 ELECTRONIC SIGNATURE ON FILE
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7/25/2023

Extended Description:**Change Order**

Change Order No. 02 is issued to increase the original contract according to all terms, conditions, prices, and specification contained in the original contract including all authorized change orders. This change order represents final quantities.

Effective date of change: 10/11/2022

Original Contract Price: \$850,000.00

Change Order No. 02 Increase: 19,515.55

Contract New Total: \$869,515.55

All provisions of the original contract and subsequent change orders not modified herein shall remain in full force and effect.

NO OTHER CHANGES.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	72000000	0.00000		0.000000	850000.00
Service From	Service To	Manufacturer	Model No		
2022-02-14	2022-10-11				

Commodity Line Description: Building and Facility Construction and Maintenance Services

Extended Description:

Watters Smith Memorial State Park New Event Pavilion and Building Additions

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	72000000	0.00000		0.000000	19515.55
Service From	Service To	Manufacturer	Model No		
2022-02-14	2022-10-11				

Commodity Line Description: Change Order No. 02

Extended Description:

Watters Smith Memorial State Park New Event Pavilion and Building Additions



Brett W. McMillion
APPROVED
7/18/23

Governor Jim Justice

Director Brett W. McMillion

MEMORANDUM

TO: Jamie Adkins
FROM: Roger C. Wolfe
Engineer Associate
DATE: April 18, 2023
SUBJECT: Watters Smith State Park Event Pavilion
Change Order #2 FINAL QUANTITY
CPO 0310 6547 DNR2200000005

Roger C Wolfe

Please find the attached Change Order #2 (FINAL QUANTITY) for the above referenced project. This change order is to cover essential services that were required or encountered during construction of the New Event Pavilion. The project was completed within the original contract period ending October 11, 2022.

As part of the construction process, the contractor encountered bedrock that was not anticipated. Also, there were additional electrical circuits and plumbing fixture installations that were inadvertently omitted in the original contract but necessary for successful completion of the project. The additional cost for the added services is \$19,515.55 and appears to be reasonable for the scope of work as detailed in the attached pages. This change amounts to approximately a 2.0% increase from the original contract making the final contract price \$869,515.55 (\$850,000.00+\$19,515.55). I have included the letter of request from the contractor with the appropriate backup information and a letter of concurrence from the architect on this project. The additional bond will be submitted by the contractor.

It is understood that this contract is beyond 20 days past the original end date of the contract. There were uncontrollable delays in obtaining all the documentation required and there for delayed the preparation of this document.

If you have any questions or need any additional information, Please contact me.

CC: Matt Yeager



Change Order Evaluation

Project Name: Watters Smith State Park – New Event Pavilion CPO
0310 6547 DNR2200000005

Date: 10/10/2022

CO #: 2

To: WV Division of Natural Resources

From: Fairchance Construction

Recommendations: Accept

Remarks:

- 1) The Change Order increases the contract amount \$19,515.55 and consists of four line items. The Owner, Contractor, and Architect have agreed that this will be the final cost adjustment on the project. This is the final quantity price to reflect the actual costs encountered to complete construction. There is no time extension requested. I have reviewed the request and have determined the Change Order to be justified and recommend its approval.

If you have any questions, please feel free to contact me at 304-276-7151.

Respectfully submitted,
Montum Architecture LLC



Thomas Pritts, AIA, CSI-CCS, LEED-AP

Cc: file

Montum Architecture, LLC

55 ER Path, Keyser, WV 26726 • 304-276-7151 • tom@montumarch.com
montumarch.com

INCREASE PENALTY RIDER

BOND AMOUNT \$850,000.00 BOND NO. PB00584301630

To be attached and form a part of Bond No. PB00584301630 dated the 17th Day of November, 2021, executed by Philadelphia Indemnity Insurance Company as surety, on behalf of Fairchance Construction Company as current principal of record, and in favor of State of West Virginia, as Obligee for Watters Smith Memorial State Park New Pavilion 831 RR Duck Creek Road Lost Creek, WV 26385, and in the amount of Eight Hundred Fifty Thousand Dollars and 00/100 (\$850,000.00).

In consideration of the agreed premium charged for this bond, it is understood and agreed that Philadelphia Indemnity Insurance Company hereby consents that effective from the 9th Day of November, 2021, said bond shall be amended as follows:

THE BOND PENALTY SHALL BE INCREASED:

FROM: Eight Hundred Fifty Thousand Dollars and 00/100 (\$850,000.00)

TO: Eight Hundred Sixty Nine Thousand Five Hundred Fifteen Dollars and 55/100 (\$869,515.55)

The INCREASE of said bond penalty shall be effective as of the 9th Day of November, 2021, 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 April, 2023



Fairchance Construction Company
PRINCIPAL

BY

[Signature]
President

Philadelphia Indemnity Insurance Company
SURETY

BY

[Signature]
Patti K. Lindsey, ATTORNEY-IN-FACT

THE ABOVE BOND IS HEREBY AGREED TO AND ACCEPTED BY:

State of West Virginia
OBLIGEE

BY

TITLE

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

Commonwealth of Pennsylvania - Notary Seal
Jeannette M. Balling, Notary Public
Fayette County
My Commission Expires February 03, 2025
Commission Number 1381058

1. STATE OF Pennsylvania
2. County of Fayette to-wit: _____
3. I, Jeannette M. Balling, a Notary Public in and for the
4. county and state aforesaid, do hereby certify that Edward V. Balling who as, President signed the foregoing writing for 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.
5. Given under my hand this 3rd day of April 20 23
6. Notary Seal _____ 17. [Signature] (Notary Public)
8. My commission expires on the 3rd day of February 20 25

Acknowledgment by Surety

Commonwealth of Pennsylvania - Notary Seal
Wendy A. Bright, Notary Public
Allegheny County
My commission expires March 14, 2025
Commission number 1140798

1. STATE OF Pennsylvania
2. County of Allegheny to-wit: _____
3. I, Wendy A. Bright, a Notary Public in and for the
4. county and state aforesaid, do hereby certify that Patti K. Lindsey who as, Attorney-in-Fact signed the foregoing writing for Philadelphia Indemnity Insurance Company 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.
5. Given under my hand this 3rd day of April 20 23
6. Notary Seal _____ 27. [Signature] (Notary Public)
28. My commission expires on the 14th day of March 20 25

Sufficiency in Form and Manner of Execution Approved

This 25th day of July 20 23

By: [Signature] Attorney General
(Deputy Attorney General)

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

Surety Bond Number: PB00584301630
Principal: Fairchance Construction Company
Obligee: State of West Virginia

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Patti K. Lindsey its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$75,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

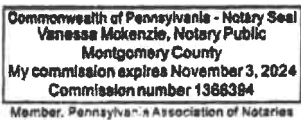
(Seal)



John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:



residing at:

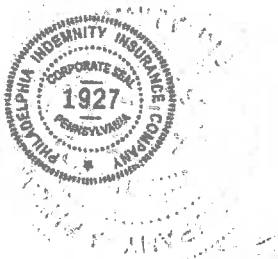
Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 3rd day of April, 2023



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



Document G701® – 2017

Change Order

PROJECT: (Name and address)
WVDNR Watter Smith State Park
831 RR 3, Duck Creek Road
Lost Creek, WV 26385

CONTRACT INFORMATION:
Contract For: General Construction
Date: November 9, 2021

CHANGE ORDER INFORMATION:
Change Order Number: 002
Date: October 10, 2022

OWNER: (Name and address)
West Virginia Division of Natural
Resources
324 Fourth Avenue
South Charleston, WV 25303

ARCHITECT: (Name and address)
Montum Architecture, LLC
55 ER Path
Keyser, WV 26726

CONTRACTOR: (Name and address)
Fairchance Construction Co., Inc.
77 S. Morgantown St.
Fairchance, PA 15436

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

See attached Summary Sheet. Final quantity change to complete the project.

The original Contract Sum was	\$ 850,000.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 850,000.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 19,515.55
The new Contract Sum including this Change Order will be	\$ 869,515.55

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be October 11, 2022.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that 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.

Montum Architecture, LLC

Fairchance Construction Co., Inc.

West Virginia Division of Natural Resources

ARCHITECT (Firm name)

CONTRACTOR (Firm name)

OWNER (Firm name)

SIGNATURE

SIGNATURE

SIGNATURE

Thomas Pritts, AIA, Architect
PRINTED NAME AND TITLE

Edward V. Baling, President
PRINTED NAME AND TITLE

Brett W. McMillion, Director
PRINTED NAME AND TITLE

10/10/22
DATE

10/10/22
DATE

5/3/2023
DATE

Summary Sheet

Change Order #002

Montum Project # M20006

Project Title: Watters Smith State Park

Owner: WV Division of Natural Resources

Contractor: Fairchance Construction

Date: October 10, 2022



Contractor's Change

<u>Order Request</u>	<u>Description</u>	<u>Time Extension</u>	<u>Cost</u>
ADD:			
Change Request #1	Rock Hammering for Pier/ Footings	0 days	\$10,467.19
Change Request #2	Electric Hand Dryer Circuits	0 days	\$2,716.45
Change Request #3	Electric Service Modifications	0 days	\$1,156.93
Change Request #5	Toilet Fixture and Hose Bibbs	0 days	\$5,174.98

Total Added: 0 days \$19,515.55

DEDUCT:

Total Deducted: 0 days \$0.00

Total Change per this Change Order: 0 days \$19,515.55



FAIRCHANCE

CONSTRUCTION COMPANY

Since 1916

August 19, 2022

Montum Architecture, LLC
ATTN: Mr. Tom Pritts
37 ER Path
Keyser, WV 26726

RE: Watters Smith State Park
RFCO # 1: Rock Hammering for Proposed Pier/Footings

Tom:

As previously discussed during the initial encounter of the solid rock, existing building footings, and existing building piping/wiring during foundation excavation for the piers and footings. FCC was hammering rock on the front (6) Pier/Footing Foundations beginning 5-17-2022 thru 5-31-2022. The following is the cost associated with the unforeseen conditions that were encountered as outlined above:

- Additional Scope of Work by FCC	
- Provide Labor for:	\$ 8,800.00
➢ 10 Days of Hammering/Excavating, 2 guys/day @ \$55/hr	
- Provide Equipment for:	\$ 575.00
➢ Hammering (FCC's Equipment)	
 SUBTOTAL	 \$ 9,375.00
Overhead and Profit at 10%	\$ 937.50
SUBTOTAL	\$ 10,312.50
Bond Premium	\$ 154.69
 TOTAL Request for Change Order	 \$ 10,467.19

~~We request 10 additional days be added to our contract~~ TFP

Respectfully Submitted,

Zachary Smitley
Fairchance Construction
zsmitley@fairchanceconstruction.com
724-562-4719 cell



FAIRCHANCE

CONSTRUCTION COMPANY

Since 1916

August 19, 2022

Montum Architecture, LLC
ATTN: Mr. Tom Pritts
37 ER Path
Keyser, WV 26726

RE: Watters Smith State Park
RFCO # 2: Electric Hand Dryer Circuits

Tom:

As per the bid documents, Electrical Drawings E101 & E601 do not reflect circuitry for the proposed hand dryers. The following is the cost associated with the circuitry required for the hand dryers:

- Additional Scope of Work by Infinity Electric	
- Provide Labor for:	\$ 2,123.00
➤ Install of the conduits from panel to each hand dryer	
- Provide Material for:	\$ 310.00
➤ Conduits, Wire, Breakers	
 SUBTOTAL	 \$ 2,433.00
Overhead and Profit at 10%	\$ 243.30
SUBTOTAL	\$ 2,676.30
Bond Premium	\$ 40.15
 TOTAL Request for Change Order	 \$ 2,716.45

~~We request 2 additional days be added to our contract~~ TFP

Respectfully Submitted,

Zachary Smitley
Fairchance Construction
zsmitley@fairchanceconstruction.com
724-562-4719 cell



FAIRCHANCE
CONSTRUCTION COMPANY

Since 1916

August 19, 2022

Montum Architecture, LLC
ATTN: Mr. Tom Pritts
37 ER Path
Keyser, WV 26726

RE: Watters Smith State Park
RFCO # 3: Electric Service Modifications

Tom:

As per an onsite meeting with Steve from Harrison Rural Electric on 8-18-2022. Harrison Rural is now going to set a pole at the corner of the wood line, eliminate the transformer pad, and have the electrician install 3" conduit from the pole to the meter socket. The original plans called for approximately 60lf of 2-1/2" conduit to a transformer pad and 170lf of 3" conduit to a new pole set by the electrical company. With this change order we are adding an additional 50lf of 3" conduit and upgrading the original 60lf of 2-1/2" conduit to 3" conduit as per the request of Harrison Rural Electric. The following is the cost associated with the revised electrical service modifications:

- Additional Scope of Work by Infinity Electric	
- Provide Labor for:	\$ 0.00
> Inclusive Below	
- Provide Material for:	\$ 1,036.21
> Additional 50lf of 3" conduit and change from 2-1/2" to 3"	
SUBTOTAL	\$ 1,036.21
Overhead and Profit at 10%	\$ 103.62
SUBTOTAL	\$ 1,139.83
Bond Premium	\$ 17.10
TOTAL Request for Change Order	\$ 1,156.93

We request 0 additional days be added to our contract

Respectfully Submitted.

Zachary Smitley
Fairchance Construction
zsmitley@fairchanceconstruction.com
724-562-4719 cell

CHANGE ORDER REQUEST

WV Contractor #
WV052972

CCR Submitted To:	Fairchance	CCR No.:	002
Street:		Proposal Date:	8-18-22
City, State and Zip Code:		Job Name:	Watters Smith State Park
ATTENTION:	Zach Smiley	Job Location:	Lost Creek, WV
Phone:		Email:	

We hereby submit the following proposal for the above referenced project. See **NOTES** listed below:

CCR-002 Conduit Upgrade

NOTES:

- In the Current job we had 170' of 3" conduit and 60' of 2 ½ "conduit
- In this change order we changed the 60' of 2 ½" conduit to 3" conduit and added 50' additional feet of 3" conduit for a total of 280' of 3" conduit
 - 60' of 2 ½" conduit worth \$749.07
 - Upgrading the conduit & adding conduit \$1,785.28

We propose hereby to furnish material and labor-complete in accordance with above proposal for the sum of:

One Thousand Thirty-Six & 21/100 Dollars (\$ 1,036.21)

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in workmanlike manner according to standard practices. Any alteration or deviation from above specification involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreement contingent upon strikes, accidents or delays beyond our control. Owner to carry, fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature:

Larry Johnson

Note: This proposal may be withdrawn by us if not accepted within days

Acceptance of Proposal – The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ **Signature:** _____



FAIRCHANCE

CONSTRUCTION COMPANY

Since 1916

December 1, 2022

Montum Architecture, LLC
ATTN: Mr. Tom Pritts
37 ER Path
Keyser, WV 26726

RE: Watters Smith State Park
RFCO # 5: Toilet Fixtures Install

Tom:

As per the bid documents, the toilet fixtures were to be installed by the owner. This quote from ADI is for the installation of the Kitchen Sink, (4) wall hung lavatories, (4) floor mounted toilets, (2) floor mount urinals. The following is the cost associated with the fixture installs:

- Additional Scope of Work by ADI	
- Provide Labor for:	\$ 4,635.00
> Install of the fixtures as outlined above	
SUBTOTAL	\$ 4,635.00
Overhead and Profit at 10%	\$ 463.50
SUBTOTAL	\$ 5,098.50
Bond Premium	\$ 76.48
TOTAL Request for Change Order	\$ 5,174.98

Respectfully Submitted,

Zachary Smitley
Fairchance Construction
zsmitlev@fairchanceconstruction.com
724-562-4719 cell



**Mechanical Contracting & Design-Build Service
License #WV043370**

Attn: Zach Smitley
Fairchance Construction
77 S Morgantown Street
Fairchance, PA 15439

March 11, 2022

Re: Watters Smith State Park COR #1- Install Fixtures

Zach,

ADI is pleased to provide the following change order request to install the fixtures at Watters Smith State Park. Our scope and pricing are as follows:

Scope:

-Install the following fixtures provided by others:

- (1) kitchen sink
- (4) wall hung lavatories
- (4) floor mount toilets
- (2) floor mount urinals

-Provide and install (2) hose bibbs

Lump Sum: \$4,635

Please feel free to contact us with any questions.

Signed,

Branden Newcome

Branden Newcome
Project Manager