West Virginia Department of Transportation

Division of Highways

District One Headquarters
1334 Smith Street
Charleston, WV 25301-1492 (304)558-3173
20 August 2012

KOKOSING CONSTRUCTION COMPANY, INC.
886 MCKINLEY AVE
COLUMBUS, OH 43222-1151

Project: ACBR-0025(091)TC (S320-P 25/ - 0.05 SEC 00)
DICK HENDERSON BRIDGE
Kanawha County

KOKOSING CONSTRUCTION COMPANY, INC.:

This Change Order is being transmitted for your information and for you to update your files to coincide with those of this office.

If additional information is desired, please advise.

Sincerely,

Gary W. Mullins
Construction Engineer

cc: District 01; File

PRS:C011

7-23-ROW
7/31/12GG
8/2/12GG

RECEIVED
JUL 13 2012
SOUTH CHARLESTON, WV

RECEIVED
JUL 10 2012
SOUTH CHARLESTON, WV

Construction Project Record System Printed on: 7/3/2012 at 01:47 PM

West Virginia Department of Transportation
Division of Highways

Contract Number:	0429610R1	**Project Number:**	ACBR-0025(091)TC (S320-P 25/ - 0.05 SEC 00)
Authoriztion Number:	FC3260G	**FEIN:**	31-1023518
Vendor:	KOKOSING CONSTRUCTION COMPANY, INC.		

Change Order Number: 002

This Supplemental Agreement, made this 3 July 2012, between the West Virginia Department of Transportation, Division of Highways, a corporation, hereinafter called "Department", and KOKOSING CONSTRUCTION COMPANY, INC., 886 MCKINLEY AVE COLUMBUS OH 43222-1151 hereinafter called "Contractor".

WITNESSETH:

Whereas, Department and Contractor entered into a contract dated 24 January 2012 for the construction of Project(s): ACBR-0025(091)TC (S320-P 25/ - 0.05 SEC 00) DICK HENDERSON BRIDGE in Kanawha County : and

Whereas, it has become necessary for the reasons set out below to modify said contract:

Now, Therefore, in consideration of the hereinafter mentioned premises, Department and Contractor agree as follows:

(1) Department agrees to pay Contractor the price(s) mentioned in this agreement for quantities of work and material actually performed and ordered in the same manner as is provided in the contract herein above mentioned.

(2) Contractor agrees to furnish all materials and work necessary to perform the work hereinafter described, at the price(s) hereinafter set out, in accordance with the specification and requirements contained in the original contact and the order of the West Virginia Department of Transportation, Division of Highways.

(3) Contractor and Department agree that this supplemental agreement including Attachment 1 and Attachment 2 and Attachment 3 is to be attached and form a part of the contract between the parties dated 1/24/2012.

(4) Attached ATTACHMENT 1 consists of a list of item(s) of work and material and agreed prices.

(5) Attached ATTACHMENT 2 consists of reason(s) for the contract modification.

(6) Attached ATTACHMENT 3 consists of justification(s) for the quantities and unit prices.

Net Change in Authorization FC3260G Amount = ($157,937.15)

IN WITNESS WHEREOF the parties hereto have caused their respective names to be signed as of date hereof.

APPROVED: 8/10/12 DATE
DIVISION ADMINISTRATOR

Recommended for Approval:

for District Engineer/Manager

7/23/12 By
Director-Contract Administration

West Virginia Department of Transportation, Division of Highways, a corporation

By
Deputy State Highway Engineer-Construction

7/17/12
Contractor Dated

Approval of Surety: Liberty Mutual Insurance Company

Attorney - in - Fact

Approval of Surety: Travelers Casualty and Surety Company of America

Attorney - in - Fact

PRS:C005

West Virginia Department of Transportation

Division of Highways

Contract Number: 0429610R1 **Project Number:** ACBR-0025(091)TC (S320-P 25/ - 0.05 S

Authoriztion Number: FC3260G **FEIN:** 31-1023518

Vendor: KOKOSING CONSTRUCTION COMPANY, INC.

Change Order Number: 002

ATTACHMENT 1:

Add	000567	212004-000 COFFERDAM				
	1	EA	@	$115,055.85	=	$115,055.85
Add	000568	212004-000 COFFERDAM COFFERDAM				
	1	EA	@	($40,000.00)	=	($40,000.00)
Decrease Qty	000575	601002-001 CLASS B CONCRETE CL B CONC				
	-209	CY	@	$800.00	=	($167,200.00)
Add	000781	104012-001 VALUE ENGINEERING, MSE WALL				
	1	LS	@	$240,115.00	=	$240,115.00
Decrease Qty	000105	307001-000 AGGREGATE BASE COURSE, CLASS AGG BASE CRSE, CL				
	-2000	CY	@	$40.00	=	($80,000.00)
Decrease Qty	000650	602001-001 REINFORCING STEEL BAR REIN ST BAR				
	-29500	LB	@	$1.20	=	($35,400.00)
Decrease Qty	000780	626002-002 MSE RETAINING WALL, REINFORCED EARTH MSE RETAINING WALL, REINFORCED EARTH				
	-25850	SF	@	$105.00	=	($2,714,250.00)

West Virginia Department of Transportation

Division of Highways

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Authoriztion Number: FC3260G **FEIN:** 31-1023518

Vendor: KOKOSING CONSTRUCTION COMPANY, INC.

Change Order Number: 002

ATTACHMENT 1:

Add	000782	626002-002				
		MSE RETAINING WALL, REINFORCED EARTH				
		VE Added MSE Wall				
	23242	SF	@	$110.00	=	$2,556,620.00

Add	000611	104003-000				
		ADDED WORK				
		Non-Perform Epoxy Bonding				
	1	LS	@	($32,878.00)	=	($32,878.00)

West Virginia Department of Transportation
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Authoriztion Number: FC3260G	FEIN: 31-1023518
Vendor: KOKOSING CONSTRUCTION COMPANY, INC.	

Change Order Number: 002

ATTACHMENT 2:

5A. REASON FOR CONTRACT MODIFICATION (LOCATION & NECESSITY OF WORK):

307001-000 000105 See Line Item 781 626002-002 for an explanation of the reason for this Value Engineering Proposal.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

212004-000 000567 As detailed in the March 19, 2012 contact report for Line Item 566 212004-000, the differing site conditions for Pier #3 are the same as Pier #2. The contractor ordered 35 pairs of 45 foot long sheet piles.
The extra costs incurred by the project of the extra length piles is $101,055.85 for 35 pairs of new 45 long sheet piles plus the sum of $14,000.00 cost for unload 35 pairs, reload when finished and truck them to Kokosings shop. This is a total of $115,055.85.
This item is listed in detail on the contractors letters (attached) dated April 2, 2012
This item will be covered by visual inspection lab number.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

212004-000 000568 The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

601002-001 000575 See Line Item 781 626002-002 for an explanation of the reason for this Value Engineering Proposal.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
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West Virginia Department of Transportation

Division of Highways

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ATTACHMENT 2:

5A. REASON FOR CONTRACT MODIFICATION (LOCATION & NECESSITY OF WORK):

104003-000
000611

The Plans call for an epoxy bonding material placed between the existing concrete and the new tremie concrete. The contractor has submitted a letter, dated April 19, 2012, stating that their research shows that there is not any epoxy bonding agent that will work underwater. They have requested to non-perform this part of this item.
In a letter, dated May 10, 2012, the Department agreed to non-perform the underwater epoxy bonding agent.
There are no materials involved with this item so the certification lab # will be 1312683.
ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

602001-001
000650

See Line Item 781 626002-002 for an explanation of the reason for this Value Engineering Proposal.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

626002-002
000780

See Line Item 781 626002-002 for an explanation of the reason for this Value Engineering Proposal.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

104012-001
000781

The contractor has submitted a Value Engineering Proposal (VEP or VE) on April 2, 2012 (proposal is attached). This will provide ground improvements under the MSE Wall which will allow the construction of a traditional MSE wall with granular backfill. The Plan MSE Wall fill was an Expanded Polystyrene Fill (EPS).
As per the Secretarys memorandum The Pilot Program for Contractor Value Engineering Proposals dated December 29, 2011 (memorandum attached), this proposal went before the Secretarys Value Engineering Committee on April 16, 2012. The resolution of the Contractor Value Engineering Committee was approved by unanimous vote of the voting members for the acceptance contingent of the approval of the State Historical Preservation Office and negotiated change order (letter attached).
On April 23, 2012, Susan M. Pierce (Deputy State Historical Preservation Officer) sent a letter with their approval of the Value Engineering Proposal (letter is attached).
ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

West Virginia Department of Transportation
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ATTACHMENT 2:

5A. REASON FOR CONTRACT MODIFICATION (LOCATION & NECESSITY OF WORK):

626002-002
000782

See Line Item 781 626002-002 for an explanation of the reason for this Value Engineering Proposal.

ELIGIBLE FOR FEDERAL FUNDS PENDING SUBMISSION AND EVALUATION OF COST DATA.
ADDITIONAL WORKING DAYS TO THE CONTRACT TIME ALLOWANCE ARE NOT APPLICABLE.

West Virginia Department of Transportation

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ATTACHMENT 3:

5B. JUSTIFICATION FOR QUANTITIES & UNIT PRICES:

307001-000 000105	At no change to the average unit bid price.
212004-000 000567	See the Departments letter (attached) dated April 13 2012 agreeing with extra work and prices. The invoices for all the extras work are attached.
212004-000 000568	The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee.
601002-001 000575	The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee.
104003-000 000611	☐ In the contractors letter, dated April 19, 2012, the contractor submitted a price adjustment of $32,878.00 for labor, equipment, material and subcontractor costs. This price was reviewed and is acceptable. (See letter dated May 10, 2012)

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ATTACHMENT 3:

5B. JUSTIFICATION FOR QUANTITIES & UNIT PRICES:

602001-001 000650	At no change to the average unit bid price.
626002-002 000780	The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee.
104012-001 000781	The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee. A spread sheet with the adjusted, deleted and added items is attached.
626002-002 000782	The prices are deemed justifiable as submitted, as per the approval of the voting members of the Value Engineering Committee.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.
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.

5376951

Certificate No. _____

American Fire and Casualty Company
The Ohio Casualty Insurance Company
West American Insurance Company

Liberty Mutual Insurance Company
Peerless Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of Ohio, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, that Peerless Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, 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, **ALICE V. HALTER, CATHY L. WOODRUFF,** .....

.....

.....

all of the city of **CLEVELAND**, state of **OHIO** 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 10th day of May, 2012.

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
Peerless Insurance Company
West American Insurance Company

By: _____
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss
COUNTY OF KING

On this 10th day of May, 2012, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, Peerless Insurance 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 Seattle, Washington, on the day and year first above written.

By: _____
KD Riley , Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, West American Insurance Company and Peerless 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 Gregory W. Davenport, Assistant Secretary to appoint such attorney-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 biding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, West American Insurance Company and Peerless 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 12th day of July, 20 12.

By: _____
David M. Carey, Assistant Secretary

POA - AFCC, LMIC, OCIC, PIC & WAIC
LMS_12873_041012

Not valid for mortgage, note, loan, letter of credit, bank deposit, 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.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 221581 **Certificate No.** 004934919

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Alice V. Halter, and Cathy L. Woodruff

of the City of Cleveland, State of Ohio, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 22nd day of June, 2012.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 22nd day of June, 2012, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed 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 hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.

Marie C. Tetreault, Notary Public

58440-6-11Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER