

TO: Mayor and City Council

FROM: City Administrator Ron Johnson

SUBJECT: Approve Change Order #1- 318th Street (Administrative)

DATE: June 25, 2014

BACKGROUND

Upon review of the contract documents for this project, City Attorney Roger Knutson noted that the contract did not include language related to the data privacy act necessitated by State Statute. This change order adds the necessary data practices language into the contract at no cost to either party. The contractor has agreed to the change order.

REQUESTED COUNCIL ACTION

Approve a motion approving Change Order #1 adding the necessary data practices language into the 318th St Project contract between the City of Cannon Falls and Hardrives.

Attachment(s): Change Order #1



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CHANGE ORDER

City of Cannon Falls, Minnesota
OWNER

June 20, 2014
DATE

OWNER'S PROJECT NO.
318th Street Improvements
PROJECT DESCRIPTION

1
CHANGE ORDER NO.
CANNO 127981
SEH FILE NO.

The following changes shall be made to the contract documents:

Description:

This change order is to include the current data privacy act language that was omitted from the contract. "The Contractor must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to (1) all data provided by the Owner pursuant to this Agreement, and (2) all data, created, collected, received, stored, used, maintained, or disseminated by the Contractor pursuant to this Agreement. The Contractor is subject to all the provisions of the Minnesota Government Data Practices Act, including but not limited to the civil remedies of Minnesota Statutes Section 13.08, as if it were a government entity. In the event the Contractor receives a request to release data, the Contractor must immediately notify the Owner. The Owner will give the Contractor instructions concerning the release of the data to the requesting party before the data is released. Contractor agrees to defend, indemnify, and hold the Owner, its officials, officers, agents, employees, and volunteers harmless from any claims resulting from Contractor's officers', agents', owners', partners', employees', volunteers', assignees' or subcontractors' unlawful disclosure and/or use of protected data. The terms of this paragraph shall survive the cancellation or termination of this Agreement

Purpose of Change Order:

Include the current data practices statute language into the contract. There is not additional cost/compensation for this change.

Basis of Cost: Actual Estimated

Attachments (list supporting documents)

Contract Status

	Time	Cost
Original Contract	_____	_____
Net Change Prior C.O.'s _____ to _____	_____	_____
Change this C.O.	_____	_____
Revised Contract	_____	\$0.00

Recommended for Approval: Short Elliott Hendrickson Inc. by Greg Anderson
Greg Anderson

Agreed to by Contractor:
[Signature]
BY Hardives
Project Manager
TITLE

Approved for Owner:
BY City of Cannon Falls, Minnesota
TITLE

Distribution Contractor 2 Owner 1 Project Representative 1 SEH Office 1
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