

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/28/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Modification No. 5 to Agreement with LBYD, Inc. – Civil & Structural Engineers

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with LBYD, Inc. – Civil & Structural Engineers for Redstone Technology Park, Phase I – Infrastructure and Roadway, Project No. 65-08-SP31, by Modification No. 5

10-1025, 11-617, 12-77, 12-437 & 13-30

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Contract to provide additional engineering services during the construction of Redstone Technology Park, Phase I: Infrastructure and Roadway for a total modification amount of \$13,800.00. Account No. 05-6500-0811-1014

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Mark

Date: 2/19/13

revised 3/12/2012

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **2/28/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 5**

Document Name: **Redstone Gateway Tech Park Project No. 65-08-SP31**

City Obligation Amount: **\$13,800.00**

Total Project Budget: **\$159,300.00**

Uncommitted Account Balance: **0**

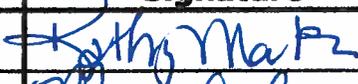
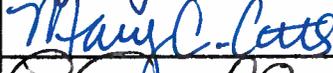
Account Number: **05-6500-0811-1014**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating		2/20/13
2) Legal		2/21/13
3) Finance		2/22/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 5 to the Agreement with LBYD, Inc.-Civil & Structural Engineers, adopted and approved on the 16th day of December, 2010, by the City Council of the City of Huntsville, Alabama by Resolution No. 10-1025, and amended on the 25th day of August, 2011, by Resolution No. 11-617, and amended on the 26th day of January, 2012, by Resolution No. 12-77, and amended on the 24th day of May, 2012, by Resolution No. 12-437, and amended on the 10th day of January, 2013, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from ONE HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$145,500.00) to ONE HUNDRED FIFTY-NINE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$159,300.00), including this Modification No. 5, an increase of THIRTEEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$13,800.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 5 to Agreement between City of Huntsville and LBYD, Inc.-Civil & Structural Engineers for Engineering Construction Administration Services for Redstone Technology Park, Phase I-Infrastructure and Roadway, Project No. 65-08-SP31, as adopted by Resolution No. 10-1025 of December 16, 2010, and amended by Resolution No. 11-617 of August 25, 2011, and amended by Resolution No. 12-77 of January 26, 2012, and amended by Resolution No. 12-437 of May 24, 2012, and amended by Resolution No. 13-30 of January 10, 2013" consisting of a total of three (3) pages plus one (1) additional page consisting of Attachment "A", and the date of February 28, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 28th day of February, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 28th day of February, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 5 to Agreement between the City of Huntsville and LBYD-Inc.-Civil & Structural Engineers for Construction Administration Services for Redstone Technology Park, Phase I-Infrastructure and Roadway, Project No. 65-08-SP31, as adopted by Resolution No. 10-1025 of December 16, 2010, and amended by Resolution No. 11-617 of August 25, 2011, and amended by Resolution No. 12-77 of January 26, 2012, and amended by Resolution No. 12-437 of May 24, 2012, and amended by Resolution No. 13-30 of January 10, 2013

THIS MODIFICATION TO AN AGREEMENT entered in on the 16th day of December, 2010, in the amount of TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), and amended on the 25th day of August, 2011, in the amount of SIXTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$68,000.00), for a total revised contract amount of NINETY-THREE THOUSAND AND NO/100 DOLLARS (\$93,000.00), and amended on the 26th day January, 2012, in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00), for a total revised contract amount of ONE HUNDRED EIGHT THOUSAND AND NO/100 DOLLARS (\$108,000.00), and amended on the 24th day of May, 2012, in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), for a total revised contract amount of ONE HUNDRED THIRTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$138,000.00), and amended on the 10th day of January, 2013, in the amount of SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), for a total revised contract amount of ONE HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$145,500.00), is hereby amended by Modification No. 5 dated February 28, 2013, by and between the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation in the State of Alabama (Owner) and LBYD, INC.-CIVIL & STRUCTURAL ENGINEERS, (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated December 16, 2010, and amended on August 25, 2011, and amended on January 26, 2012, and amended on May 24, 2012, and amended on January 10, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to provide additional construction administration services during the construction of Redstone Technology Park-Phase I:Infrastructure and Roadway.

President of the City Council of the City of
Huntsville, AL

Date: February 28, 2013

WHEREAS, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. LBYD, Inc.-Civil & Structural Engineers will provide for additional construction administration services at a time and materials cost not to exceed THIRTEEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$13,800.00).
2. Item #1 shall be performed in accordance with the original agreement dated December 16, 2010, and approved by the City Council by Resolution No. 10-1025, and as described in the letter from Rick Nail to Ron Adams, dated February 7, 2013, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract as modified previously.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

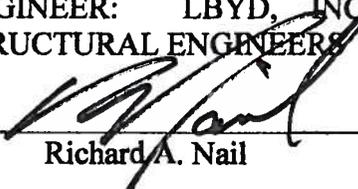
STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC. CIVIL &
STRUCTURAL ENGINEERS

By: 
Richard A. Nail

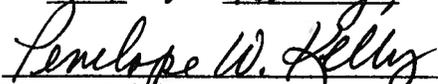
ATTEST:



STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Nail, as Senior Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 19th day of February, 2013.


Notary Public
My Commission Expires: 3-28-15

ATTACHMENT "A"

Additional Services Authorization #9

Date
February 18, 2013

Project No.
302-10-002A

To
**City of Huntsville
Urban Development Department
Engineering Division
P.O. Box 308
Huntsville, AL 35804-0308**

Project
**Redstone Gateway
Phase I Infrastructure
Civil Construction Documents**



Attention
Ron Adams

From
Rick Nail

Transmitting Via: Facsimile Email U.S. Mail Delivery

The terms of our original agreement shall apply for Redstone Gateway Phase I Mass Grading & Infrastructure, City Project I.D Number 65-08-SP31:

Our scope of services is revised to include the following for Phase 1:

- o Construction Administration – Additional time needed for CA associated items related to include breaking the original Package I scope of work into four different packages that was not accounted for in our original proposal. These additional bid packages have resulted in drawing and specifications revisions along with additional coordination. The pond liner requirements have been revised as well which have impacted our design. The existing rail spur has been modified to accommodate a new elevated dock and in-fill the concrete pad. Grading, drainage, and erosion control for this new dock is being bid as a part of Package I-1. We further understand that we will be updating drawings for Package I-3 and I-4 after Package I-1 bids. Therefore, we would propose that our hourly to a maximum based fee be increase from \$145,500 to a total fee of \$159,300.

Proposed Hourly Fees:
Construction Administration - \$159,300

Proposed Contract Time Extension:
Contract time to follow construction schedule for Package I.

Requested of LBYD by: **Rick Nail**

If the terms above are acceptable please sign and return a copy of this form.

Accepted By: Date: _____

*LM
2-20-13*



STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC CIVIL &
STRUCTURAL ENGINEERS

By: [Signature]
Richard A. Nail

ATTEST:

Mary Hollingsworth

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Nail, as Senior Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 19th day of February, 2013.

Penelope W. Kelly
Notary Public
My Commission Expires: 3-28-15

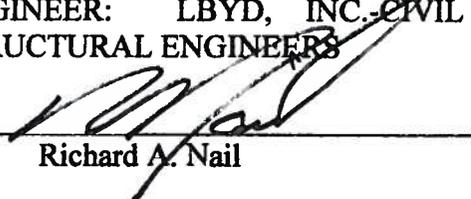
STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC. CIVIL &
STRUCTURAL ENGINEERS

By: 
Richard A. Nail

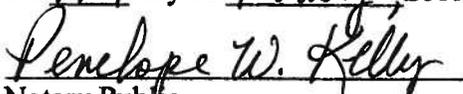
ATTEST:



STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Nail, as Senior Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 19th day of February, 2013.


Notary Public
My Commission Expires: 3-28-15