

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 5/23/2013

Action Requested By:
Fire and Rescue

Agenda Item Type
Resolution

Subject Matter:

Contact Modification with Kovatch Mobile Equipment Corporation t/a KME

Exact Wording for the Agenda:

Modification No. 1 to the Agreement Between the City of Huntsville, Alabama and Kovatch Mobile Equipment Corporation, t/a KME dated March 14th, 2013 as adopted by the City Council of the City of Huntsville by Resolution No. 13-211.

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.

This contract modification clarifies that the refurbished apparatus will comply with the applicable NFPA standards.

Associated Cost: N/A

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____

PW McFarley Jr.

Date: 5/14/2013

**ROUTING SLIP
CONTRACTS AND AGREEMENTS**

Originating Department: **Fire and Rescue**

Council Meeting Date: **5/23/2013**

Department Contact: **Lesley Easter**

Phone # **256-427-5053**

Contract or Agreement: **Contract Mod #1 to Agreement with Kovatch Mobile Equipment Corp t/a KME**

Document Name: **KME Refurb Mod 1**

City Obligation Amount: **N/A**

Total Project Budget: **N/A**

Uncommitted Account Balance: **N/A**

Account Number: **N/A**

Procurement Agreements

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

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>AW McFarland</i>	5-14-13
2) Legal	<i>Mary Glaty</i>	5-14-13
3) Finance	<i>[Signature]</i>	5/14/13
4) Originating	<i>AW McFarland</i>	5-14-13
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, does hereby declare in accordance with Code of Alabama (1975) that the Mayor be, and he is hereby authorized to enter into a Modification of the Agreement by and between the City of Huntsville and Kovatch Mobile Equipment Corporation t/a KME on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Modification No.1 to the Agreement between the City of Huntsville and Kovatch Mobile Equipment Corporation t/a KME dated March 14th, 2013 as adopted by the City Council of the City of Huntsville by Resolution No. 13-211" consisting of two (2) pages, and the date of May 23rd, 2013 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the ____ day of _____, 2013.

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

APPROVED this the ____ day of _____, 2013.

Mayor of the City of
Huntsville, Alabama

Modification No. 1 to the Agreement
Between the City of Huntsville, Alabama and
Kovatch Mobile Equipment Corporation, t/a KME
dated March 14th, 2013 as adopted by the
City Council of the City of Huntsville
by Resolution No. 13-211

STATE OF ALABAMA)
)
COUNTY OF MADISON)

MODIFICATION No. 1

THIS MODIFICATION TO AN AGREEMENT is entered into on this the 23rd day of May, 2013 by and between the City of Huntsville, Alabama (City) and Kovatch Mobile Equipment Corporation, t/a KME.

WITNESSETH

WHEREAS, the parties previously entered into the "Agreement between the City of Huntsville and Kovatch Mobile Equipment Corporation, t/a KME" (the Agreement) as adopted by the City Council of the City of Huntsville by Resolution No. 13-211; and

WHEREAS, the Agreement provided for KME to refurbish a 1989 Grumman Ladder truck known as Ladder 11; and

WHEREAS, NFPA 1912 Level 1 standard for fire apparatus refurbishing 5.17.12 states, "If the original aerial device is reused, it shall meet the requirement of the NFPA automotive fire apparatus standard in effect at the time of the contract signing for the original manufacture of the apparatus".

WHEREAS, the parties desire to adopt and incorporate into the Agreement the following additional terms; and

NOW THEREFORE, in consideration of the mutual covenants set forth herein, KME and the City agree to the following modifications to the Agreement:

1. "The apparatus will comply with NFPA 1912 Level 1 standard for fire apparatus refurbishing, 2011 edition."
2. "The proposed new KME Predator custom chassis will comply with the current NFPA 1901 standard for new fire apparatus, 2009 edition."

President of the City Council of
the City of Huntsville, Alabama
Date: _____

3. "The Grumman aerial device run centers, platform handrail height, and payload cannot meet the current NFPA 1901 standard due to the design of the device. Therefore, these items will meet the NFPA 1901 standard that was in effect at the time the unit was originally built."
4. "All other terms and conditions of the original Agreement remain unchanged and in full force and effect."

IN WITNESS WHEREOF, the parties have executed this modification to this Agreement on the day and year first above written.

Kovatch Mobile Equipment Corporation
t/a KME

Attest: _____

By: _____

Its: _____

City of Huntsville, Alabama
A municipal corporation in the State of
Alabama

Attest: _____

Charles E. Hagood
Clerk-Treasurer

By: _____

Tommy Battle
Its: Mayor