

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Water Pollution Control

Council Meeting Date: 6/13/2013

Department Contact: Shane Cook

Phone # 883-3719

Contract or Agreement: Modification No. 1 to the Agreement between the City of Huntsville and LTS C...

Document Name: Modification No. 1 to the Agreement between the City of Huntsville and LTS Construc...

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

<u>Select...</u>	Grant Name:
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Department	Signature	Date
1) Originating		6/10/13
2) Legal		6-10-13
3) Finance		6/11/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/13/2013

Action Requested By:
Water Pollution Control

Agenda Item Type
Resolution

Subject Matter:

Modification No. 1 to the Agreement between the City of Huntsville and LTS Construction, LLC.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into Modification No. 1 to the Agreement between the City of Huntsville and LTS Construction, LLC, as adopted by Resolution No. 12-553 on June 28, 2012.

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.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Randall J. Joe Shum Cook

Date: 6/10/13

RESOLUTION NO. 13-_____

WHEREAS, the City of Huntsville, Alabama and LTS Construction, LLC previously entered into an agreement pursuant to Resolution No. 12-553 of the City Council of the City of Huntsville, Alabama; and

WHEREAS, the parties desire to amend the said agreement to accurately reflect the contract price for the renewal term; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into Modification No. 1 to the Agreement between the City of Huntsville, Alabama and LTS Construction, LLC, as adopted by Resolution No. 12-553 on June 28, 2012, said modification being substantially similar in words and figures to that document identified as "MODIFICATION NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF HUNTSVILLE, ALABAMA AND LTS CONSTRUCTION, LLC FOR PERIODIC BID FOR EMERGENCY PIPE BURSTING PROJECT NO. 65-12-SP26" consisting of two (2) pages, and the date of June 13, 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.

ADOPTED this the 13th day of June, 2013.

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

APPROVED this the 13th day of June, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

COUNTY OF MADISON)

Modification No. 1 to the Agreement Between the City of Huntsville and LTS Construction, LLC, as adopted by Resolution No. 12-553 on June 28,2012.

MODIFICATION NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF HUNTSVILLE, ALABAMA AND LTS CONSTRUCTION, LLC FOR PERIODIC BID FOR EMERGENCY PIPE BURSTING PROJECT NO. 65-12-SP26

THIS AGREEMENT entitled "Modification No. 1 to the Agreement Between the City of Huntsville, Alabama and LTS Construction, LLC for Periodic Bid for Emergency Pipe Bursting Project No. 65-12-SP26" as referenced above and is entered into on this the 13th day of June, 2013, by and between the CITY OF HUNTSVILLE, Alabama (City) and LTS CONSTRUCTION LLC (Contractor), a Tennessee limited liability company.

WITNESSETH

WHEREAS, the parties entered into an agreement dated June 28, 2012 for the Contractor to install, construct or make certain improvements known as Periodic Bid for Emergency Pipe Bursting Project #65-12-SP26; and

WHEREAS, the said Agreement provided that the term of the contract was one year with the City having the right, pursuant to Alabama state law, to extend the Agreement for an additional two years; and

WHEREAS, contrary to the intent of the parties, the price for the two-year extension was not specified; and

WHEREAS, the parties desire to modify the Agreement to accurately reflect the intention and agreement of the parties.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

President of the City Council of the City of Huntsville, Alabama
Date: June 13, 2013

1. Paragraph Two of Page 2 of Attachment B of the Agreements, which currently reads as follows:

Prices to remain firm for the first year of the contract term. Any price increase imposed during the extended contract period shall be in exact increments of any increase imposed by the contractor's supplier. Written verification of any such increase must be submitted to the City of Huntsville for consideration. If an agreement cannot be reached concerning any such price increases, the City of Huntsville reserves the right to cancel the contract.

shall be deleted in its entirety and replaced with the following:

Prices to remain firm for the first year of the contract term and any extension period unless increased pursuant to the provisions of this section. Any price increase imposed during the extended contract period shall be in exact increments of any increase imposed by the contractor's supplier. Written verification of any such increase must be submitted to the City of Huntsville for consideration. If an agreement cannot be reached concerning any such price increases, the City of Huntsville reserves the right to cancel the contract.

2. All other terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement on the 13th day of June, 2013.

THE CITY OF HUNTSVILLE, ALABAMA

ATTESTED:

By: _____

By: _____
Mayor Tommy Battle

Date: _____

LTS CONSTRUCTION, LLC

ATTESTED

By: Kerri R. Paris

By: [Signature]

Date: 6/10/2013

Its: Chief Manager