

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 10/10/2013

Action Requested By:
Water Pollution
Control

Agenda Item Type
Resolution

Subject Matter:

Modification No. 1 to Agreement with Garver, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Garver, L.L.C. for Engineering Services for 2013 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting, Project No. 65-13-SP41, by Modification No. 1

13-601

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 modification is to replace Garver's subcontractor with C.C. Lynch & Associates, Inc.. C.C. Lynch & Associates, Inc. will perform all of the flow monitoring hardware maintenance. No additional City funds required.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Shane Cook

Date: 10-2-13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Water Pollution Control** Council Meeting Date: **10/10/2013**

Department Contact: **Shane Cook**

Phone # **256-883-3719**

Contract or Agreement: **Modification 1**

Document Name: **Garver-Annual Flow Metering Services, Project No. 65-13-SP41**

City Obligation Amount: **N/A**

Total Project Budget: **N/A**

Uncommitted Account Balance: **N/A**

Account Number: **No City Funds Involved**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
------------------------------	------------------------------

Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
------------------------------	--------------------

Department	Signature	Date
1) Originating	<i>Shane Cook</i>	10-2-13
2) Legal	<i>Henry C. Cates</i>	10-2-13
3) Finance	<i>[Signature]</i>	10/2/13
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. 1 to the Agreement with Garver, L.L.C., adopted and approved on the 8th day of August, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-601, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified to reflect a change to the subcontractor. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and Garver, L.L.C. for Engineering Services for 2013 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting, Project No. 65-13-SP41, as adopted by Resolution No. 13-601 of August 8, 2013" consisting of a total of three (3) pages plus four (4) additional pages consisting of Attachment "A", and the date of October 10, 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 10th day of October, 2013.

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

APPROVED this the 10th day of October, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and Garver, L.L.C.
for Engineering Services for 2013 Flow
Monitoring Program-Annual Operations,
Maintenance, Data Analysis & Reporting,
Project No. 65-13-SP41, as adopted by
Resolution No. 13-601 of August 8, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 8th day of August, 2013. The original Agreement is hereby amended by Modification No. 1 dated October 10, 2013, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and GARVER, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated August 8, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to replace the subcontractor with C.C. Lynch & Associates, Inc.

WHEREAS, the Owner desires that the contract documents 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. Garver, L.L.C. will provide for a change to the subcontractor to C.C. Lynch & Associates, Inc.
2. Item #1 shall be performed in accordance with the original agreement dated August 8, 2013, and approved by the City Council by Resolution No. 13-601, and as described in the letter from Jerry McCarley to Shane Cook, dated September 23, 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.
4. All other terms and conditions remain unchanged.

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

Date: October 10, 2013

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: GARVER, L.L.C.

By: _____

ATTEST:

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry McCarley, as Vice President, 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 ____ day of _____, 2013.

Notary Public
My Commission Expires: _____

ATTACHMENT "A"



5125A Research Drive
Huntsville, AL 35805

TEL 256.534.5512
FAX 256.534.5544

www.GarverUSA.com

September 23, 2013

Mr. Shane Cook, PE *S.C.*
Director - Water Pollution Control
City of Huntsville
1800 Vermont Road
Huntsville, AL 35802

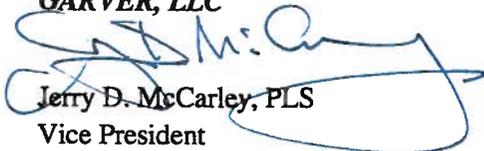
**RE: Annual Flow Metering Services
City of Huntsville Water Pollution Control Department**

Dear Mr. Cook:

Please be advised that Garver, LLC will be utilizing C.C. Lynch, Inc. as our sole sub-contractor for the above referenced flow metering services. We anticipate no other modifications to this contract at this time. Please let me know if you have any questions.

Respectfully,

GARVER, LLC


Jerry D. McCarley, PLS
Vice President

Cc: Mark Huber, Water Pollution Control
Randall Stewart, Water Pollution Control



Attachment 2
Garver - Estimated Labor Requirements and Anticipated Personnel
 Fee Proposal for Engineering Services -2013 Flow Monitoring O & M

Revised 9/17/2013

ITEM	Sr. Project Managers, E6	Project Managers, E3	Surveyor, S-3	Admin., X1	Cost
Permanent Flow Meter Maintenance (27 total)					
Project Management	4	0	0	2	\$924.00
Overseeing Installation, Operation and Maintenance	0	21	2	0	\$2,629.00
Scheduling	0	21	0	0	\$2,499.00
Rain Gauge Maintenance (4 Total)					
Project Management	2	0	0	2	\$508.00
Overseeing Installation, Operation and Maintenance	0	21	2	0	\$2,629.00
Scheduling	0	21	0	0	\$2,499.00
Permanent Installation (5 Total)					
Project Management	2	0	0	2	\$508.00
Overseeing Installation, Operation and Maintenance	0	21	2	0	\$2,629.00
Scheduling	0	21	0	0	\$2,499.00
Temporary Flow Meter Installation (30 Total)					
Project Management	2	0	0	2	\$508.00
Overseeing Installation, Operation and Maintenance	0	21	2	0	\$2,629.00
Scheduling	0	21	0	0	\$2,499.00
Temporary Flow Meter Maintenance (30 Total)					
Project Management	2	0	0	2	\$508.00
Overseeing Installation, Operation and Maintenance	0	21	2	0	\$2,629.00
Scheduling	0	21	0	0	\$2,499.00
Sub-Contract (CC Lynch)					
Reproductions / Copies					\$171,486.00
					\$1,178.00
Total Hours	12	210	10	10	
Hourly Rate	\$208.00	\$119.00	\$65.00	\$46.00	
Cost	\$2,496.00	\$24,990.00	\$650.00	\$460.00	\$201,260.00

Project Team:

Senior Project Manager
 Project Manager
 Surveyor
 Admin

Jerry McCarley
 Dana Pollock, Mike Malires
 Bob Hood
 Peggy Bridgeman

*Project Team subject to change based on staff availability and current workload.



The Quality and Quantity of Water

C.C. Lynch & Associates, Inc. | P.O. Box 836, Pass Christian, Mississippi 39571
Toll Free: 800.333.2252 | Fax 228.452.2563 | www.cclynch.com | info@cclynch.com
Regional Offices: Austin, Birmingham, Dallas, Houston, Lafayette

Mr. Jerry McCarley
Garver, LLC
5125A Research Drive, Suite A
Huntsville, AL 35805

August 30, 2013

RE: 2013 Flow Monitoring Proposal

Dear Mr. McCarley

C.C. LYNCH & ASSOCIATES, INC is pleased to provide this annual flow monitoring operation and maintenance proposal for Garver, Inc.

Our involvement will consist of monthly maintenance and data retrieval for the temporary and permanent flow monitors. Maintenance is defined as cleaning the units, sensor probe adjustment / replacement (with OWNER supplied equipment), replacing batteries, troubleshooting the unit in the field and determining operational status. We will also handle any necessary relocations or installations as required by the Owner, the City of Huntsville. Currently, there are 27 permanent flow monitors installed in the Huntsville Basins.

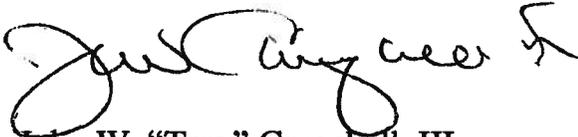
C.C. LYNCH & ASSOCIATES, INC. will also maintain the permanent rain gauges for the City of Huntsville, AL. Currently, there are four (4) rain gauges installed and working in the Huntsville Basins. Our involvement will consist of monthly maintenance and data retrieval for the rain gauges; defined as cleaning the units, replacing the batteries, troubleshooting the unit in the field, and determining operational status.

Below are the unit rates and estimated monthly charges for this project. We anticipate this contract time to continue for a period of one year. Our total proposal fee shall not exceed **\$ 163,320.00.**

Qty	Description	Unit	Extended	Annual
27	Operation & Maintenance of Wastewater Flow Monitors (12-months)	\$ 290.00	\$ 7,830.00	\$ 93,960.00
4	Operation & Maintenance of Rain Gauges (12-months)	\$ 55.00	\$ 220.00	\$ 2,640.00
30	Installation of Temporary Flow Monitors (one-time fee per installation)	\$ 694.00	\$ 20,820.00	\$ 20,820.00
30	Operation & Maintenance of Temporary Flow Monitors (6-months)	\$ 255.00	\$ 7,650.00	\$ 45,900.00

If you have any questions, please call on us any time.

C.C. LYNCH & ASSOCIATES, INC.



John W. "Trey" Campbell, III
President