

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 11/7/2013

Action Requested By:  
Planning

Agenda Item Type  
Select...

Subject Matter:

Agreement for Construction Between the State of Alabama and City of Huntsville

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into an Agreement for Construction Between the State of Alabama and City of Huntsville regarding Improvements on SR-1 (US-431) from South of CR-242 (Sutton Road) to North of CR-250 (Old Big Cove Road) to Include Intersection at CR-271 (Caldwell Lane) in the City of Huntsville; Project STPHV-STPAA-0001(577); Project Reference Number 100056632 (Supplemental Agreement 1)

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

Item to be considered for: Action

Unanimous Consent Required: No

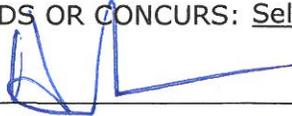
Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This agreement amends the initial agreement (dated December 27, 2011) to reflect the following: The project will be financed with 80% federal funds and a 20% City match. Federal STPAA funds will be limited to \$1,763,550. Estimated City funds: \$440,888. COH will be responsible for any cost overruns. Dedicated STPHV funds can be used by COH to cover overruns.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 10-30-13

ROUTING SLIP  
CONTRACTS AND AGREEMENTS

Originating Department: **Planning**

Council Meeting Date: **11/7/2013**

Department Contact: **Kimberly Gosa**

Phone # **427-5115**

Contract or Agreement: **Agreement**

Document Name: **Agreement for Construction Between the State of AL and COH**

City Obligation Amount: **\$440,888**

Total Project Budget: **\$2,204,438**

Uncommitted Account Balance:

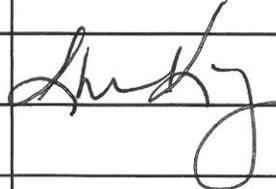
Account Number: **23-6500-0813-8108**

**Procurement Agreements**

<b>Select...</b>	<b>Select...</b>
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**Grant-Funded Agreements**

<b>Select...</b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating		10-30-13
2) Legal		10-30-13
3) Finance		10/31/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		10/31/13
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13- \_\_\_\_\_

**BE IT RESOLVED** by the City Council of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into an agreement with the State of Alabama, 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 "AGREEMENT FOR CONSTRUCTION BETWEEN THE STATE OF ALABAMA AND THE CITY OF HUNTSVILLE, ALABAMA; Project STPHV-STPAA-0001 (577); Project Reference Number 100056632; Improvements on SR-1 (US-431) from South of CR-242 (Sutton Road) to North of CR-250 (Old Big Cove Road) to Include Intersection at CR-271 (Caldwell Lane) in the City of Huntsville" consisting of four(4) pages, and the date of November 7, 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 7th day of November, 2013.

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

**APPROVED** this the 7th day of November, 2013.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

**AGREEMENT  
FOR  
CONSTRUCTION**

2013 OCT -7 P 4:41

**BETWEEN THE STATE OF ALABAMA  
AND  
THE CITY OF HUNTSVILLE, ALABAMA**

**Project STPHV-STPAA-0001 (577)  
Project Reference Number 100056632  
Improvements on SR-1 (US-431) from South of  
CR-242 (Sutton Road) to North of CR-250 (Old Big Cove Road)  
to Include Intersection at CR-271 (Caldwell Lane)  
in the City of Huntsville**

**SUPPLEMENTAL AGREEMENT NUMBER 1**

THIS SUPPLEMENTAL AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Huntsville, Alabama, hereinafter referred to as CITY.

WHEREAS, the STATE and CITY entered into a construction program for improvements on SR-1 (US-431) from south of CR-242 (Sutton Road) to north of CR-250 (Old Big Cove Road) to include intersection at CR-271 (Caldwell Lane) in the City of Huntsville, effective December 27, 2011.

WHEREAS, the STATE and CITY desire to amend the Agreement entered into on December 27, 2011, by execution of this Supplemental Agreement.

NOW THEREFORE, the parties hereto, for and in consideration of the premises stated do hereby mutually promise, stipulate, and agree that the foregoing Agreement between the parties dated December 27, 2011, be and the same is hereby amended in the following respects:

1. Page 2, paragraph 5 of the foregoing Agreement is hereby amended in the following respects:

- (1) This Project will be financed when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. The Federal STPAA funds will be

\_\_\_\_\_  
City Council President

\_\_\_\_\_  
November 7, 2013  
Date

limited to \$1,763,550 Federal funds on this Project. The City of Huntsville will be responsible for the 20 percent match funds on this Project. The City of Huntsville will be responsible for any overruns on this Project. The City of Huntsville can use their dedicated (STPHV) funds to cover the overruns. The estimated cost and participation by the various parties is as follows:

	<u>Total Estimated</u>	<u>Estimated Federal Funds</u>	<u>Estimated CITY Funds</u>
STPAA			
Construction, including engineering and inspection	<u>\$2,204,438</u>	<u>\$1,763,550</u>	<u>\$440,888</u>
TOTAL	\$2,204,438	\$1,763.550	\$440,888

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be billed for its proportional share as above noted and the CITY agrees to pay same to STATE; or in the event the cost is less than the estimate, the CITY will receive a refund accordingly from the STATE. The administrative cost will be a part of the Project cost.

2. All other and remaining terms of the Agreement of December 27, 2011, shall remain the same.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF HUNTSVILLE, ALABAMA

\_\_\_\_\_  
City Clerk (Signature)

By: \_\_\_\_\_  
Mayor (Signature)

Charles Hagood

Tommy Battle

\_\_\_\_\_  
Type name of Clerk

\_\_\_\_\_  
Type name of Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Division Engineer, Johnny L. Harris

\_\_\_\_\_  
Multimodal Transportation Engineer,  
Robert J. Jilla

\_\_\_\_\_  
Chief Engineer, Ronald L. Baldwin, P. E.

STATE OF ALABAMA  
ACTING BY AND THROUGH THE  
ALABAMA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama  
this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
GOVERNOR OF ALABAMA, ROBERT BENTLEY

RESOLUTION NUMBER \_\_\_\_\_

BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated December 27, 2011, for:

Construction Project STPHV-STPAA-0001 (577), Project Reference Number 100056632 for improvements on SR-1 (US-431) from south of CR-242 (Sutton Road) to north of CR-250 (Old Big Cove Road) to include intersection at CR-271 (Caldwell Lane) in the City of Huntsville; which Agreement is before this Council.

2. That this Supplemental Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That this Supplemental Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted, and approved this 7<sup>th</sup> day of November, 20 13.

ATTESTED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President, Huntsville City Council

\_\_\_\_\_  
Mayor, City of Huntsville

I, the undersigned qualified and acting clerk of the City of Huntsville, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 7<sup>th</sup> day of November, 20 13, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk