

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 12/5/2013

Action Requested By:
Engineering

Agenda Item Type
Select...

Subject Matter:

Modification No. 1 to Agreement with Brasfield & Gorrie, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Brasfield & Gorrie, L.L.C. for Project Management Services for Redstone Gateway Package I and Package J, Project No. 65-13-SP20, by Modification No. 1

13-152

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 extend the contract time of performance and contract amount to provide assistance in bringing closure to all existing construction contracts, final platting, and other on-going project management needs for a total modification amount of \$30,000.00. New end date: March 1, 2014. Account No. 05-6500-0811-1012

Associated Cost: \$30,000.00

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathleen

Date: 11-25-13

revised 3/12/2012

mk
11-25-13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **12/5/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification 1**

Document Name: **Brasfield Gorrie Package I and J Project No. 65-13-SP20**

City Obligation Amount: **\$30,000.00**

Total Project Budget: **\$142,310.00**

Uncommitted Account Balance: **0**

Account Number: **05-6500-0811-1012**

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	<i>Lynn Majors</i>	11-25-13
2) Legal	<i>Dany C. Cates</i>	11-25-13
3) Finance	<i>[Signature]</i>	12/2/13
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 Brasfield & Gorrie, L.L.C, adopted and approved on the 28th day of February, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-152, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from ONE HUNDRED TWELVE THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$112,310.00) to ONE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$142,310.00), including this Modification No. 1, an increase of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00). New end date: March 1, 2014. 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 Brasfield & Gorrie, L.L.C. for Project Management Services for Redstone Gateway Package I and Package J, Project No. 65-13-SP20, as adopted by Resolution No. 13-152 of February 28, 2013" consisting of a total of three (3) pages plus one (1) additional page consisting of Attachment "A", and the date of December 5, 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 5th day of December, 2013.

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

APPROVED this the 5th day of December, 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 Brasfield &
Gorrie, L.L.C. for Project Management
Services for Redstone Gateway Package I
and Package J, Project No. 65-13-SP20, as
adopted by Resolution No. 13-152 of
February 28, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 28th day of February, 2013, in the amount of ONE HUNDRED TWELVE THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$112,310.00). The original Agreement is hereby amended by Modification No. 1 dated December 5, 2013, in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), for a revised contract amount of ONE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED TEN AND NO/100 DOLLARS (\$142,310.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and BRASFIELD & GORRIE, L.L.C., (PROJECT MANAGER).

WITNESSETH

WHEREAS, the firm identified as the PROJECT MANAGER to the Agreement dated February 28, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to extend the contract time of performance and contract amount to provide assistance in bringing closure to all existing construction contracts, final platting, and other on-going project management needs.

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

1. Brasfield & Gorrie, L.L.C. will provide for assistance in bringing closure to all existing construction contracts, final platting, and other on-going project management needs at a time and materials cost not to exceed THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00). New end date: March 1, 2014.

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

Date: December 5, 2013

2. Item #1 shall be performed in accordance with the original agreement dated February 28, 2013, and approved by the City Council by Resolution No. 13-152, and as described in the letter from Robert M. Kelley to Kathy Martin, dated November 18, 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.

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: _____

VICE PRESIDENT & DIVISION
MANAGER: BRASFIELD & GORRIE,
L.L.C.

By: *William L. Steed, Jr.*

ATTEST:

Nancy Innes

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that William L. Steed, Jr., as Vice President and Division Manager, 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 26th day of November, 2013.

Deborah M. Collins
Notary Public
My Commission Expires: 11/24/2017



ATTACHMENT "A"



November 18, 2013

RM
Ms. Kathy Martin
City of Huntsville
320 Fountain Circle
Huntsville, AL 35801

Re: Redstone Gateway Phase 1
Project Management Services

Dear Kathy:

We would like to request a time extension till 3/1/14 and to increase our budget by \$30,000 on our T&M Contract 13-152 for Project Manager Services on Redstone Gateway EUL project. This time extension and budget increase will allow us to provide assistance in bringing closure to all existing construction contracts, final platting, and other on-going project management needs on the Redstone Gateway EUL project.

We appreciate the opportunity to continue to serve as your Project Manager on the Redstone Gateway EUL Project and look forward to the successful completion of this project.

Please call me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Robert M. Kelley".

Robert M. Kelley
Senior Project Manager

Enclosures

cc: Greg Hall/COPT