

# CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: 05/08/2014

Action Requested By:  
Engineering

Agenda Item Type  
Resolution

Subject Matter:

Modification No. 1 to Agreement with Arcadis, U. S., Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Arcadis, U. S., Inc. for Engineering Design Services for Dallas Branch/Pinhook Creek, Phase I, Project No. 65-13-DR03, by Modification No. 1

13-316

**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 for additional engineering services to complete the Dallas Branch/Pinhook Creek Hazard Mitigation project for a total modification amount of \$15,686.00. New end date: May 2, 2014. Account No. 23-6500-0816-8214

Associated Cost: \$15,686.00

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: *Kathy Meza*

Date: 4/30/14

revised 3/12/2012

*Book*  
*Ch*  
*4-16-14*

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: 05/08/2014

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 1**

Document Name: **Dallas Branch/Pinhook Creek Phase I Project No. 65-13-DR03**

City Obligation Amount: **\$15,686.00**

Total Project Budget: **\$198,036.00**

Uncommitted Account Balance: **0**

Account Number: **23-6500-0816-8214**

## Procurement Agreements

<b><u>Not Applicable</u></b>	<b><u>Not Applicable</u></b>
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## Grant-Funded Agreements

<b><u>Not Applicable</u></b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>Kathy Martin</i>	4/30/14
2) Legal	<i>Mary Cates</i>	5/5/14
3) Finance	<i>[Signature]</i>	5/5/14
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 14-\_\_\_\_\_**

**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 Arcadis U. S., Inc., adopted and approved on the 25th day of April, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-316, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from ONE HUNDRED EIGHTY-TWO THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$182,350.00) to ONE HUNDRED NINETY-EIGHT THOUSAND THIRTY-SIX AND NO/100 DOLLARS (\$198,036.00), including this Modification No. 1, an increase of FIFTEEN THOUSAND SIX HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$15,686.00). 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 Arcadis U. S., Inc. for Engineering Design Services for Dallas Branch/Pinhook Creek, Phase I, Project No. 65-13-DR03, as adopted by Resolution No. 13-316 of April 25, 2013" consisting of a total of three (3) pages plus four (4) additional pages consisting of Attachment "A", and the date of May 8, 2014, 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 8th day of May, 2014.

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

**APPROVED** this the 8th day of May, 2014.

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

STATE OF ALABAMA )  
COUNTY OF MADISON )

Modification No. 1 to Agreement between  
the City of Huntsville and Arcadis U. S.,  
Inc. for Engineering Design Services for  
Dallas Branch/Pinhook Creek, Phase I,  
Project No. 65-13-DR03, as adopted by  
Resolution No. 13-316 of April 25, 2013

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 25th day of April, 2013, in the amount of ONE HUNDRED EIGHTY-TWO THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$182,350.00). The original Agreement is hereby amended by Modification No. 1 dated May 8, 2014, in the amount of FIFTEEN THOUSAND SIX HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$15,686.00) for the revised amount of ONE HUNDRED NINETY-EIGHT THOUSAND THIRTY-SIX AND NO/100 DOLLARS (\$198,036.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and ARCADIS U. S., INC., (ENGINEER).

**WITNESSETH**

**WHEREAS**, the firm identified as the ENGINEER to the Agreement dated April 25, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change for additional engineering services to complete the Dallas Branch/Pinhook Creek Hazard Mitigation project.

**WHEREAS**, the Owner desires that the contract drawings 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. Arcadis U. S., Inc. will provide for additional engineering services at a time and materials cost not to exceed FIFTEEN THOUSAND SIX HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$15,686.00).
2. Item #1 shall be performed in accordance with the original agreement dated April 25, 2013 and approved by the City Council by Resolution No. 13-316, and as described in the letter from Brian Ruggs to Chris McNeese, dated January 21, 2014, shown as Attachment "A".

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL  
Date: May 8, 2014

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 \_\_\_\_\_ 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

ENGINEER: ARCADIS U. S., INC.

By: [Signature]

ATTEST:

[Signature]

STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry Jones, 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 1<sup>st</sup> day of May 2014.

[Signature]  
Notary Public

My Commission Expires: 12/22/14



**EXHIBIT "A"**



ARCADIS U.S., Inc.  
2170 Highland Avenue  
Suite 250  
Birmingham  
Alabama 35205  
Tel 205 930 5700  
Fax 205 930 5707  
[www.arcadis-us.com](http://www.arcadis-us.com)

Mr. Christopher McNeese, P.E.  
City of Huntsville, Alabama  
308 Fountain Circle, 2<sup>nd</sup> Floor  
Huntsville, Alabama 35801

*Handwritten: A-1-14*

Re: **Dallas Branch/Pinhook Creek Hazard Mitigation Grant  
Project Phase I Extension Change Order Request**

WATER DIVISION

Dear Mr. McNeese:

For the referenced project, ARCADIS, U.S. (AUS) is submitting this change order request to recover for out-of-scope efforts through the submittal of the final design plan sets and the development of the final submittal documents to the Alabama Emergency Management Agency (AEMA) and ultimately the Federal Emergency Management Agency (FEMA). During the process of developing these final plans and other submittals we were requested by the City to perform work that was not included in our original scope of services/contract on April 25, 2013, but these items were necessary for the completion of the project deliverables. This work effort is listed below with detail pertaining to out-of-scope items and the corresponding fee estimate.

Date:  
January 21, 2014

Contact:  
Brian T. Ruggs, PE

Phone:  
205-930-5928

Email:  
[brian.ruggs@arcadis-us.com](mailto:brian.ruggs@arcadis-us.com)

Our ref:  
05687004.0000

**Item 1 – Utility Coordination \$10,342.00**

**Basis for claim that effort is out-of-scope:**

1. *Per the contract, Attachment 4 Design Reviews, 100% Complete Ready to Advertise, Items 17 requires Utility Project Notification forms and a list of all utilities that need to be completed.*

During the completion of the project design, AUS coordinated with representatives from Huntsville Utilities, the Alabama Department of Transportation, Ardmore Utilities, and TetraTech on behalf of the City of Huntsville Water Pollution Control Department. This work occurred during the weeks of June 23, 2013 and September 22, 2013 and included tasks such as coordination meetings, the reformatting of electronic CAD files, and phone conversations with utility representatives.

Imagine the result



This effort is summarized in the table below.

<b>Trans Week</b>	<b>Employee</b>	<b>Hours</b>	<b>Billing Rate</b>	<b>Total Cost</b>	<b>Daily Work Description</b>
6/23/2013	MCKAY, DANIEL	2	\$178.00	\$356.00	Utility Coordination Meeting
6/30/2013	CANNON, ANNE EMERSON	4.5	\$128.00	\$576.00	Cleaned files and made a CD for utilities.
6/30/2013	CANNON, ANNE EMERSON	15.5	\$128.00	\$1,984.00	Worked on materials needed for utility meeting in Huntsville.
6/30/2013	FRAME, DALE	4	\$91.00	\$364.00	Helping Anne Cannon w/ Civil 3D
6/30/2013	MCKAY, DANIEL	4	\$178.00	\$712.00	Prep for Utility Meeting
6/30/2013	MCKAY, DANIEL	8	\$178.00	\$1,424.00	Utility Coordination Meeting
6/30/2013	MCKAY, DANIEL	4	\$178.00	\$712.00	Utility Meeting followup, conference call, CAD files, release form
7/14/2013	MCKAY, DANIEL	1	\$178.00	\$178.00	Discussion with Chris McNeese
7/14/2013	MCKAY, DANIEL	1	\$178.00	\$178.00	Eric at Ardmore Telephone
7/21/2013	MCKAY, DANIEL	2	\$178.00	\$356.00	ALDOT Lighting, Tracy Timmons
7/21/2013	MCKAY, DANIEL	3	\$178.00	\$534.00	Utilities at Bypass Channel
7/21/2013	MCKAY, DANIEL	8	\$178.00	\$1,424.00	Utility Coordination - Ardmore
7/28/2013	MCKAY, DANIEL	0.5	\$178.00	\$89.00	Transmit CAD Files
8/18/2013	CANNON, ANNE EMERSON	6.5	\$128.00	\$832.00	Translation from AutoCAD to MicroStation.
9/22/2013	MCKAY, DANIEL	1	\$178.00	\$178.00	Sanitary Sewer coordination with TetraTech
9/22/2013	MCKAY, DANIEL	1.5	\$178.00	\$267.00	CAD File coordination with Huntsville Utilities
9/22/2013	MCKAY, DANIEL	1	\$178.00	\$178.00	CAD Files for Huntsville Utilities

## Item 2 – Removal of Dement Street Culvert

**\$5,344.00**

*Basis for claim that effort is out-of-scope. Dan McKay had a conversation with Gary Gleason on November 18, 2013, which was followed up with an email to confirm, (see attached) in which Dan was instructed to remove the box culvert at Dement Street. A new box culvert was originally designed for Dement Street*

Imagine the result



McNeese  
January 21, 2014

*which was original to the project scope and that was changed to remove the existing culvert at Dement Street.*

The effort to complete this task is summarized below.

<b>Trans Week</b>	<b>Employee</b>	<b>Hours</b>	<b>Billing Rate</b>	<b>Total Cost</b>	<b>Daily Work Description</b>
11/24/2013	CANNON, ANNE EMERSON	19.5	\$128.00	\$2,496.00	Redesign Dement Street.
11/24/2013	MCKAY, DANIEL	16	\$178.00	\$2,848.00	Redesign Dement Street

The total of this change order request is \$15,686.00 as summarized below:

Item 1 – Utility Coordination..... \$10,342.00

Item 2 – Removal of Dement Street Culvert..... \$5,344.00

**ARCADIS**

McNeese  
January 21, 2014

Please review this request and let us know what AUS can do to assist with a successful negotiation with the City of Huntsville. Please don't hesitate to call me if you have any questions or need additional information. I can be reached at (205) 930-5928 or on my cell phone at (205) 296-2097. We appreciate the opportunity to work with the City of Huntsville and look forward to working toward the successful completion of this important project.

Sincerely,



Brian T. Ruggs, PE  
Project Manager

BTR: btr

Cc: Jerry D. Jones, ARCADIS, US  
Benjamin Ferrill, Ph.D., City of Huntsville

Project #3421004.0000