

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 8, 2014

Action Requested By: Public Works

Agenda Type: Resolution

Subject Matter:

Modification No. 3 to Agreement with Johnson & Associates Consulting Engineers, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Johnson & Associates Consulting Engineers, L.L.C. for Engineering Design & Construction Administration Services for Carmichael Park, Project No. 65-12-DM25, by Modification No. 3

12-554, 13,317, 14-122

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

Item to be considered for: Action

Unanimous Consent Required: Yes

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 contract modification is for continued support services consisting of inspection report services for NPDES permitting and inspections at Carmichael Park. There is no change in the contract amount. New end date: September 30, 2014. Account No. N/A-Time Extension Only, no additional funds required.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

PK

Department Head: Jerry Hatfield

Date: _____

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Public Works**

Council Meeting Date: **5/8/2014**

Department Contact: **Terry Hatfield**

Phone # **256-883-3778**

Contract or Agreement: **Modification No. 3**

Document Name: **Johnson & Associates Carmichael Park Project No. 65-12-DM25**

City Obligation Amount: **0**

Total Project Budget: **\$44,240.00**

Uncommitted Account Balance: **0**

Account Number: **N/A Time Extension Only**

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>Terry Hatfield</i>	5-1-14
2) Legal	<i>David Carter</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 to enter into Modification No. 3 to the Agreement with Johnson & Associates Consulting Engineers, L.L.C., adopted and approved on the 28th day of June, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-554, and amended on the 25th day of April, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-317, and amended on the 13th day of February, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-122, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from June 15, 2014, to September 30, 2014. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 3 to Agreement between City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Engineering Design & Construction Administration Services for Carmichael Park, Project No. 65-12-DM25, as adopted by Resolution No. 12-554 of June 28, 2012, and amended by Resolution No. 13-317 of April 25, 2013, and amended by Resolution No. 14-122 of February 13, 2014" consisting of a total of four (4) pages including Exhibit "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. 3 to Agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Engineering Design & Construction Administration Services for Carmichael Park, Project No. 65-12-DM25, as adopted by Resolution No. 12-554 of June 28, 2012, and amended by Resolution No. 13-317 of April 25, 2013, and amended by Resolution No. 14-122 of February 13, 2014

THIS IS MODIFICATION NO. 3 TO AN AGREEMENT entered in on the 28th day of June, 2012, in the amount of TWENTY-THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$23,575.00), and amended on the 25th day of April, 2013, in the amount of SEVEN THOUSAND FOUR HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$7,485.00), for a total contract amount of THIRTY-ONE THOUSAND SIXTY AND NO/100 DOLLARS (\$31,060.00), and amended on the 13th day of February, 2014, in the amount of THIRTEEN THOUSAND ONE HUNDRED EIGHTY AND NO/100 DOLLARS (\$13,180.00), for a total contract amount of FORTY-FOUR THOUSAND TWO HUNDRED FORTY AND NO/100 DOLLARS (\$44,240.00). The original Agreement is hereby amended by Modification No. 3 dated May 8, 2014, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and JOHNSON & ASSOCIATES CONSULTING ENGINEERS, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated June 28, 2012, and amended on April 25, 2013, and amended on February 13, 2014, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to December 31, 2014.

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. Johnson & Associates Consulting Engineers, L.L.C. has requested extension of contract completion date to September 30, 2014.

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

2. Item #1 shall be performed in accordance with the original agreement dated June 28, 2012 and approved by the City Council by Resolution No. 12-554.
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: JOHNSON & ASSOCIATES
CONSULTING ENGINEERS, L.L.C.

By: *Nathan Johnson*

ATTEST:

Lanoka Carter

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Nathan Johnson as 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 2nd day of May 2014.

Wanda Hollingsworth
Notary Public
My Commission Expires: 3/28/15

EXHIBIT "A"



April 23, 2014

City of Huntsville
Engineering Dept.
Attn: Kathy Martin, PE, City Engr.
320 Fountain Circle
Huntsville, AL 35801

RE: Request Extension of Time for Contract for Design & CA Services for Carmichael Park
Mod 2 – Resolution No. 14-122

Dear Kathy:

Due to a delay in some of the demolition projects (particularly the Terry Heights School Demo), the final fill and construction has not been completed for this project. According to Public Works, they anticipate that all work should be completed by September of this year. Therefore, we are requesting an extension of this contract time to September 30, 2014.

If you have any questions or comments about this, please do not hesitate to contact us.

Sincerely,
Johnson & Associates

Nathan G. Johnson, PE, PLS
Project Civil Engineer

Cc: Mary Hollingsworth
Preston Whitaker