

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Jun 26, 2014

Action Requested By: Water Pollution Control

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Weaver Environmental Services Company, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Weaver Environmental Services Company, Inc. for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 65-13-SP35, by Modification No. 1  
  
13-551

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.

Contract modification to renew the agreement between the City of Huntsville and Weaver Environmental Services Company, Inc. for Periodic Bid For Emergency Manhole Rehabilitation approved by Resolution No. 13-551 for an additional one (1) year period at the current NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \$432,750.00

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

Department Head: 

Date: 6-12-14

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Water Pollution Control** Council Meeting Date: **6/26/2014**

Department Contact: **Shane Cook**

Phone # **256-883-3719**

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

Document Name: **Weaver-Emergency Manhole Rehab Project No. 65-13-SP35**

City Obligation Amount: **\$432,750.00**

Total Project Budget: **\$432,750.00**

Uncommitted Account Balance: **0**

Account Number: Account numbers to be assigned individually as work orders are delivered to the Contractor

## Procurement Agreements

<b>Title 39</b>	<b>Competitive</b>
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## Grant-Funded Agreements

<b>Not Applicable</b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>Shane Cook</i>	<i>6-12-14</i>
2) Legal	<i>Mary C. Cates</i>	<i>6/17/2014</i>
3) Finance <i>LC</i>	<i>[Signature]</i>	<i>6/17/14</i>
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. 1 to the Agreement with Weaver Environmental Services Company, Inc., adopted and approved on the 11th day of July, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-551, as attached hereto.

**BE IT FURTHER RESOLVED** that the periodic contract is extended for an additional one (1) year period with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount. New contract expiration date: July 11, 2015. 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 Weaver Environmental Services Company, Inc. for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 65-13-SP35, as adopted by Resolution No. 13-551 of July 11, 2013" consisting of a total of four (4) pages including Exhibit "A" and the date of June 26, 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 26th day of June, 2014.

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

**APPROVED** this the 26th day of June, 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 Weaver  
Environmental Services Company, Inc. for  
Periodic Bid for Emergency Manhole  
Rehabilitation, Project No. 65-13-SP35, as  
adopted by Resolution No. 13-551 of July  
11, 2013

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 11th day of July, 2013, in the amount of FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00). The original Agreement is hereby amended by Modification No. 1 dated June 26, 2014, for the renewal of an additional one (1) year period, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and WEAVER ENVIRONMENTAL SERVICES COMPANY, INC., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated July 11, 2013, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract for an additional one (1) year period at the same NTE amount as the initial year of FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 13-551 of July 11, 2013.

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

1. Weaver Environmental Services Company, Inc. will provide for renewal of contract for an additional one (1) year with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount of FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00).
2. Item #1 shall be performed in accordance with the original agreement dated July 11, 2013, and approved by the City Council by Resolution No. 13-551.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL  
Date: June 26, 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: WEAVER  
ENVIRONMENTAL SERVICES  
COMPANY, INC.

By: Shaun Gonzales President

ATTEST:

Shaneka Carter

STATE OF ALABAMA    )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Shaun Gonzales 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 12<sup>th</sup> day of June 2014.

Wm. C. Hollingsworth  
Notary Public  
My Commission Expires: 3/28/15

EXHIBIT "A"



# HUNTSVILLE

Kathy Martin, P.E.  
Director  
City Engineer

Urban Development Department  
Engineering Division

June 12, 2014

Weaver Environmental Services, Inc.  
7142 Wall Triana Highway  
Madison, AL 35757

ATTN: Shaun Gonzales

**RE: Periodic Bid for Emergency Manhole Rehabilitation  
Project No. 65-13-SP35**

Dear Shaun:

We are pleased to extend your contract in the above-referenced project for an additional (1) one-year period, at current pricing, beginning July 11, 2014, through July 11, 2015. Please acknowledge acceptance of same by your signature in the space provided at the end of this letter and return the letter to me with a copy to Penny Kelly, Engineering Contracts Coordinator in the Engineering Department.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathy Martin'.

Kathy Martin, P.E.  
Director of City Engineering

ACCEPTED BY: Shaun Gonzales

SIGNATURE: Shaun Gonzales President

DATE: 6-12-14

The Star of Alabama