

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Aug 14, 2014

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Croy Engineering, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Croy Engineering, L.L.C. for Engineering Design Services for Gateway Greenway, Phase III (Parking Lot), Project No. 65-14-WP01, by Modification No. 1
14-260

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 a time extension only. Because the parking lot layout is highly dependent on the ongoing Gateway Greenway construction project, survey work was postponed. The design project will now proceed as scheduled. New end date: October 8, 2014. Account No. N/A: No City Fund Involved. Time Extension Only.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

PKC
TNC

Department Head: Fath M. Marzi

Date: 8/11/14

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **8/14/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

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

Document Name: **Croy Eng-Gateway Greenway PH II Project No. 65-14-WP01**

City Obligation Amount: **0**

Total Project Budget: **\$30,000.00**

Uncommitted Account Balance: **0**

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

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Marti</i>	8/11/14
2) Legal	<i>[Signature]</i>	8-11-14
3) Finance	<i>[Signature]</i>	8/11/14
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. 1 to the Agreement with Croy Engineering, L.L.C., adopted and approved on the 10th day of April, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-260, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from August 9, 2014, to October 8, 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 Croy Engineering, L.L.C. for Engineering Design Services for Gateway Greenway, Phase III (Parking Lot), Project No. 65-14-WP01, as adopted by Resolution No. 14-260 of April 10, 2014" consisting of a total of three (3) pages plus one (1) additional page consisting of Attachment "A" and the date of August 14, 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 14th day of August, 2014.

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

APPROVED this the 14th day of August, 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 Croy
Engineering, L.L.C. for Engineering Design
Services for Gateway Greenway, Phase III
(Parking Lot), Project No. 65-14-WP01, as
adopted by Resolution No. 14-260 of April
10, 2014

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 10th day of April, 2014, in the amount of TWENTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$29,995.00). The original Agreement is hereby amended by Modification No. 1 dated August 14, 2014, extending contract completion date to October 8, 2014, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and CROY ENGINEERING, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated April 10, 2014, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to October 8, 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. Croy Engineering, L.L.C. will provide for extension of contract completion date to October 8, 2014.
2. Item #1 shall be performed in accordance with the original agreement dated April 10, 2014, and approved by the City Council by Resolution No. 14-260.
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.

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

Date: August 14, 2014

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: CROY ENGINEERING,
L.L.C.

By: _____

ATTEST:

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Somers, as Regional 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 _____ day of _____ 2014.

Notary Public
My Commission Expires: _____



Engineers
Planners
Surveyors

ATTACHMENT "A"

Croy Engineering, LLC
115 Manning Drive, Suite 201B
Huntsville, AL 35801

Phone: 256.517.8555
Fax: 256.517.8554

www.croyengineering.com

August 1, 2014

KL
Toneka Dorsey-Lindsey, Engineer
City of Huntsville
320 Fountain Circle
Huntsville, AL 35801

Subject: Gateway Greenway Phase III

Dear Toneka:

With mutual agreement from City of Huntsville engineering staff, we have not commenced survey activities due to the ongoing construction of Phase 2 of Gateway Greenway. The south edge of the proposed parking lot will tie into the new curb placed with Phase 2. Additionally, there is ongoing rework of the access to Meridian Street and sidewalks along the east margins of the proposed parking lot. Since the parking lot layout is highly dependent on the actual, as built conditions along these edges of the parking lot, surveying for the proposed parking lot has not commenced.

Based on the City's request yesterday, we are going to commence survey activities immediately with design activities to follow immediately after. We estimate our work to be complete in approximately 6-8 weeks and request a 60-day extension of our project deadline above the current deadline of August 8.

Sincerely,

Andy Somers, P.E., PTOE, LEED AP
Regional Manager