

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Oct 9, 2014

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 3 to Agreement with 4Site, Incorporated

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with 4Site, Incorporated for Engineering Design Services for Downtown Gateway, Project No. 65-11-RD03, by Modification No. 3  
  
11-403, 12-178, 13-598

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 design services for various bid options to include drainage and roadway improvements adjacent to the proposed Downtown Gateway project for a total modification amount of \$33,620.00 . Account No. 23-6500-0813-8112

Associated Cost: \$33,620.00

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

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

Department Head: Kathy Martini

Date: 9/29/14

PK  
✓

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **10/9/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

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

Document Name: **4Site-Downtown Gateway Mod 3 Project No. 65-11-RD03**

City Obligation Amount: **\$33,620.00**

Total Project Budget: **\$436,502.00**

Uncommitted Account Balance: **0**

Account Number: **23-6500-0813-8112**

## 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>	<i>9/29/14</i>
2) Legal	<i>Mary C. Cook</i>	<i>10/1/14</i>
3) Finance	<i>[Signature]</i>	<i>10/2/14</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		



STATE OF ALABAMA )  
COUNTY OF MADISON )

Modification No. 3 to Agreement between  
the City of Huntsville and 4Site,  
Incorporated for Engineering Design  
Services for Downtown Gateway, Project  
No. 65-11-RD03, as adopted by Resolution  
No. 11-403 of June 9, 2011, and amended  
by Resolution No. 12-178 of February 23,  
2012, and amended by Resolution No. 13-  
598 of August 8, 2013

**THIS IS MODIFICATION NO. 3 TO AN AGREEMENT** entered in on the 9th day of June, 2011, in the amount of TWO HUNDRED SEVENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-THREE AND NO/100 DOLLARS (\$274,683.00), and amended on the 23rd day of February, 2012, in the amount of ONE HUNDRED NINETEEN THOUSAND SIX HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$119,672.00) for a revised contract amount of THREE HUNDRED NINETY-FOUR THOUSAND THREE HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$394,355.00), and amended on the 8th day of August, 2013, in the amount of EIGHT THOUSAND FIVE HUNDRED TWENTY-SEVEN AND NO/100 DOLLARS (\$8,527.00) for a revised contract amount of FOUR HUNDRED TWO THOUSAND EIGHT HUNDRED EIGHTY-TWO AND NO/100 DOLLARS (\$402,882.00). The original Agreement is hereby amended by Modification No. 3 dated October 9, 2014, in the amount of THIRTY-THREE THOUSAND SIX HUNDRED TWENTY AND NO/100 DOLLARS (\$33,620.00) for a revised contract amount of FOUR HUNDRED THIRTY-SIX THOUSAND FIVE HUNDRED TWO AND NO/100 DOLLARS (\$436,502.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and 4SITE, INCORPORATED, (ENGINEER).

**WITNESSETH**

**WHEREAS**, the firm identified as the ENGINEER to the Agreement dated June 9, 2011, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change for additional design services.

**WHEREAS**, the Owner desires that the contract documents be altered to be consistent with Attachment "A" hereto.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL  
Date: October 9, 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. 4Site, Incorporated will provide for additional design services at a lump sum amount of THIRTY-THREE THOUSAND SIX HUNDRED TWENTY AND NO/100 DOLLARS (\$33,620.00).
2. Item #1# shall be performed in accordance with the original agreement dated June 9, 2011, and approved by the City Council by Resolution No. 11-403, and as described in the letter from Jerry Cargile to Kathy Martin, dated September 19, 2014, 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 \_\_\_\_\_ 2014.

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

ENGINEER: 4SITE, INCORPORATED

By: \_\_\_\_\_

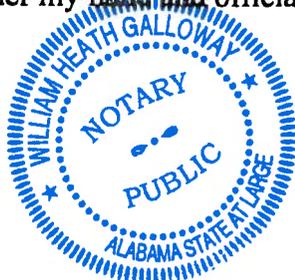
ATTEST:

William York

STATE OF ALABAMA )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry Cargile, 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 15<sup>th</sup> day of OCTOBER 2014.



William Heath Galloway  
Notary Public

My Commission Expires: 6-11-2016

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 11, 2016  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



7500 S. Memorial Pkwy, Ste 209  
Huntsville, Alabama 35802  
www.4siteinc.biz / 256.539.1221

September 19, 2014

*KM*  
Ms. Kathy Martin, PE  
City Engineer  
Engineering Department  
City of Huntsville  
PO Box 308  
Huntsville, AL 35804 *AC*

RE: COH Project No. 65-11-RD03, Downtown Gateway/Harvard Road Extension – Supplemental 3 (For Bid Options, Street Lighting Plan, Revised Street Section Design, Revised Lighting Plan, and Revised Bid Options for Re-bid).

Dear Kathy,

Per our discussions 4Site is making a formal request for a supplemental to cover additional fees for the above referenced contract. The additional work effort was necessary based on the determination by the City that the presently available funds for the project would not be sufficient to match the estimated construction costs. This made it necessary to separate the project into several options which were not included in the original scope of work. Subsequent to the initial bid, additional options had to be developed along with a change to the proposed street sections north and south of Fagan Creek. These items are further outlined on the following pages.

Since the previous supplemental extended the contract date to 30 days subsequent to FEMA approval of the CLOMR and that has not yet occurred, I do not believe an additional extension of contract time is required. Except as specifically identified or noted, we understand that all other terms of the contract remain as indicated in the previous proposal.

The proposed supplemental includes the following items:

- Summary of Scope of Work
- Scope of Additional Services – Initial Bid
- Scope of Additional Services – Re-bid
- Proposed Fee

After you have had the chance to review please let me know if there are questions or required modifications.

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to read 'Jerry M. Cargile'.

Jerry M. Cargile PE/LEED AP  
Founding Partner | Principal Engineer  
4Site, Incorporated



**Proj. No. 65-11-RD03 (Downtown Gateway/Harvard Rd Ext.) / Supplemental No. 3****Summary of Scope of Work:**

As identified above the supplemental services included items associated with the addition of several bid options not outlined in the original proposal, cad production of the street lighting plan from Huntsville Utilities, subsequent re-bid of the project, modification of the previously approved street section, revision of proposed bid options, revision of the lighting plan, landscape plan, irrigation plan, striping plan, and site furnishings plan based on the revision to the street section. These items are further described below.

**Scope of Additional Services Initial Bid:**

The following is a summary of the items that were added to the scope of services for the initial bid:

- I. *Modification of the plans to add bid options* – Following the City's establishment of a budget for the project it was determined that the plan set should be bid with the options identified below. Among other work effort the addition of these options required modifications to the formatting of the plan set, modification of storm sewer design dependent on options selected, modification of street geometry at the intersections of Harvard with St. Clair and Pelham depending on the options selected, and modification of the irrigation system design depending on the options taken. The options included in the set were as follows:
  - 1) Demo existing Pelham Ave/Davis Circle Intersection and Re-align new streets as shown in the plans, and extend Davis Circle to the Monroe Street Traffic Circle.
  - 2) Demo the existing pavement along St. Clair from Harvard Road extension to the Huntsville Public Library and install new storm sewer improvements as indicated.
  - 3) Install new street lights on Davis Circle from Harvard Road extension to the Monroe Street roundabout, and mill and repave the remaining portions of Davis Circle.
  - 4) Construction of the portion of Harvard Road from Governor's Drive to Saint Clair.
  - 5) Reconstruct Saint Clair from Harvard Road to Gallatin Street.
  - 6) Mill and repave Saint Clair from Harvard Road to Gallatin Street.
- II. *Street Lighting Plan* – Produce a final drawing for inclusion in the bid set to show locations, fixture types, conduit, and location of junction boxes for the lighting plan developed by Huntsville Utilities.

**Scope of Additional Services Re- Bid:**

Subsequent to the initial bid for the project being rejected based on budgetary concerns the project was re-bid with additional modifications to the plans, and addition to and modifications to the options included in the bid set. The following is a summary of the items that were added to the scope of services for the re-bid:

- I. *Modification of the plans to add bid options* – While the work effort required for many of these options was not significant, and some of this was re-ordering of previous options, others required more effort. Among other work effort the addition of these options required new modifications to the formatting of the plan set, and modification of the irrigation system based on the deletion of options in the initial bid. The options included in the set were as follows:
  - 1) Installation of the Bridge at Fagan Creek
  - 2) Installation of Base, Paving, and Signage
  - 3) Installation of Street Lights
  - 4) Installation of Streetscape
  - 5) Installation of Landscape and Irrigation
  - 6) Installation of baseline controllers for irrigation system in lieu of Rain Bird controllers
  - 7) Demo the existing pavement along St. Clair from Harvard Road extension to the Huntsville Public Library and install new storm sewer improvements as indicated.



**Proj. No. 65-11-RD03 (Downtown Gateway/Harvard Rd Ext.) / Supplemental No. 3**

- 8) Demo existing storm sewer along Saint Clair and replace as indicated in the plan set.
  - 9) Demo existing Pelham Ave/Davis Circle Intersection and Re-align new streets as shown
  - 10) Mill and repave Saint Clair from Harvard Road to Gallatin Street.
  - 11) Install new street lights on Davis Circle from Harvard Road extension to the Monroe Street roundabout, and mill and repave the remaining portions of Davis Circle.
  - 12) Installation of new dumpster enclosure at the re-grading of Lowe Avenue north of Fagan.
  - 13) Substitution of modified planter soil for structural soil [Deleted from Final Bid Set]
  - 14) Digital as-built survey (by AL Registered Land Surveyor)
  - 15) Construction Trailer.
- II. *Revised Street Section South of Fagan* – The street section was revised to deleted the “cycle track,” modify the proposed sidewalk adjacent to the parallel parking, and substitute and alternate curb design.
  - III. *Revised Street Section North of Fagan Creek* – The street section was modified to delete the “cycle track” and modify the proposed sidewalk based on the revised geometry. This section also includes the modification of the proposed curb detail. Based on the revised geometry tree grates were deleted from this section.
  - IV. *Median Drainage Modifications* – The plans were modified to reduce the amount of “river rock” required in the median and modify the treatment at the drainage openings in the median curb.
  - V. *Landscape Plan Modifications* – Based on the revised street section the landscape and irrigation plans were modified to move trees to the new tree grate locations south of Fagan Creek and planting bed locations north of Fagan Creek. The location and quantity of sod within the medians was also modified based on the reduction of the “river rock.”
  - VI. *Irrigation Plan Modifications* – The irrigation design was modified based on the new tree locations, and the addition of the sod areas at the outside edge of the sidewalk which was created with the modification of the typical street section and reduction of total width of hardscape.
  - VII. *Street Furnishings Modifications* – The locations of proposed benches, trash receptacles, and bike racks were modified based on the revised street sections and the required relocation of tree grates south of Fagan due to the deletion of the cycle track, and relocation of the “furniture zone” north of Fagan.
  - VIII. *Street Lighting Plan Revision* – The lighting plan was modified based on the revised street sections to show new locations for fixtures, fixture types, conduit, and location of junction boxes for the lighting plan developed by Huntsville Utilities.

**Proposed Fee:**

We are requesting an additional **\$33,620** be added to the contract price. This request includes a discount to the estimated work effort in consideration of the increase in the overall cost of the project and the need to develop some of the additional options based on the increase cost.

