

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jan 22, 2015

Action Requested By: Public Works

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Reed Contracting Services, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Reed Contracting Services, Inc. for Periodic Bid for Asphalt Projects-2013, Project No. 65-13-SP05, by Modification No. 1

13-31

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 Reed Contracting Services, Inc. for Periodic Bid For Asphalt Projects-2013, approved by Resolution No. 13-31 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: \$2,477,975.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

50
pk Department Head: Terry Hatfield ^{CA}

Date: 1-21-15

**ROUTING SLIP
CONTRACTS AND AGREEMENTS**

Originating Department: Public Works

Council Meeting Date: 1/22/2015

Department Contact: Terry Hatfield

Phone # 256-883-3778

Contract or Agreement: Periodic Bid Extension

Document Name: Reed-Asphalt Projects-2013 Project No. 65-13-SP05

City Obligation Amount: \$2,477,975.00

Total Project Budget:

Uncommitted Account Balance: 0

Account Number: Account Nos. will be assigned individually

Procurement Agreements

<u>Title 39</u>	<u>Competitive</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> ^{CP}	1-21-15
2) Legal		
3) Finance		
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 15-

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 Reed Contracting Services, Inc., adopted and approved on the 10th day of January, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-31, 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: January 10, 2016. 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 Reed Contracting Services, Inc. for Periodic Bid for Asphalt Projects-2013, Project No. 65-13-SP05, as adopted by Resolution No. 13-31 of January 10, 2013" consisting of a total of four (4) pages including Exhibit "A" and the date of January 22, 2015, 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 22nd day of January, 2015.

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

APPROVED this the 22nd day of January, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and Reed
Contracting Services, Inc. for Periodic Bid
for Asphalt Projects-2013, Project No. 65-
13-SP05, as adopted by Resolution No. 13-
31 of January 10, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 10th day of January, 2013, in the amount of TWO MILLION FOUR HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$2,477,975.00). The original Agreement is hereby amended by Modification No. 1 dated January 22, 2015, 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 REED CONTRACTING SERVICES, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated January 10, 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 TWO MILLION FOUR HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$2,477,975.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 13-31 of January 10, 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. Reed Contracting Services, 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 TWO MILLION FOUR HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$2,477,975.00).
2. Item #1 shall be performed in accordance with the original agreement dated January 10, 2013, and approved by the City Council by Resolution No. 13-31.

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

Date: January 22, 2015

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 _____ 2015.

Notary Public
My Commission Expires: _____

ENGINEER: REED CONTRACTING
SERVICES, INC.

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 David L. Harris, 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 ____ day of _____ 2015.

Notary Public
My Commission Expires: _____

EXHIBIT "A"



HUNTSVILLE

Tommy Battle
Mayor

January 5, 2015

Terry Hatfield
Director of
Public Works Services

Reed Contracting Services, Inc.
2512 Triana Boulevard, SW
Huntsville, AL 35805
ATTN: Chris Lovoy

RE: Periodic Bid for Asphalt Projects-2013
Project No. 65-13-SP05

Dear Chris:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning January 10, 2015, through January 10, 2016. 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 for the City of Huntsville.

Sincerely,

Terry Hatfield
Director of Public Works

ACCEPTED BY: CHARLES C. LOVOY

SIGNATURE: Charles C. Lovoy

DATE: 1/21/15

The Star of Alabama