

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Apr 9, 2015

Action Requested By: Landscape Management

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement between the City of Huntsville and Land Design Solutions, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 between the City of Huntsville and Land Design Solutions, Inc. for Landscape Design & Construction Administration Services for Maple Hill Cemetery, Project No. 65-14-SP01  
  
13-976 & 14-269

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

Item to be considered for: Action

Unanimous Consent Required: No

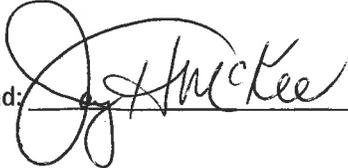
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for the change in the time period of Construction Administration services for a total modification amount of \$38,463.75.00. Account No. 01-6200-0811-5211

Associated Cost: \$38,463.75

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

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

*BS*  
*pink*  
Department Head: 

Date: 3-30-2015

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Landscape Management

Council Meeting Date: 4/9/2015

Department Contact: Joy McKee

Phone # 256-427-5048

Contract or Agreement: Modification No. 2

Document Name: Land Design-Maple Hill Cemetery Project No. 65-14-SP01

City Obligation Amount: \$38,463.75

Total Project Budget: \$129,104.85

Uncommitted Account Balance: 0

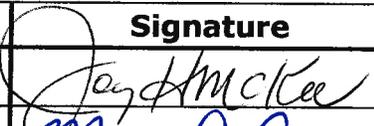
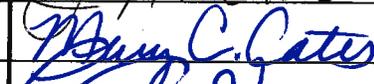
Account Number: 01-6200-0811-5211

### Procurement Agreements

<b>Not Applicable</b>	<b>Not Applicable</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		3-30-2015
2) Legal		4-8-2015
3) Finance		4/8/15
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, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 2 to the Agreement between the City of Huntsville and Land Design Solutions, Inc., adopted and approved on the 5th day of December, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-976, and amended on the 10th day of April, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-269, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from NINETY THOUSAND SIX HUNDRED FORTY-ONE AND .10/100 DOLLARS (\$90,641.10) to ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED FOUR AND .85/100 DOLLARS (\$129,104.85), including this Modification No. 2, an increase of THIRTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-THREE AND .75/100 DOLLARS (\$38,463.75). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and Land Design Solutions, Inc. for Landscape Design and Construction Administration Services for Maple Hill Cemetery Improvements, Project No. 65-14-SP01, as adopted by Resolution No. 13-976 of December 5, 2013, and amended by Resolution No. 14-269 of April 10, 2014" consisting of a total of three (3) pages plus eight (8) additional pages consisting of Attachment "A", and the date of April 9, 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 9th day of April, 2015.

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

**APPROVED** this the 9th day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama



2. Item #1 shall be performed in accordance with the original agreement dated December 5, 2013, and approved by the City Council by Resolution No. 13-976, and as described in the letter from Mike Donnelly to Joy McKee, dated March 25, 2015, 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 \_\_\_\_\_ 2015.

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

LANDSCAPE ARCHITECT: LAND  
DESIGN SOLUTIONS, INC.

By: Mike Donnelly

ATTEST:

Lynetta J. Carter

STATE OF ALABAMA    )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Mike Donnelly, 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 2<sup>nd</sup> day of April 2015.

Mary J. Hellingworth  
Notary Public  
My Commission Expires: 4/2/19

Land Design Solutions, Inc.  
6996 LINDA STREET  
HUNTSVILLE, AL 35811

Email: mike.donnelly@mchsi.com  
Voice: 256.714.1470

March 25, 2015  
Ms. Joy McKee  
Director  
Landscape Management Division  
City of Huntsville  
308 Fountain Circle  
Huntsville, AL 35805

RE: Proposal for Contract Modification No. 2 @ Maple Hill Cemetery, Huntsville, AL

Dear Joy,

The time set up for Construction Administration Services by the consulting team during our contract negotiation with the City of Huntsville was for 120 calendar days. This would have our Construction Administration Services ending on Wednesday, March 4. As you know, during bidding of the project the construction time period was increased to 270 calendar days by addendum number 6. We are now at 141 calendar days into the construction, and as of the contractors February pay request, the project was 33% complete.

We respectfully request that the period of service for Construction Administration Services of the contract be increased from 120 calendar days to 270 calendar days to coincide with the contract time allowed the contractor, and therefore the fee for Construction Administration Services be increased.

The increased fee for Construction Administration Services shall be on a time and material basis not to exceed \$38,463.75 during the 150 additional calendar days. Attached is the fee breakdown (Task "D") for these additional services. Additionally, by attachments, OMI has provided further detail of their increased construction services & NPDES services, and Smith Engineering has detail as to their additional site observation time.

Please advise if you want Land Design Solutions and consulting team to continue the Construction Administration Services past March 4, 2015.

Regards,

Mike Donnelly, ASLA



**CONTRACT MODIFICATION NO. 2  
CITY OF HUNTSVILLE ENGINEERING DEPARTMENT  
FEE BREAKDOWN**

<b>TASK D</b>			
<b>PERSONNEL COST</b>		Man-Hours x Hourly Rate	
<b>Land Design Solutions, Inc.</b>			
	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
Landscape Architect	86.0	\$ 90.00	\$ 7,740.00
Inspector	321.0	\$ 50.00	\$ 16,050.00
<b>Land Design Solutions, Inc. Totals</b>	407.00		\$ 23,790.00
	<b>LDS Sub-Total</b>		\$ <b>23,790.00</b>
<b>SUB-CONSULTANTS</b>			
<b>OMI Engineering, Inc.</b>			
Construction Services			\$ 11,675.00
NPDES Services			\$ 1,800.00
<b>OMI Engineering, Inc. Total</b>			\$ 13,475.00
Subconsultant Administrative Expense @ 5%			\$ 673.75
<b>Smith Engineering Co., Inc.</b>			
	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
Engineer	4.0	\$ 125.00	\$ 500.00
<b>Smith Engineering Co., Inc. Totals</b>	4.00		\$ 500.00
Subconsultant Administrative Expense @ 5%			\$ 25.00
	<b>TASK D TOTAL FEE</b>		\$ <b>38,463.75</b>

# SMITH ENGINEERING CO., INC.

8624 Memorial Parkway S.W.

Huntsville, AL 35802

(256) 539-9426 • FAX: (256) 539-9428

CIVIL ENGINEERING  
LAND SURVEYING

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March 12, 2015

Mr. Mike Donnelly  
6996 Linda Street  
Huntsville, AL 35811

RE: Maple Hill Cemetery  
Contract Modification No. 2

Dear Mike:

Smith Engineering will provide additional site observations for the above referenced contract modification for a fee of \$500 (Engineer – 4 hours at \$125 an hour).

Sincerely,

SMITH ENGINEERING CO., INC.



BILLY H. SMITH, PE

# OMI, Inc.

February 24, 2015

Land Design Solutions, Inc.  
6996 Linda Street  
Huntsville, AL 35811

ATTN: Mr. Mike Donnelly

SUBJECT: Proposal for Additional Construction Materials Testing Services  
Maple Hill Cemetery Expansion  
Huntsville, AL  
OMI Proposal No. P-4420

Gentlemen:

OMI is a full service geotechnical, environmental, and construction materials testing firm. Our in-house laboratory is AASHTO and Army CORPS of Engineers accredited. OMI has a staff of professional engineers, graduate engineers, environmental scientists, ecologists, and technicians available to help you achieve your project goals.

## SCOPE OF SERVICES AND COSTS

OMI, Inc. issued OMI Proposal No. P-4139B prior to construction plans and bidding of the project. The construction phase of the original contract had a 120 day duration. Addendum No. 6 released during the bidding process extended the project to 270 days. This proposal outlines anticipated testing in addition to the budget proposed for the original 120 day duration scope of work.

### Construction Testing

OMI will provide the following construction materials testing services in general accordance with ASTM, U.S. Army Corps of Engineers procedures or accepted engineering practice.

Land Design Solutions, Inc.  
 OMI Proposal No. P-4420  
 February 24, 2015  
 Page 2

**Earthwork:**

1. Subgrade Observations: OMI will observe the site and direct proofrolling activities, where appropriate, to look for scattered soft soils that were not previously identified in the subsurface exploration. OMI will provide recommendations for additional undercut that may be required due to unsuitable subgrade soil conditions, and direct the earthwork contractor as needed.
  
2. Density Testing: After proofrolling, OMI will perform field density tests on the engineered fill and dense graded base stone to check the level of compaction attained by the earthwork contractor.

Please note, field density tests for additional engineered fill due to over excavation required to remove unsuitable soil or foundations are not included within this scope of work and will be billed at our standard unit rates.

Estimated costs are based on anticipated required testing and observation based on the contractor's previous work schedule for this project. Field Technician time is estimated on an 8 hour day, testing multiple lifts of soil fill each day.

Staff Engineer (wall foundation inspections):	10 hours @ \$75/hour = \$750.00
Senior Engineering Technician - (Proofrolls- based on a 2 hour minimum):	8 hours @ \$49/hour = \$392.00
Field Technician (field densities):	200 hours @ \$42/hour = \$8400.00
Nuclear gauge rental (per day):	25 days @ \$45/day = \$1125.00
Bulk samples for laboratory tests:	8 samples @ \$26/sample = \$208.00
Standard Proctor compaction test:	8 tests @ \$100/test = \$800.00
Total construction services:	\$11,675.00

All other costs will be on an hourly basis per the attached fee schedule.

Land Design Solutions, Inc.  
 OMI Proposal No. P-4420  
 February 24, 2015  
 Page 3

**NPDES Permit and Inspections:**

OMI, Inc., can provide these NPDES services for a fee of \$750.00 to prepare the Notice of Intent (NOI) and \$300.00 to prepare the termination request. This price does not include the ADEM registration fee. OMI, Inc., will prepare the Notice of Intent (NOI) for the Alabama Department of Environmental Management (ADEM) permit. According to the present schedule, OMI can submit the NOI as soon as authorization and the necessary information are provided.

OMI can conduct monthly inspections as required under ADEM regulations (ADEM Administrative Code R. 335-6-6 and 335-6-12) at a minimum of once a month or after a "rain event". A "rain event" is rainfall that accumulates to greater than 0.75 inches of precipitation within a twenty-four hour period. OMI can also prepare the ADEM termination request once the site construction is complete and the site is stabilized. A stabilized site is one that has at least 85% coverage over 100% of the site. OMI performs standard inspections for a fee of \$150.00 per inspection.

NPDES inspections are weather dependent; therefore, since "rain events" cannot be estimated for the purposes of this proposal OMI is assuming 2 inspections per month.

Costs for NPDES permitting and Inspections:

NPDES Inspections (270 day construction contract)	10 @ \$150 each = \$1500
Termination	1 @ \$300 each = \$300
Total estimated cost for NPDES is \$1,800.00.	

Additional testing beyond the plans and specifications or in addition to those outlined above will be performed at the rates shown in the attached fee schedule.

OMI, Inc., will continue to provide the construction services listed in the scope for a fee of \$11,675.00, and the NPDES services listed in the scope for a fee of \$1,800.00. Total cost for additional construction testing and NPDES services is \$13,475.00.

Land Design Solutions, Inc.  
OMI Proposal No. P-4420  
February 24, 2015  
Page 4

This proposal is based on a 270 calendar day construction contract, with hourly rates applicable for continued work beyond the 270 days. Proposed estimated budgets are in addition to budgets proposed for the original contract. Anticipated work outside of or in addition to the original scope is included in this proposal.

### **ADDITIONAL SERVICES**

Geotechnical Engineering and Construction Materials Testing Services for the following services are not included in the above Scope of Work, and, if required, will be provided per the OMI Standard Fee Schedule:

- Over excavation and undercutting observations and testing.
- Additional testing beyond the plans and specifications or in addition to the work outlined above.

### **SCHEDULE AND AUTHORIZATION**

OMI, Inc., will perform the work at the direction of Land Design Solutions, Inc. We will coordinate with and rely on the general contractor to notify us when testing will be required. Twenty-four hours notice should be given to schedule the services; however, we will attempt to respond to every request.

To authorize OMI, Inc. to provide these services, please execute and return the attached Work Authorization Sheet. Please indicate any special instructions or procedures on the sheet.

Land Design Solutions, Inc.  
OMI Proposal No. P-4420  
February 24, 2015  
Page 5

\* \* \* \* \*

OMI, Inc., appreciates the opportunity to provide this proposal to Land Design Solutions, Inc. If you have questions regarding this proposal or if we may be of additional assistance, please contact the undersigned.

Very truly yours,  
OMI, Inc.



Kristalea Dabai, E.I.  
Staff Engineer



Keith J. Mandel, P. E.  
Senior Engineer

Distribution: 1 Copy to Addressee via E-mail

Attachments: Fee Schedule  
General Conditions  
Work Authorization Sheet

**OMI, Inc.****Fee Schedule for Construction Materials Testing Services  
for the City of Huntsville****Personnel Hourly Rates**

			Per
P-1	Field Technician, field density tests, asphalt monitoring	\$42.00	hour
P-2	Senior Engineering Technician, proofrolling and footing observations	\$49.00	hour
P-3	ACI Level I Tech (concrete, mortar and grout tests)	\$43.00	hour
P-4	Senior Engineering Technician, Steel observations	\$53.00	hour
P-5	Laboratory Technician, per hour		no additional charge
P-6	Project Manager, professional review	\$60.00	hour
P-9	Environmental Scientist	\$85.00	hour
P-10	Staff Engineer, per hour	\$75.00	hour
P-11	Principal Engineer, Registered, per hour	\$125.00	hour
P-12	Secretary, per hour	\$42.00	hour
P-13	CADD Operator, per hour	\$45.00	hour

**Soil Index Tests (Personnel costs are included)**

L-1	Moisture Content	\$6.00	each
L-2	Atterberg Limits, ASTM D423 and D424	\$60.00	each
L-3	Sieve analysis, ASTM D422	\$60.00	each
L-10	Standard Proctor compaction test, ASTM D698	\$100.00	each
L-11	Modified Proctor compaction test, ASTM D1557	\$110.00	each

**Soil and Asphalt (in addition to hourly rates)**

S-1	Field density test, nuclear gauge, 3 test minimum	\$27.00	each
S-2	Nuclear Gauge Rental, per unit	\$45.00	day
S-3	Field density test, sand cone or drive tube, each, 3 test minimum	\$45.00	each
S-4	Bulk samples for laboratory tests	\$26.00	each
A-3	Cutting and measuring asphalt core samples	\$45.00	each
A-4	Density and air voids of asphalt cores	\$55.00	each
A-5	Asphalt coring machine and equipment rental, per day	\$85.00	day
A-8	Asphalt extraction and sieve analysis	\$105.00	each
A-9	Measurement of Base thickness underlying asphalt, each	\$37.00	each

**Environmental Services**

E-2	NPDES Permit Application, per site, each	\$750.00	each
E-3	NPDES monthly monitoring service: \$15 per acre / \$150.00 minimum		
E-4	NPDES post-rain event monitoring service: \$11.25 per acre / \$150.00 minimum		
E-5	NPDES Permit Final Report and Close-out	\$300.00	each
E-6	Borrow Pit Environmental Acceptance Testing, one set per acre	\$1,422.00	each
E-7	Borrow Pit Environmental Acceptance Testing, with TCLP	\$1,598.00	each

**Concrete (in addition to hourly rates)**

C-1	Concrete cylinders; curing, testing and disposal	\$20.00	each
C-5	Slump Test	\$25.00	each
C-6	Air Content test	\$29.00	each
C-7	Unit weight test	\$35.00	each
C-16	Grout cubes (ASTM C-1019), per set of 4	\$195.00	set
C-17	Mortar cubes (ASTM C-780), per set of 3	\$135.00	set

**Miscellaneous**

P-21	Reimbursable expenses (equipment rental and outsourced laboratory tests)	Cost plus 5%	
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Rates will remain in effect throughout the duration of the project.