

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: May 14, 2015

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement between the City of Huntsville and Reed Contracting Services, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Reed Contracting Services, Inc. for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31  
  
13-449 & 14-375

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 Various Construction Projects-2013 approved by Resolution No. 13-449 for an additional one (1) year period at the current NTE amount of \$2,128,015.41. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \$2,128,015.41

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

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

Department Head: Kathy Marti

Date: 4/28/15

MRC  
PWC

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Engineering

Council Meeting Date: 5/14/2015

Department Contact: Lynn Majors

Phone # 256-427-5201

Contract or Agreement: Modification No. 2

Document Name: Reed-Periodic Bid for Various Construction-2013, Project No. 65-13-SP31

City Obligation Amount: \$2,128,015.41

Total Project Budget: \$6,384,046.23

Uncommitted Account Balance: 0

Account Number: Account Numbers will be assigned as work orders are delivered to the Contractor.

### 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>Kathy Martin</i>	<i>4/28/15</i>
2) Legal	<i>Mary C. Cates</i>	<i>5/7/2015</i>
3) Finance	<i>[Signature]</i>	<i>5/8/15</i>
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. 2 to the Agreement between the City of Huntsville and Reed Contracting Services, Inc., adopted and approved on the 13th day of June, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-449, and amended on the 22nd day of May, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-375, 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 of TWO MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND FIFTEEN AND .41/100 DOLLARS (\$2,128,015.41). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be SIX MILLION THREE HUNDRED EIGHTY-FOUR THOUSAND FORTY-SIX AND .23/100 DOLLARS (\$6,384,046.23). New contract expiration date: June 13, 2016. 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 Reed Contracting Services, Inc. for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31, as adopted by Resolution No. 13-449 of June 13, 2013, and amended by Resolution No. 14-375 of May 22, 2014" consisting of a total of three (3) pages plus one (1) additional page including Exhibit "A" and the date of May 14, 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 14th day of May, 2015.

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

**APPROVED** this the 14th day of May, 2015.

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

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 2 to Agreement between  
the City of Huntsville and Reed Contracting  
Services, Inc. for Periodic Bid for Various  
Construction Projects-2015, Project No. 65-  
13-SP31, as adopted by Resolution No. 13-  
449 of June 13, 2013, and amended by  
Resolution No. 14-375 of May 22, 2014

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 13th day of June, 2013, in the amount TWO MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND FIFTEEN AND .41/100 DOLLARS (\$2,128,015.41). The original Agreement is hereby amended by Modification No. 2 dated May 14, 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 June 13, 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 ONE HUNDRED TWENTY-EIGHT THOUSAND FIFTEEN AND .41/100 DOLLARS (\$2,128,015.41) per Paragraphs 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 13-449 of June 13, 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 ONE HUNDRED TWENTY-EIGHT THOUSAND FIFTEEN AND .41/100 DOLLARS (\$2,128,015.41). This modification results in the total cumulative NTE amount funded for this contract to be SIX MILLION THREE HUNDRED EIGHTY-FOUR THOUSAND FORTY-SIX AND .23/100 DOLLARS (\$6,384,046.23). New contract expiration date is June 13, 2016.

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

Date: May 14, 2015

2. Item #1 shall be performed in accordance with the original agreement dated June 13, 2013, and approved by the City Council by Resolution No. 13-449.
3. All unit price billing rates for contract line items shall remain the same.
4. 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.
5. 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

CONTRACTOR: 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 Harris 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 30<sup>th</sup> day of April 2015.



Notary Public

My Commission Expires: 11-12-2018



# HUNTSVILLE

Kathy Martin, P.E.  
Director  
City Engineer

Urban Development Department  
Engineering Division

April 21, 2015

Reed Contracting Services, Inc.  
P.O. Box 2618  
Huntsville, AL 35804-2618

ATTN: David Harris

RE: Periodic Bid for Various Construction Projects-2013  
Project No. 65-13-SP31

Dear David:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning June 13, 2015, through June 13, 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 do for the City of Huntsville.

Sincerely,

Kathy Martin  
Director of City Engineering

ACCEPTED BY: David L. Harris, Vice President

SIGNATURE: [Handwritten Signature]

DATE: 4-30-15

**The Star of Alabama**