

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jul 9, 2015

Action Requested By: Water Pollution Control

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement between the City of Huntsville and Weaver Environmental Services Company, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Weaver Environmental Services Company, Inc. for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 65-13-SP35

13-551 & 14-472

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 Weaver Environmental Services Company, Inc. for Periodic Bid for Emergency Manhole Rehabilitation approved by Resolution No. 13-551 for an additional one (1) year period at the current NTE amount of \$432,750.00. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \$432,750.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Shene Cook

Date: June 24, 2015

pk

**ROUTING SLIP
CONTRACTS AND AGREEMENTS**

Originating Department: Water Pollution Control

Council Meeting Date: 7/9/2015

Department Contact: Shane Cook

Phone # 256-883-3719

Contract or Agreement: Modification No. 2

Document Name: Weaver-Periodic Bid for Emergency Manhole Rehab Project No. 65-13-SP35

City Obligation Amount: \$432,750.00

Total Project Budget: \$1,298,250.00

Uncommitted Account Balance: 0

Account Number: Account Nos. will be assigned

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>Shane Cook</i>	<i>June 24, 2015</i>
2) Legal	<i>Mary Carter</i>	<i>June 24, 2015</i>
3) Finance	<i>[Signature]</i>	<i>6/30/15</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 Weaver Environmental Services Company, Inc., adopted and approved on the 11th day of July, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-551, and amended on the 26th day of June, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-472, 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 FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be ONE MILLION TWO HUNDRED NINETY-EIGHT THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$1,298,250.00). New contract expiration date: July 11, 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 Weaver Environmental Services Company, Inc. for Periodic Bid for Emergency Manhole Rehabilitation, Project No. 65-13-SP35, as adopted by Resolution No. 13-551 of July 11, 2013, and amended by Resolution No. 14-472 of June 26, 2014" consisting of a total of three (3) pages plus one (1) additional page including Exhibit "A" and the date of July 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 July, 2015.

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

APPROVED this the 9th day of July, 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 Weaver
Environmental Services Company, Inc. for
Periodic Bid for Emergency Manhole
Rehabilitation, Project No. 65-13-SP35, as
adopted by Resolution No. 13-551 of July
11, 2013, and amended by Resolution No.
14-472 of June 26, 2014

THIS IS MODIFICATION NO. 2 TO AN AGREEMENT entered in on the 11th day of July, 2013, in the amount FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00). The original Agreement is hereby amended by Modification No. 2 dated July 9, 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 WEAVER ENVIRONMENTAL SERVICES COMPANY, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated July 11, 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 FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00) per Paragraphs 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 13-551 of July 11, 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. Weaver Environmental Services Company, 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 FOUR HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$432,750.00). This modification results in the total cumulative NTE amount funded for this contract to be ONE MILLION TWO HUNDRED NINETY-EIGHT THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$1,298,250.00). New contract expiration date is July 11, 2016.

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

Date: July 9, 2015

2. Item #1 shall be performed in accordance with the original agreement dated July 11, 2013, and approved by the City Council by Resolution No. 13-551.
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

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: _____

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 Shaun Gonzales 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 _____ day of _____ 2015.

Notary Public
My Commission Expires: _____

EXHIBIT "A"



HUNTSVILLE

Water Pollution Control

Shane Cook, P.E.
Director

June 16, 2015

Weaver Environmental Services, Inc.
7142 Wall Triana Highway
Madison, AL 35757

ATTN: Shaun Gonzales

RE: Periodic Bid for Emergency Manhole Rehabilitation
Project No. 65-13-SP35

Dear Shaun:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning July 11, 2015, through July 11, 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,

A handwritten signature in black ink that reads "Shane Cook".

Shane Cook
Director of Water Pollution Control

ACCEPTED BY: Shaun Gonzales

SIGNATURE: Shaun Gonzales

DATE: 6-25-15

The Star of Alabama