

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Dec 3, 2015

Action Requested By: Landscape Management

Agenda Type: Resolution

Subject Matter:

Modification No. 3 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. 3 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 & 15-251

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.

The Modification is for additional survey services for marking individual plot locations upon the completion of improvements at Maple Hill Cemetery. An additional three (3) months has also been added for construction administration services to coordinate with the completion to allow adequate time to perform site surveys. . Account No. 1000-51-00000-515370-00000000

Associated Cost: \$34,153.95

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

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

Department Head: *Joy McKee*

Date: 11-19-2015

*pink*

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Landscape Management

Council Meeting Date: **12/3/2015**

Department Contact: **Joy McKee**

Phone # **256-427-5048**

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

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

City Obligation Amount:

**\$34,153.95** ✓

Total Project Budget:

**\$163,258.80**

Uncommitted Account Balance:

**0**

Account Number:

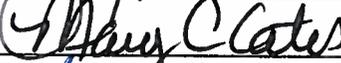
**1000-51-00000-515370-00000000** ✓

### Procurement Agreements

<b>Not Applicable</b>	<b>Not Applicable</b>
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### Grant-Funded Agreements

<b>Not Applicable</b>	Grant Name:
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Department	Signature	Date
1) Originating		11-19-2015
2) Legal		11-20-2015
3) Finance 		11/24/15
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. 3 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, and amended on the 9th day of April, 2015, by the City Council of the City of Huntsville, Alabama by Resolution No. 15-251, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED FOUR AND .85/100 DOLLARS (\$129,104.85) to ONE HUNDRED SIXTY-THREE THOUSAND TWO HUNDRED FIFTY-EIGHT AND .80/100 DOLLARS (\$163,258.80), including this Modification No. 3, an increase of THIRTY-FOUR THOUSAND ONE HUNDRED FIFTY-THREE AND .95/100 DOLLARS (\$34,153.95). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 3 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, and amended by Resolution No. 15-251 of April 9, 2015" consisting of a total of three (3) pages plus three (3) additional pages consisting of Attachment "A", and the date of December 3, 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 3rd day of December, 2015.

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

**APPROVED** this the 3rd day of December, 2015.

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

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 3 to Agreement between  
the 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, and amended by Resolution No.  
15-251 of April 9, 2015

**THIS IS MODIFICATION NO. 3 TO AN AGREEMENT** entered in on the 5th day of December, 2013, in the amount of NINETY THOUSAND SIX HUNDRED FORTY-ONE AND .10/100 DOLLARS (\$90,641.10), and amended on the 10th day of April, 2014, (time extension only) and amended on the 9th day of April, 2015, in the amount of THIRTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-THREE AND .75/100 DOLLARS (\$38,463.75) for the revised contract amount of ONE HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED FOUR AND .85/100 DOLLARS (\$129,104.85). The original Agreement is hereby amended by Modification No. 3 dated December 3, 2015, in the Not-to-Exceed Amount of THIRTY-FOUR THOUSAND ONE HUNDRED FIFTY-THREE AND .95/100 (\$34,153.95) for a revised Not-to-Exceed contract amount of ONE HUNDRED SIXTY-THREE THOUSAND TWO HUNDRED FIFTY-EIGHT AND .80/100 DOLLARS (\$163,258.80), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and Land Design Solutions, Inc., (LANDSCAPE ARCHITECT).

**WITNESSETH**

**WHEREAS**, the firm identified as the LANDSCAPE ARCHITECT to the Agreement dated December 5, 2013, and amended on April 10, 2014, and amended on April 9, 2015, has proposed a change, identified as Attachment "A" to the Original Agreement. The Modification is for additional survey services for marking individual plot locations upon the completion of improvements at Maple Hill Cemetery. An additional three (3) months has also been added for construction administration services to coordinate with the completion to allow adequate time to perform site surveys.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL  
Date: \_\_\_\_\_ December 3, 2015

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the LANDSCAPE ARCHITECT agree to the following modifications to the agreement:

1. Land Design Solutions, Inc. will provide for additional survey services for marking individual plot locations upon the completion of improvements at Maple Hill Cemetery. An additional three (3) months has also been added for construction administration services to coordinate with the completion to allow adequate time to perform site surveys at a time and materials cost Not-to- Exceed THIRTY-FOUR THOUSAND ONE HUNDRED FIFTY-THREE AND .95/100 DOLLARS (\$34,153.95).
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 October 30, 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:

Sanctus 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 10th day of November 2015.

Mary Jo Hollingsworth  
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

October 30, 2015  
Ms. Joy McKee  
Director  
Landscape Management Division  
City of Huntsville  
308 Fountain Circle  
Huntsville, AL 35805

11-13-15/10:12 RCVD

RE: Proposal for Contract Modification No. 3 @ Maple Hill Cemetery, Huntsville, AL

Dear Joy,

We request a modification of the contract to reflect the following additional work:

**TASK C:**

Add the service of As-built survey of newly constructed site features, as indicated on attached letter from Smith Engineering, dated June 17, 2015. Additional fee for this service is at time & material rates, not to exceed \$7,499.00 plus 5% administrative fee of \$374.95 for a total of \$7,873.95.

Add the service of setting one re-bar with 3" metal cap for approximately 200 blocks, as indicated on attached letter from Smith Engineering, dated October 16, 2015. Additional fee for this service is \$6,000.00 plus 5% administrative fee of \$300.00 for a total of \$6,300.00.

**TASK D:**

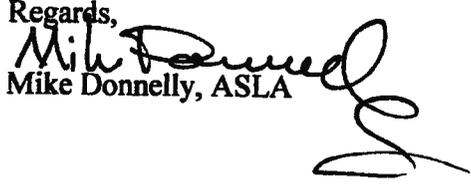
Increase the period of service for Construction Administration Services from 270 calendar days to 374 calendar days to coincide with the contract time allowed the contractor.

The increased fee for Construction Administration Services shall be on a time and material basis not to exceed \$19,980.00 during the 104 additional calendar days.

The total fee increase for the above services is \$34,153.95.

Should you have any questions, please call or e-mail.

Regards,

  
Mike Donnelly, ASLA

  
11-12-2015

# SMITH ENGINEERING CO., INC.

8624 Memorial Parkway S.W.

Huntsville, AL 35802

(256) 539-9426 • FAX: (256) 539-9428

CIVIL ENGINEERING  
LAND SURVEYING

October 16, 2015

Mr. Mike Donnelly  
6996 Linda Street  
Huntsville, AL 35811

11-16-15A09:02 RCVD

RE: Maple Hill Cemetery As-Built

Dear Mike:

The cost of a 3" metal cap to fit on a 5/8" rebar for approximately 200 blocks at the cemetery is \$1000. I estimate our fee to set and calculate each pin at the center of each block to be \$25 per pin (\$5000).

Sincerely,

SMITH ENGINEERING CO., INC.

  
HOWARD J. BENSON, PLS

*Jay McKee*  
11-13-2015

# SMITH ENGINEERING CO., INC.

8624 Memorial Parkway S.W.

Huntsville, AL 35802

(256) 539-9426 • FAX: (256) 539-9428

CIVIL ENGINEERING  
LAND SURVEYING

June 17, 2015

Mr. Mike Donnelly  
6996 Linda Street  
Huntsville, AL 35811

11-16-15A09:02 RCVD

RE: Maple Hill Cemetery As-Built

Dear Mike:

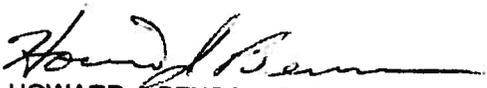
Smith Engineering will provide an as-built survey at Maple Hill Cemetery for a fee not to exceed \$7,499.00. The scope and limits of our work will consist of as-built location of storm structures, wall columns, walls, sidewalks and steps, power poles and guy wires per the provided drawing which is attached to our proposal.

The projected maximum man-hours are as follows:

Field Time	
38 hours at \$125 an hour	\$4,740.00
Land Surveyor	
15 hours at \$75 an hour	\$1,125.00
Design Draftsman	
24 hours at \$65 an hour	\$1,560.00

Sincerely,

SMITH ENGINEERING CO., INC.

  
HOWARD J. BENSON, PLS

  
11-13-2015