

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jan 28, 2016

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 5 to Agreement with Johnson & Associate Consulting Engineers, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Engineering Services for NPDES Permitting and Inspections for Carmichael Park, Project No. 65-12-DM25, by Modification No. 5.

12-554, 13-317, 14-122 & 14-334, 14-737

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 continuation of providing Engineering and Inspection services for the existing ADEM permit as necessary at Carmichael Park for a total modification amount of \$7,455.00. New Contract end date: January 1, 2017. Account No. 1000-55-515370-00000000.

Associated Cost: \$7,455.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

park Department Head: 

Date: 1-19-16

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Public Works

Council Meeting Date: 1/28/2016

Department Contact: Lynn Majors

Phone # 256-427-5201

Contract or Agreement: **Modification No. 5**

Document Name: **Johnson & Associates-Carmichael Park, Project No. 65-12-DM25**

City Obligation Amount: \$7,455.00 ✓

Total Project Budget: \$59,150.00

Uncommitted Account Balance: 0

Account Number: 1000-55-55300-515370-00000000 ✓

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating		1-19-16
2) Legal	Mary C. Carter	1-19-16
3) Finance 		1-22-16
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 16-_____

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. 5 to the Agreement with Johnson & Associates Consulting Engineers, L.L.C., adopted and approved on the 28th day of June, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-554, and amended on the 25th day of April, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-317, and amended on the 13th day of February, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-122, and amended on the 8th day of May, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-334, and amended on the 25th day of September, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-737, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from FIFTY-ONE THOUSAND SIX HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$51,695.00) to FIFTY-NINE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$59,150.00), including this Modification No. 5, an increase of SEVEN THOUSAND FOUR HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$7,455.00). New end date: January 1, 2017. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 5 to Agreement between City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Engineering Design & Construction Administration Services for Carmichael Park, Project No. 65-12-DM25, as adopted by Resolution No. 12-554 of June 28, 2012, and amended by Resolution No. 13-317 of April 25, 2013, and amended by Resolution No. 14-122 of February 13, 2014, and amended by Resolution No. 14-334 of May 8, 2014, and amended by Resolution No. 14-737 of September 25, 2014" consisting of a total of four (4) pages plus two (2) additional pages consisting of Attachment "A", and the date of January 28, 2016, 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.

RESOLUTION NO. 16-_____
PAGE 2 OF 2

ADOPTED this the 28th day of January, 2016.

President or President Pro Tem of the
City Council of the City of
Huntsville, Alabama

APPROVED this the 28th day of January, 2016.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 5 to Agreement Between
the City of Huntsville, Alabama and
Johnson & Associates Consulting Engineers,
L.L.C. for Engineering Design &
Construction Administration Services for
Carmichael Park, Project No. 65-12-DM25,
as adopted by Resolution No. 12-554 of
June 28, 2012, and amended by Resolution
No. 13-317 of April 25, 2013, and amended
by Resolution No. 14-122 of February 13,
2014, and amended by Resolution No. 14-
334 of May 8, 2014, and amended by
Resolution No. 14-737 of September 25,
2014

THIS IS MODIFICATION NO. 5 TO AN AGREEMENT entered in on the 28th day of June, 2012, in the amount of TWENTY-THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$23,575.00), and amended on the 25th day of April, 2013, in the amount of SEVEN THOUSAND FOUR HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$7,485.00) for a revised contract amount of THIRTY-ONE THOUSAND SIXTY AND NO/100 DOLLARS (\$31,060.00), and amended on the 13th day of February, 2014, in the amount of THIRTEEN THOUSAND ONE HUNDRED EIGHTY AND NO/100 DOLLARS (\$13,180.00) for a revised contract amount of FORTY-FOUR THOUSAND TWO HUNDRED FORTY AND NO/100 DOLLARS (\$44,240.00), and amended on the 8th day of May, 2014 and amended on the 25th day of September, 2014, in the amount of SEVEN THOUSAND FOUR HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$7,455.00) for a revised contract amount of THIRTY-ONE THOUSAND SIXTY AND NO/100 DOLLARS (\$31,060.00). The original Agreement is hereby amended by Modification No. 5, dated January 28, 2016, in the amount of SEVEN THOUSAND FOUR HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$7,455.00), for a total revised contract amount of FIFTY-NINE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$59,150.00), by and between the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation in the State of Alabama (OWNER) and JOHNSON & ASSOCIATES CONSULTING ENGINEERS, L.L.C., (ENGINEER). New contract end date: January 1, 2017.

**President of the City Council of the City
of Huntsville, AL**
Date: January 28, 2016

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated June 28, 2012, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to provide continued engineering and inspection services for the existing ADEM permit as necessary at Carmichael Park.

WHEREAS, the Owner desires that the contract be altered to be consistent with Attachment "A" hereto.

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

1. Johnson & Associates Consulting Engineers, L.L.C., will provide for continued support services at a time and materials cost not to exceed SEVEN THOUSAND FOUR HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$7,455.00).
2. Item #1 shall be performed in accordance with the original agreement dated June 28, 2012, and approved by the City Council by Resolution No. 12-554, and as described in the letter from Nathan Johnson to Chris McNeese dated December 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 as modified previously.
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 her duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Kenneth Benion
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 Kenneth Benion, 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 _____, 2016.

Notary Public
My Commission Expires: _____

ENGINEER: JOHNSON & ASSOCIATES
CONSULTING ENGINEERS, L.L.C.

By: Nathan Johnson

ATTEST:
[Signature]

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Nathan Johnson, 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 26th day of January, 2016.

[Signature]
Notary Public
My Commission Expires: 4/2/19



December 30, 2015

Mr. Chris McNeese
Public Works Services Department
City of Huntsville
Huntsville, AL 35804-0308

RE: **Proposal for Engineering Services: NPDES Permitting and Inspections**
Carmichael Park

Dear Mr. Hatfield:

Johnson & Associates, Inc. (hereinafter referred to as Consultant) is pleased to provide Engineering and Inspection support services for the continuation of **NPDES Permitting and Inspections** for the Carmichael Park ('project'). We understand that this is necessary due to the fact that fill capacity remains at the site after the completion of the Terry Heights demolition project and COH will to utilize the site for fill placements.

Scope of Services

Project Scope includes the management and service of General Permit Number ALR109647 (NPDES permit) administered by ADEM for construction activities resulting in land disturbance activities. Because the project site does not discharge into a priority water of the state, as defined by ADEM, the CBMPP does not require ADEM approval. However, the approved Permit and the CBMPP must be kept current and on-site throughout the duration of the project construction for ADEM review and inspection.

Additionally, J&A will conduct Site Inspections throughout the construction duration to ensure compliance with the CBMPP and the approved Erosion and Sediment Control Plan. The inspections will be performed monthly and after each rainfall event of 0.75 inches or greater in any 24-hour period. These site inspections and follow-up reports will be conducted by our Qualified Credentialed Professional (QCP). Our proposal is based on a one year construction duration, and average of 1.5 inspections per month during this period as well as the possibility of responding to any ADEM warnings. Our efforts will be coordinated with the Public Works office and other City departments as needed.

GENERAL REQUIREMENTS:

1. The Scope does not include payment of any permit fees required to regulatory agencies.
2. The terms of this agreement will remain in effect for 1 year from authorization to proceed.
3. The proposed fee is based on our understanding of the project requirements and the project duration of one year. Any change to the project scope or duration may result in adjustments to the fee proposal.
4. The Consultant shall bill the City for all work outlined in the Scope of Services according to the following terms: An hourly fee not to exceed \$7,455.00. All work will be billed monthly based on the hourly and unit rates outlined in the attached Standard Schedule of Hourly Fees.

Thank you for this opportunity to provide services for the City of Huntsville. If you have any questions or comments, please feel free to contact me.

Sincerely,
Johnson & Associates Consulting Engineers, LLC.

Nathan G. Johnson, PE, PLS
President

1218 Church Street • Huntsville, AL 35801 (256) 533-7331
8 Commerce St., Ste. 900 • Montgomery, AL 36104 (334) 262-7333
1551 N. College Street • Auburn, AL 36830 (334) 466-8956

STANDARD SCHEDULE OF HOURLY FEES

Johnson and Associates

Effective: Oct. 1, 2015 to Sept. 30 2016

PERSONNEL DESCRIPTION		HOURLY AMOUNT (\$ Range)
Surveying & Engineering:		
Surveyor I	Survey Technician (Rodman)	\$50
Surveyor II	Survey Technician (Instrumentman)	\$60
Surveyor III	Junior Party Chief	\$70
Surveyor IV	Survey CAD Technician	\$65 to \$75
Surveyor V	Senior Party Chief	\$85
Surveyor VI	Survey Manager	\$125
Surveyor VII	Principal Surveyor	\$145

Engineer I	Engineering Student/Part-Time Intern	\$55
Engineer II	Entry-Level Engineering Intern	\$60
Engineer III	Design Engineering Intern	\$65 to \$75
Engineer IV	Project Jr. Design Engineer	\$80
Engineer V	Project Sr. Design Engineer	\$85 to \$105
Engineer VI	Senior Project Engineer	\$115
Engineer VII	Senior Managing Engineer/Project Manager	\$130
Engineer VIII	Principal Engineer	\$145

Technical & Inspection:		
Technician I	Entry-Level CAD Technician Intern	\$50
Technician II	Junior Engineering CAD Technician	\$60
Technician III	Engineering CAD Technician	\$70
Technician IV	Engineering CAD Technician	\$75
Technician V	Senior Engineering CAD Technician	\$80

Inspector I	Technician	\$60
Inspector II	Engineer Intern	\$75
Inspector III	Engineer	\$105
Inspector IV	Senior Engineer/Project Manager	\$115

Administrative / Secretarial	\$55
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Survey Crew:	
Two-Man Survey Crew	\$145
Three-Man Survey Crew	\$200
Four-Man Survey Crew	\$255

Subcontract Services	Cost Plus 10% 5%
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Direct Expenses	Cost Plus 10% 5%
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These rates will remain in effect through the duration of the contract