

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Feb 25, 2016

Action Requested By: Planning

Agenda Type: Resolution

Subject Matter:

Agreement for Construction Between the State of Alabama and City of Huntsville

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute an agreement (Supplemental Agreement 1) for Construction between the State of Alabama and the City of Huntsville regarding the Widening and Realignment of Church Street (Phase 1) from Monroe Street to East of Pratt Avenue and Realignment of Pratt Avenue including Bridge Replacement at Pinhook Creek (BIN#008439) in the City of Huntsville

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

Item to be considered for: Action

Unanimous Consent Required: No

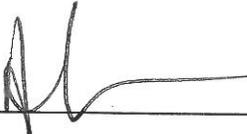
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This supplemental agreement amends the original agreement (entered into on March 12, 2002) to reflect that the project will be financed as follows: 80 percent federal funds; 20 percent COH funds; and State matching funds limited to \$1,504,000. In the event of cost overruns, the City will pay its proportional share and pay the same to the State. If the cost estimate is lower than predicted, the City will receive a refund accordingly from the State.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head:  _____

Date: 17 Feb 2016

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: Planning

Council Meeting Date: 2/25/2016

Department Contact: Kimberly Gosa

Phone # 427-5115

Contract or Agreement: Agreement

Document Name: Agreement for Construction Between the State of AL and COH

City Obligation Amount: \$288,957.05

Total Project Budget: \$8,964,785.25

Uncommitted Account Balance:

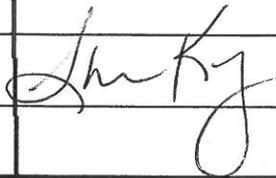
Account Number: 3020-71-00000-524000-PR8178XX-

Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

<u>Select...</u>	Grant Name:
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Department	Signature	Date
1) Originating		17 Feb 16
2) Legal	Mary Clato	17 Feb 2016
3) Finance	M. Sargo	2-18-16
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		2/18/16
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 16- _____

BE IT RESOLVED by the City Council of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into an agreement with the State of Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Agreement for Construction Between the State of Alabama and the City of Huntsville; Project STPHV-4500 (217); Project Reference Number 100049499; Widening and Realignment of Church Street (Phase I) from Monroe Street to East of Pratt Avenue and Realignment of Pratt Avenue including Bridge Replacement at Pinhook Creek (BIN#008439) in the City of Huntsville; Supplemental Agreement Number 1" consisting of (four)4 pages, and the date of February 25, 2016, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 25th day of February, 2016

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

APPROVED this the 25th day of February, 2016

Mayor of the City of Huntsville,
Alabama

K-16-0441

**AGREEMENT
FOR
CONSTRUCTION**

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF HUNTSVILLE, ALABAMA**

**Project STPHV-4500 (217)
Project Reference Number 100049499
Widening and Realignment of Church Street (Phase I) from
Monroe Street to East of Pratt Avenue and Realignment of
Pratt Avenue including Bridge Replacement at Pinhook Creek (BIN #008439)
in the City of Huntsville**

SUPPLEMENTAL AGREEMENT NUMBER 1

THIS SUPPLEMENTAL AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Huntsville, Alabama, hereinafter referred to as CITY.

WHEREAS, the STATE and CITY entered into a construction program for widening and realignment of Church Street (Phase I) from Monroe Street to east of Pratt Avenue and realignment of Pratt Avenue including bridge replacement at Pinhook Creek (BIN #008439) in the City of Huntsville, effective March 12, 2002.

WHEREAS, the STATE and CITY desire to amend the Agreement entered into on March 12, 2002, by execution of this Supplemental Agreement.

NOW THEREFORE, the parties hereto, for and in consideration of the premises stated do hereby mutually promise, stipulate, and agree that the foregoing Agreement between the parties dated March 12, 2002, be and the same is hereby amended in the following respects:

1. Page 2, paragraph 3 of the foregoing Agreement is hereby struck and amended by inserting:
 - (1) This Project will be financed when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds and STATE matching funds limited to

\$1,504,000.00 on this Project. The estimated cost and participation by the various parties is as follows:

	<u>Total Estimated</u>	<u>Estimated Federal Funds</u>	<u>Estimated CITY Funds</u>	<u>Estimated STATE Funds</u>
Construction, including engineering and inspection	\$8,964,785.25	\$7,171,828.20	\$288,957.05	\$1,504,000.00
TOTAL	<u>\$8,964,785.25</u>	<u>\$7,171,828.20</u>	<u>\$288,957.05</u>	<u>\$1,504,000.00</u>

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be billed for its proportional share as above noted and the CITY agrees to pay same to STATE; or in the event the cost is less than the estimate, the CITY will receive a refund accordingly from the STATE.

2. All other and remaining terms of the Agreement of March 12, 2002 shall remain the same.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF HUNTSVILLE, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Kenneth Benion
Type name of Clerk

Tommy Battle
Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

BY: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

North Region Engineer, Johnny L. Harris, P.E./P.L.S.

Multimodal Transportation Engineer,
Robert J. Jilla

Chief Engineer, Don T. Arkle, P. E.

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

RESOLUTION NUMBER _____

BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated March 12, 2002, for:

Construction program for STPHV-4500 (217), Project Reference Number 100049499 for widening and realignment of Church Street (Phase I) from Monroe Street to east of Pratt Avenue and realignment of Pratt Avenue including bridge replacement at Pinhook Creek (BIN #008439) in the City of Huntsville; which Agreement is before this Council.

2. That this Supplemental Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That this Supplemental Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted, and approved this ____ day of _____, 20 ____.

ATTESTED:

City Clerk

President, Huntsville City Council

Mayor, City of Huntsville

I, the undersigned qualified and acting clerk of the City of Huntsville, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this ____ day of _____, 20 ____.

City Clerk