

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 12, 2016

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 3 to Agreement between the City of Huntsville and 4Site, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 3 to the agreement between the City of Huntsville and 4Site, Inc. for Five Points Streetscape, Phase II, Project No. DE-AL61(900) & COH Project No. 65-07-SP29

07-966, 09-761 & 11-919

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 to provide updates to plans and specifications for Five Points Streetscape Improvements, Phase II in accordance with ALDOT funding requirements for a total modification amount of \$11,134.00. New end date: December 23, 2016. Account No. 3020-71-00000-524002-00000000

Associated Cost: \$11,134.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Kathy Marti

Date: 5/2/16

*pink
TNU*

**ROUTING SLIP
CONTRACTS AND AGREEMENTS**

Originating Department: Engineering

Council Meeting Date: 5/12/2016

Department Contact: Lameka Carter

Phone # 256-427-5304

Contract or Agreement: Modification No. 3

Document Name: 4Site-Five Points Phase II, Project No. DE-AL61(900) & 65-07-SP29

City Obligation Amount: \$11,134.00

Total Project Budget: \$77,620.00

Uncommitted Account Balance: 0

Account Number: 3020-71-00000-524002-00000000

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</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 Moxi</i>	<i>5/2/16</i>
2) Legal	<i>Mary C. Cates</i>	<i>5/4/16</i>
3) Finance	<i>M. Sargent</i>	<i>5-5-16</i>
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 execute Modification No. 3 to the Agreement between the City of Huntsville and 4Site, Inc., adopted and approved on the 27th day of September, 2007, by the City Council of the City of Huntsville, Alabama by Resolution No. 07-966, and amended on the 13th day of August, 2009, by the City Council of the City of Huntsville, Alabama by Resolution No. 09-761, and amended on the 1st day of December, 2011, by the City Council of the City of Huntsville, Alabama by Resolution No. 11-919, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from SIXTY-SIX THOUSAND FOUR HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$66,486.00) to SEVENTY-SEVEN THOUSAND SIX HUNDRED TWENTY AND NO/100 DOLLARS (\$77,620.00), including this Modification No. 3, an increase of ELEVEN THOUSAND ONE HUNDRED THIRTY-FOUR AND NO/100 DOLLARS (\$11,134.00). New end date: December 23, 2016. 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 4Site, Inc. for Five Points Streetscape, Phase II, Project No. DE-AL61(900) & COH Project No. 65-07-SP29, as adopted by Resolution No. 07-966 of September 27, 2007, and amended by Resolution No. 09-761 of August 13, 2009, and amended by Resolution No. 11-919 of December 1, 2011" consisting of a total of three (3) pages plus four (4) additional pages consisting of Attachment "A", and the date of May 12, 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.

ADOPTED this the 12th day of May, 2016.

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

APPROVED this the 12th day of May, 2016.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 3 to Agreement between
the City of Huntsville and 4Site, Inc.
for Five Points Streetscape, Phase II, Project
No. DE-AL61(900) & COH Project No. 65-
07-SP29, as adopted by Resolution No. 07-
966 of September 27, 2007, and amended by
Resolution No. 09-761 of August 13, 2009,
and amended by Resolution No. 11-919 of
December 1, 2011

THIS IS MODIFICATION NO. 3 TO AN AGREEMENT entered in on the 27th day of September, 2007, in the amount of FIFTY THOUSAND SEVEN HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$50,739.00), and amended on the 13th day of August, 2009, in the amount of SEVEN THOUSAND ONE HUNDRED NINETY-SIX AND NO/100 DOLLARS (\$7,196.00), for a total contract amount of FIFTY-SEVEN THOUSAND NINE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$57,935.00), and amended on the 1st day of December, 2011, in the amount of EIGHT THOUSAND FIVE HUNDRED FIFTY-ONE AND NO/100 DOLLARS (\$8,551.00), for a total contract amount of SIXTY-SIX THOUSAND FOUR HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$66,486.00). The original Agreement is hereby amended by Modification No. 3 dated May 12, 2016, in the amount of ELEVEN THOUSAND ONE HUNDRED THIRTY-FOUR AND NO/100 DOLLARS (\$11,134.00) for a revised contract amount of SEVENTY-SEVEN THOUSAND SIX HUNDRED TWENTY AND NO/100 DOLLARS (\$77,620.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and 4SITE, INC., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated September 27, 2007, and amended on August 13, 2009, and amended on December 1, 2011, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to include updates of specifications and completion of the plans by addressing the remaining ALDOT comments.

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

President or President Pro Tem
of the City Council of the
City of Huntsville, Alabama
Date: May 12, 2016

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. 4Site, Inc. will provide for updates of specifications and completion of the plans by addressing the remaining ALDOT comments at a time and materials cost not to exceed ELEVEN THOUSAND ONE HUNDRED THIRTY-FOUR AND NO/100 DOLLARS (\$11,134.00). New end date: December 23, 2016.
2. Item #1 shall be performed in accordance with the original agreement dated September 26, 2007, and approved by the City Council by Resolution No. 07-966, and as described in the letter from Jerry Cargile to Kathy Martin, dated March 31, 2016, 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:

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: 4SITE, INC.

By: _____



ATTEST:

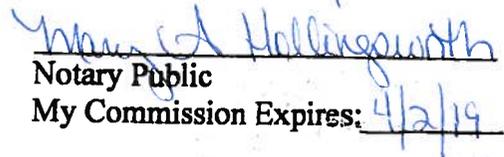
Handwritten signature in blue ink

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry M. Cargile, 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 4th day of May 2016.

Notary Public
My Commission Expires: 4/2/19





7500 Memorial Pkwy, SW, Suite 209
Huntsville, AL 35802
Phone: 256.539.1221
www.4siteinc.biz

March 31, 2016

*KM
TNC*
Ms. Kathy Martin, PE
City Engineer
City of Huntsville
PO Box 308
Huntsville, AL 35804

RE: Five Points Streetscape Phase II – COH M-07-083 / ALDOT STPAA-AL61 (900) / Huntsville, AL.

Dear Kathy,

We appreciate the opportunity to offer this proposal for supplemental services related to the above referenced. As you may be aware this project commenced with the understanding that the plan format would be similar to that for the Phase I improvements. However, beginning with comments from ALDOT subsequent to their review in 2010 the determination was made that the plans were to be formatted in accordance with ALDOT standards. There have since that time been several review cycles with ALDOT some with limited comments and some with more extensive comments. We have in good faith addressed those comments each time that they have been received. However, due to the length of time required for each review there have continued to be changes in ALDOT's standards and specifications which have generated new comments that must in turn be incorporated into our plan set.

Based on this latest round of comments from ALDOT we are again seeking approval of a supplemental agreement to cover the cost of incorporating updated standards and specifications generated by this review.

Our proposal to you includes the following items:

- Project Description
- Basis of design
- Deliverables
- Project Schedule
- Fee Schedule
- Billing & Payment Schedule
- General Terms and Conditions
- Acceptance
- "Attachment" – Man-Day Estimate

After you have had the chance to review this proposal please let me know if there is anything at all which concerns you or requires clarification.

Sincerely,


Jerry M. Caggie PE/LEED AP
Founding Partner | Principal Engineer
4Site, Incorporated

CIVIL ENGINEERING

SURVEYING

LANDSCAPE ARCHITECTURE

COLLABORATIVE DESIGN + CREATIVE SOLUTIONS

Five Points Streetscape Phase II – COH M-07-083 / ALDOT STPAA-AL61 (900)

Project Description:

The project will include the construction of public improvements associated with improving pedestrian facilities from the intersection of Homes Avenue and Dement to the “Five Points Intersection” at Andrew Jackson and Pratt. The project will also include reconstruction of Holmes Avenue within the project area, new landscaping, and new street lighting. New traffic signalization will also be installed at the “Five Points Intersection” by the City.

Since the project involves federal grant dollars being administered by the state ALDOT review and approval of the plans has been required. The elapsed time between review submittals and receipt of comments back from the state on this project has typically been 6 to 9 months. Since some of these review cycles have fallen over the end of the calendar year, there has been more than one occasion in which ALDOT’s standard specifications and drawing format requirements have changed from one review submittal to the next. The additional work effort included in this supplemental request is based on these changes which now have to be incorporated into the plan set.

Based on the typical review cycle with the state we are also requesting that our contract be extended to December 31, 2016. Please also note that based on the comments received no additional subcontract services are anticipated or included in this scope of work.

Basis of Design:

The information outlined below indicates our understanding of the project requirements related to our portion of the work.

Owner’s Project Requirements:

1. All services provided will be in accordance with the requirements of the current City “Standard Agreement for Design Services.”
2. The plan set produced and any special provisions are to be in accordance with ALDOT’s latest requirements, and in accordance with their comments to us dated August 19, 2015.

General Requirements:

1. The services provided will be in compliance with the local governing ordinances in effect at the time the project commences (i.e. applicable zoning, subdivision, and site development regulations).
2. Construction administration if required will be provided by a supplemental contract.

Deliverables:

The project deliverables will be provided in accordance with the City’s “Standard Agreement for Design Services” as incorporated by reference into this document. In addition PDF’s will be provided for all paperwork which is required for submittal.

Project Schedule:

Dependent upon the timing of your authorization we would expect the project to progress as outlined below.

1. *Submittal of Revised Plans to ALDOT* – completed within 1 to 2 months of authorization to proceed pending timely receipt of any comments from the City during the review process.
2. *Re-submittal to ALDOT following Receipt of Any Additional Comments* – expected within 1 to 2 months of receipt depending on extent of comments.



Five Points Streetscape Phase II – COH M-07-083 / ALDOT STPAA-AL61 (900)

Fee Schedule:

The project will be billed for a lump sum fee of **\$11,134**. See attached “man-day estimate” dated September 9, 2015

Billing & Payment Schedule:

We will invoice monthly based on percent complete. Payment is due within 30 days. Checks should be payable to 4Site, Incorporated, 7500 S. Memorial Pkwy, Ste 209, Huntsville, AL, 35802.

General Terms and Conditions:

Hourly and supplemental services provided outside the scope of services agreed upon are performed in accordance with the following hourly rate schedule:

Principals	\$175.00/hour	“Visualization”	\$ 120.00/hour
Branch Manager	\$150.00/hour	Surveying 1 Man Crew	\$ 125.00/hour
PE/PLS/RLA/Sr. PM	\$120.00/hour	Surveying 2 Man Crew	\$ 145.00/hour
Project Manager	\$ 95.00/hour	Surveying 3 Man Crew	\$ 165.00/hour
Staff Engineer/MLS/BSLA	\$ 85.00/hour	Expenses	Cost + 5%
Survey/CAD Tech	\$ 75.00/hour	Subcontract Services	Cost + 5%
Administrative Support	\$ 55.00/hour	Court/Expert Testimony	\$1,000.00/day

Note: Hourly rates provided are valid for the duration of this contract.

Acceptance:

This contract is subject to the enclosed Terms and Conditions. All subsequent services required by you outside the scope of services specified will be performed under separate contract, or on a time and materials basis according to the attached hourly rate schedule. Consultant reserves the right to withdraw or modify this proposal if not executed within 90 days of the date hereon. Please sign below to indicate your acceptance of this agreement.

For 4Site Incorporated

Jerry M. Cargile, PE/LEED AP
4Site, Incorporated

For the Client: _____

Authorized signature

Date

March 31, 2016

Printed Name and Title



Five Points Streetscape Phase II - COH M-07-083 / ALDOT STPAA-AL61 (900) / Huntsville, AL: Man-Day Estimate 3-31-16

Sheet No.	DESCRIPTION	Principal	PE/PLS/RLA	Project Mgr.	Staff Engr/BSLA	Cadd Tech.	Admin. Support	Professional Fee
1	Cover Sheet	0.05	0.00	0.00	0.25	0.00	0.00	\$ 240.00
1A, 1B, 1C	Index to Sheets, Special & Std Drawings and Legend	0.05	0.00	0.00	0.25	0.00	0.00	\$ 240.00
1E	Geometric Layout Sheet	0.10	0.00	0.00	0.25	0.00	0.00	\$ 310.00
2	Typical Sections	0.10	0.00	0.00	0.50	0.00	0.00	\$ 480.00
2A, 2B	Project Notes	0.05	0.00	0.00	0.15	0.00	0.00	\$ 172.00
3, 3A	Summary of Quantities	0.15	0.00	0.00	1.00	0.00	0.00	\$ 890.00
4	Site Demolition Plan	0.05	0.00	0.00	0.15	0.00	0.00	\$ 172.00
5, 6	Paving Layout and Striping/Signing Layout	0.05	0.00	0.00	0.50	0.00	0.00	\$ 410.00
7	Grading & Erosion Control Plan	0.10	0.00	0.00	0.50	0.00	0.00	\$ 480.00
8, 8A, 9-10	Traffic Control Plan & Details	0.15	0.00	0.00	1.00	0.00	0.00	\$ 890.00
11	Drainage - Cross Sections	0.10	0.00	0.00	0.25	0.00	0.00	\$ 310.00
12, 12A	Project Construction Details	0.10	0.00	0.00	0.50	0.00	0.00	\$ 480.00
13, 14	Landscape Plan & Details	0.05	0.05	0.00	0.25	0.00	0.00	\$ 288.00
16	Irrigation Details	0.05	0.00	0.00	0.15	0.00	0.00	\$ 172.00
19-22	Traffic Signal Layout & Details	0.15	0.00	0.00	1.00	0.50	0.00	\$ 1,190.00
	Review and Address ALDOT General Comments not included above	0.15	0.00	0.00	0.50	0.00	0.00	\$ 550.00
	Plan Review Submittal to City of Huntsville & Address Comments	0.15	0.00	0.00	0.50	0.00	0.00	\$ 550.00
	Transmittal Letter To ADLOT and Re-submittal of Plans	0.15	0.00	0.00	0.50	0.00	0.00	\$ 550.00
	Address ALDOT Comments From Re-submittal	0.50	0.00	0.00	2.00	0.00	0.00	\$ 2,060.00
	General Admin for Review with COH and Proposal Update	0.50	0.00	0.00	0.00	0.00	0.00	\$ 700.00
	Total "Man-days"	2.75	0.05	0.00	10.20	0.50	0.00	\$ -
	HOURLY RATE	\$ 175.00	\$ 120.00	\$ 95.00	\$ 85.00	\$ 75.00	\$ 55.00	\$ -

Signature:  Date: 3-31-16

By: Perry M. Cargile, President

Expenses (none) \$

Total Estimated Budget for All Services \$ 11,134.00