

**CITY COUNCIL AGENDA ITEM COVER MEMO**

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

Meeting Type: Regular

Meeting Date: Jun 23, 2016

Action Requested By: Water Pollution Control

Agenda Type: Resolution

**Subject Matter:**

Modification No. 1 to Agreement between the City of Huntsville and LTS Construction, L.L.C.

**Exact Wording for the Agenda:**

Resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and LTS Construction, L.L.C. for Periodic Bid for Emergency Pipe Bursting-2015, Project No. 65-15-SP44

15-462

*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 LTS Construction, L.L.C. for Periodic Bid For Emergency Pipe Bursting approved by Resolution No. 15-462 for an additional one (1) year period at the current NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \$2,459,090.00

Budgeted Item: Yes

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

Department Head: *S. Coch*

Date: 6-17-16

*Pink*

**ROUTING SLIP  
CONTRACTS AND AGREEMENTS**

Originating Department: Water Pollution Control Council Meeting Date: **6/23/2016**

Department Contact: **Lameka Carter** Phone # **256-427-5304**

Contract or Agreement: **Modification No. 1**

Document Name: **LTS-Emergency Pipe Bursting Periodic Renewal Project No. 65-15-SP44**

City Obligation Amount: **\$2,459,090.00**

Total Project Budget: **\$4,918,180.00**

Uncommitted Account Balance:

Account Number: **Assigned individually as work orders are delivered to the Contractor.**

**Procurement Agreements**

<b>Title 39</b>	<b>Competitive</b>
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**Grant-Funded Agreements**

<b>Not Applicable</b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>[Signature]</i>	6-17-16
2) Legal	<i>Mary C. Carter</i>	6-17-16
3) Finance	<i>M. [Signature]</i>	6-20-16
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 to enter into Modification No. 1 to the Agreement between the City of Huntsville and LTS Construction, L.L.C., adopted and approved on the 25th day of June, 2015, by the City Council of the City of Huntsville, Alabama by Resolution No. 15-462, 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 TWO MILLION FOUR HUNDRED FIFTY-NINE THOUSAND NINETY AND NO/100 DOLLARS (\$2,459,090.00). New contract expiration date: June 25, 2017. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and LTS Construction, L.L.C. for Periodic Bid for Emergency Pipe Bursting-2015, Project No. 65-15-SP44, as adopted by Resolution No. 15-462 of June 25, 2015" consisting of a total of four (4) pages including Exhibit "A" and the date of June 23, 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 23rd day of June, 2016.

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

**APPROVED** this the 23rd day of June, 2016.

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

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 1 to Agreement between  
the City of Huntsville and LTS  
Construction, L.L.C. for Periodic Bid for  
Emergency Pipe Bursting-2015, Project No.  
65-15-SP44, as adopted by Resolution No.  
15-462 of June 25, 2015

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 25th day of June, 2015, in the amount of TWO MILLION FOUR HUNDRED FIFTY-NINE THOUSAND NINETY AND NO/100 DOLLARS (\$2,459,090.00), for an additional one (1) year. The original Agreement is hereby amended by Modification No. 1 dated June 23, 2016, 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 LTS CONSTRUCTION, L.L.C., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated June 25, 2015, 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 TWO MILLION FOUR HUNDRED FIFTY-NINE THOUSAND NINETY AND NO/100 DOLLARS (\$2,459,090.00) per Paragraphs 2 and 3 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 15-462 of June 25, 2015.

**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. LTS Construction, L.L.C. 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 TWO MILLION FOUR HUNDRED FIFTY-NINE THOUSAND NINETY AND NO/100 DOLLARS (\$2,459,090.00).
2. Item #1 shall be performed in accordance with the original agreement dated June 25, 2015, and approved by the City Council by Resolution No. 15-462.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL  
Date: June 23, 2016

3. All unit price billing rates for contract line items shall remain unchanged.
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:**

\_\_\_\_\_  
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: \_\_\_\_\_

CONTRACTOR: LTS CONSTRUCTION,  
LLC

By: Terry Smith

ATTEST:

Alan A. Smith

STATE OF TENNESSEE  
COUNTY OF FRANKLIN

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Terry Smith as Chief Manager, 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 14<sup>th</sup> day of June 2016.

Alan A. Smith  
Notary Public

My Commission Expires: 6/25/17



**EXHIBIT "A"**



# HUNTSVILLE

**Kathy Martin, P.E.**  
Director  
City Engineer

Urban Development Department  
Engineering Division

**June 14, 2016**

**LTS Construction, L.L.C.**  
104 Kenmore Avenue  
Winchester, TN 37398

**ATTN: Terry Smith**

**RE: Periodic Bid for Emergency Pipe Bursting  
Project No. 65-15-SP44**

**Dear Terry:**

**We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning June 25, 2016, through June 25, 2017. 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,

**Kathy Martin**  
Director of City Engineering

ACCEPTED BY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**The Star of Alabama**