

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Aug 25, 2016

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement between the City of Huntsville and McCord Construction

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and McCord Construction for Periodic Bid for Sanitary Sewer Bore Items-2014, Project No. 65-14-SP16  
  
14-330 & 15-295

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 McCord Construction for Periodic Bid For Sanitary Sewer Bore Items-2014 approved by Resolution No. 14-330 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: \$12,341,050.00

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

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

Department Head: 

Date: 8/10/16

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **8/25/2016**

Department Contact: **Lameka Carter**

Phone # **256-427-5316**

Contract or Agreement: **Modification No. 2**

Document Name: **McCord Construction-Periodic Bid Sanitary Sewer Bore Items-Project No. 65-14-SP14**

City Obligation Amount: **\$12,341,050.00**

Total Project Budget: **\$12,341,050.00**

Uncommitted Account Balance: **0**

Account Number: **Will be 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>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Mack</i>	8/10/16
2) Legal	<i>Mary C. Cates</i>	8/15/16
3) Finance	<i>M. Sargo</i>	8-15-16
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. 2 to the Agreement between the City of Huntsville and McCord Construction, adopted and approved on the 8th day of May, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-330, and amended on the 23rd day of April, 2015, by the City Council of the City of Huntsville, Alabama by Resolution No. 15-295, 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 TWELVE MILLION THREE HUNDRED FORTY-ONE THOUSAND FIFTY AND NO/100 DOLLARS (\$12,341,050.00). New contract expiration date: May 8, 2017. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and McCord Construction for Periodic Bid for Sanitary Sewer Bore Items-2014, Project No. 65-14-SP16, as adopted by Resolution No. 14-330 of May 8, 2014, and amended by Resolution No. 15-295 of April 23, 2015" consisting of a total of three (3) pages plus one (1) additional page including Exhibit "A" and the date of August 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, 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 25th day of August, 2016.

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

**APPROVED** this the 25th day of August, 2016.

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

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 2 to Agreement between  
the City of Huntsville and McCord  
Construction for Periodic Bid for Sanitary  
Sewer Bore Items-2014, Project No. 65-14-  
SP16, as adopted by Resolution No. 14-330  
of May 8, 2014, and amended by Resolution  
No. 15-295 of April 23, 2015

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 8th day of May, 2014, in the amount TWELVE MILLION THREE HUNDRED FORTY-ONE THOUSAND FIFTY AND NO/100 DOLLARS (\$12,341,050.00), and amended on the 23rd day of April, 2015. The original Agreement is hereby amended by Modification No. 2 dated August 25, 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 MCCORD CONSTRUCTION, (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated May 8, 2014, 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 TWELVE MILLION THREE HUNDRED FORTY-ONE THOUSAND FIFTY AND NO/100 DOLLARS (\$12,341,050.00) per Paragraphs 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 14-330 of May 8, 2014.

**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. McCord Construction 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 TWELVE MILLION THREE HUNDRED FORTY-ONE THOUSAND FIFTY AND NO/100 DOLLARS (\$12,341,050.00). New contract expiration date is May 8, 2017.
2. Item #1 shall be performed in accordance with the original agreement dated May 8, 2014, and approved by the City Council by Resolution No. 14-330.
3. All unit price billing rates for contract line items shall remain the same.

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

Date: August 25, 2016

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: MCCORD  
CONSTRUCTION

By: \_\_\_\_\_

ATTEST:

Laneka J. Carr

STATE OF ALABAMA    )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Brian McCord as Owner, 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 16<sup>th</sup> day of August 2016.

Mary C. Hallingsworth  
Notary Public  
My Commission Expires: 4/2/19



# HUNTSVILLE

Urban Development Department  
Engineering Division

Kathy Martin, P.E.  
Director  
City Engineer

August 8, 2016

McCord Construction  
334 County Road 184  
Gurley, AL 35748

ATTN: Brian McCord

RE: Periodic Bid for Sanitary Sewer Bore Items-2014  
Project No. 65-14-SP16

Dear Brian:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning August 26, 2016, through May 8, 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 Mary Dolberry, Engineering Contracts Assistant 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: Brian K. McCord  
SIGNATURE: [Handwritten Signature]  
DATE: 8-12-16

The Star of Alabama