

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 22, 2014

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Reed Contracting Services, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Reed Contracting Services, Inc. for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31, by Modification No. 1

13-449

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 Reed Contracting Services, Inc. for Periodic Bid For Various Construction Projects-2013 approved by Resolution No. 13-449 for an additional one (1) year period at the original NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Kathryn Martini

Date: 5/15/14

MRC
5/15/14

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **5/22/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

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

Document Name: **Reed-Periodic Bid Various Const 65-13-SP31**

City Obligation Amount: **\$2,128,015.41**

Total Project Budget: **\$2,128,015.41**

Uncommitted Account Balance: **0**

Account Number: **Account Nos. to be Assigned ...**

Procurement Agreements

<u>Title 39</u>	<u>Competitive</u>
------------------------	---------------------------

Grant-Funded Agreements

<u>Not</u> <u>Applicable</u>	Grant Name:
---	--------------------

Department	Signature	Date
1) Originating	<i>Fathy Mada</i>	5/15/14
2) Legal	<i>Mary C. Carter</i>	5/20/14
3) Finance	<i>[Signature]</i>	5/20/14
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 14-_____

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 with Reed Contracting Services, Inc., adopted and approved on the 13th day of June, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-449, 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. New contract expiration date: June 13, 2015. 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 Reed Contracting Services, Inc. for Periodic Bid for Various Construction Projects-2013, Project No. 65-13-SP31, as adopted by Resolution No. 13-449 of June 13, 2013" consisting of a total of four (4) pages including Exhibit "A" and the date of May 22, 2014, 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 22nd day of May, 2014.

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

APPROVED this the 22nd day of May, 2014.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and Reed
Contracting Services, Inc. for Periodic Bid
for Various Construction Projects-2013,
Project No. 65-13-SP31, as adopted by
Resolution No. 13-449 of June 13, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 13th day of June, 2013, in the amount of TWO MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND FIFTEEN AND .41/100 DOLLARS (\$2,128,015.41). The original Agreement is hereby amended by Modification No. 1 dated May 22, 2014, 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 REED CONTRACTING SERVICES, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated June 13, 2013, 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.

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. Reed Contracting Services, Inc. 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 per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 13-449 of June 13, 2013.
2. Item #1 shall be performed in accordance with the original agreement dated June 13, 2013, and approved by the City Council by Resolution No. 13-449.
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.

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

Date: May 22, 2014

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:

Charles E. Hagood
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 Charles E. Hagood, 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 _____ 2014.

Notary Public
My Commission Expires: _____

ENGINEER: REED CONTRACTING
SERVICES, INC.

By: [Signature]

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 David L. Harris as Vice 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 16th day of May 2014.

[Signature]
Notary Public

My Commission Expires: 5/12/2015

May 9, 2014

Reed Contracting Services
2512 Triana Boulevard, SW
Huntsville, AL 35805

ATTN: Chris Lovoy

**RE: Periodic Bid for Various Construction Projects-2013
Project No. 65-13-SP31**

Dear Chris:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning June 13, 2014 through June 14, 2015. 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: _____