

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 22, 2014

Action Requested By: Water Pollution Control

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Garver, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Garver, L.L.C. for Engineering Construction Administration Services for 2014 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-14-SP14, by Modification No. 1

14-152

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.

Request for time extension modification for Sanitary Sewer Rehab Construction Observation Services. New end date: December 23, 2014. Account No. 02-8000-0815-1338

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

pk Department Head: Shane Cash

Date: 5-14-2014

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Water Pollution Control** Council Meeting Date: **5/22/2014**

Department Contact: **Shane Cook**

Phone # **256-883-3719**

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

Document Name: **Garver-SS Rehab CA Services Project No. 65-14-SP14**

City Obligation Amount: **0** Time Extension Only

Total Project Budget: **\$140,000.00**

Uncommitted Account Balance: **0**

Account Number: **02-8000-0815-1338**

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>Shane Cook</i>	<i>5-14-14</i>
2) Legal	<i>Mary Clater</i>	<i>5-14-14</i>
3) Finance	<i>[Signature]</i>	<i>5/15</i>
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 Garver, L.L.C., adopted and approved on the 27th day of February, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-152, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from June 26, 2014 to December 23, 2014. 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 Garver, L.L.C. for Engineering Construction Administration Services for 2014 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-14-SP14, as adopted by Resolution No. 14-152 of February 27, 2014" 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 Garver, L.L.C.
for Engineering Construction
Administration Services for 2014 Water
Pollution Control Sanitary Sewer
Rehabilitation, Project No. 65-14-SP14, as
adopted by Resolution No. 14-152 of
February 27, 2014

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 27th day of February, 2014, in the amount of ONE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$140,000.00). The original Agreement is hereby amended by Modification No. 1 dated May 22, 2014, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and GARVER, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated February 27, 2014, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to December 23, 2014.

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. Garver, L.L.C. will provide for extension of contract completion date to December 23, 2014.
2. Item #1 shall be performed in accordance with the original agreement dated February 27, 2014 and approved by the City Council by Resolution No. 14-152.
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: GARVER, L.L.C.

By: 

ATTEST:



STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry D. McCarley 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 15th day of May 2014.



Notary Public
My Commission Expires: 3/28/15

EXHIBIT "A"



5125A Research Drive
Huntsville, AL 35805

TEL 256.534.5512
FAX 256.534.5544

www.GarverUSA.com

May 6, 2014

City of Huntsville
Water Pollution Control
Attn: Mr. Shane Cook, PE
1800 Vermont Rd.
Huntsville, AL 35802

RE: Request for Time Extension
WPC – Sanitary Sewer Rehab Construction Observation Services – Contract No. 1 of
Year 2014
City of Huntsville Project Engineer – Mr. Shane Cook, PE
COH Project No. 65-14-SP14, Resolution No. 14-152, dated February 27, 2014
Existing Contract to Expire: June 26, 2014

Dear Mr. Cook:

We are requesting a time extension of 180 days on the above referenced project. This will change the contract end date to December 23, 2014. This request is due to contract billing issues.

Please feel free to call our office, if you have any questions regarding this time extension request or need any additional information. We appreciate this opportunity and look forward to working with you and your staff once again.


Sincerely,

GARVER, LLC




Jerry D. McCarley, PLS
Vice-President

In concurrence:



Mr. Shane Cook, PE
Director



Date