



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/10/2024

**File ID:** TMP-4556

---

**Department:** Water Pollution Control

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to enter into Modification No. 2 to the Agreement between the City of Huntsville and Mark Johnson Construction, L.L.C. for Construction Periodic for Sanitary Sewer Operations-2023, Project No. 71-22-SP38.

Resolution No.

**Finance Information:**

**Account Number:** Various

**City Cost Amount:** Cumulative Not to Exceed \$20,767,800.00

**Total Cost:** Cumulative Not to Exceed \$20,767,800.00

**Special Circumstances:** N/A

**Grant Funded:** N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location: (list below)** N/A

**Address:**

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**



**RESOLUTION NO. 24-\_\_**

**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 Mark Johnson Construction, L.L.C., adopted and approved on the 13<sup>th</sup> day of October, 2022, by the City Council of the City of Huntsville, Alabama by Resolution No. 22-827, and amended on the 12<sup>th</sup> day of October, 2023, by the City Council of the City of Huntsville, Alabama by Resolution No. 23-853. 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 SIX MILLION NINE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$6,922,600.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be TWENTY MILLION SEVEN HUNDRED SIXTY-SEVEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$20,767,800.00). New contract expiration date: October 13, 2025. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to the Agreement between City of Huntsville and Mark Johnson Construction, L.L.C. for Construction Periodic for Sanitary Sewer Operations-2023, Project No. 71-22-SP38, as adopted by Resolution No. 22-827 of October 13<sup>th</sup>, 2022, and amended by Resolution No. 23-853 of October 12<sup>th</sup>, 2023" consisting of a total of four (4) pages including Exhibit "A" and the date of October 10, 2024, 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 10th day of October, 2024.

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

**APPROVED** this 10th day of October, 2024.

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

STATE OF ALABAMA       )  
COUNTY OF MADISON     )

Modification No. 2 to the Agreement between  
the City of Huntsville and Mark Johnson  
Construction, L.L.C. for Construction Periodic for  
Sanitary Sewer Operations-2023, Project No. 71-  
22-SP38, as adopted by Resolution No. 22-827 of  
October 13<sup>th</sup>, 2022, and amended by Resolution No.  
23-853 of October 12<sup>th</sup>, 2023

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 13<sup>th</sup> day of October, 2022, in the amount of SIX MILLION NINE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$6,922,600.00), for an additional one (1) year period. The original Agreement is hereby amended by Modification No. 2 dated October 10, 2024, for the renewal of an additional one (1) year period in the same Not to Exceed (NTE) amount as the initial year of SIX MILLION NINE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$6,922,600.00) for the revised cumulative contract amount of TWENTY MILLION SEVEN HUNDRED SIXTY-SEVEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$20,767,800.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and Mark Johnson Construction, L.L.C., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated October 13<sup>th</sup>, 2022, 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 Not-To-Exceed amount as the initial year of SIX MILLION NINE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$6,922,600.00) per Paragraph 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 22-827 of October 13<sup>th</sup>, 2022.

**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. Mark Johnson 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 initial Not-to-Exceed (NTE) Amount of SIX MILLION NINE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$6,922,600.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be TWENTY MILLION SEVEN HUNDRED SIXTY-SEVEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$20,767,800.00).

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

Date: October 10, 2024

2. Item #1 shall be performed in accordance with the original agreement dated October 13<sup>th</sup>, 2022, and approved by the City Council by Resolution No. 22-827.
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:

\_\_\_\_\_  
Shaundrika Edwards  
City Clerk

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 Shaundrika Edwards, whose names as Mayor and City Clerk 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 \_\_\_\_\_ 2024.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

CONTRACTOR: MARK JOHNSON  
CONSTRUCTION, L.L.C.

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

*J Mark Johnson*

ATTEST:

*Julia Mobley*

STATE OF ALABAMA )  
COUNTY OF Tuscaloosa )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that J. Mark Johnson as 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 19<sup>th</sup> day of August 2024.

*Kristy M. Jule*  
Notary Public

My Commission Expires: 6/25/28



# HUNTSVILLE

Randall Stewart  
Director

## Water Pollution Control

August 16, 2024

Mark Johnson Construction, LLC  
P.O. Box 20040  
Tuscaloosa, AL 35402

ATTN: Mark Johnson

RE: Construction Periodic for Sanitary Sewer Operations-2023  
Project No. 71-22-SP38

Dear Mark:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning October 13, 2024, through October 13, 2025. 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 Kerri Bevilacqua, Engineering Procurement and Contracts Coordinator in the Water Pollution Control Department.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

Randall Stewart

Director of Water Pollution Control

ACCEPTED BY: J. MARK JOHNSON  
SIGNATURE: [Handwritten Signature]  
DATE: 8.19.24

## The Star of Alabama