



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/5/2024

File ID: TMP-4889

Department: Finance

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and James Monaghan dba Monaghan Construction to modify the Job Contracting Services for Community Development contract awarded at the December 21, 2023 City Council meeting via Resolution No. 23-1050.

Resolution No.

Finance Information:

Account Number: 2100-70-70300-523000-00000000-

City Cost Amount: \$ Varies depending on project.

Total Cost: \$ Varies depending on project.

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments:

RESOLUTION NO. _____

WHEREAS, on December 21, 2023 under Resolution No. 23-1050, the City Council of the City of Huntsville, Alabama authorized the Mayor to execute a contract with James Monaghan dba Monaghan Construction for the provision services and materials under the Job Contracting Services for Community Development; and

WHEREAS, the Community Development Department has determined that it is in the best interest of the City to increase the threshold to address projects with lead-based paint surfaces from \$24,000 to \$24,999 to agree with funding guidelines set by the US Department of Housing and Urban Development (HUD) under the Lead Safe Housing Rule (LSHR); and

WHEREAS, the City of Huntsville and James Monaghan dba Monaghan Construction have mutually agreed to amend the agreement, in accordance with terms and conditions outlined in the "Amendment", to increase the threshold from \$24,000 to \$24,999.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama that the Mayor, be and is hereby authorized to execute the attached "Amendment".

ADOPTED this the 5th day of December, 2024.

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

APPROVED this the 5th day of December, 2024.

Mayor of the City of Huntsville, Alabama

Modification No. 1 to Agreement
Between the City of Huntsville, Alabama and
the James Monaghan dba Monaghan Construction

MODIFICATION NO. 1 TO AGREEMENT
FOR JOB ORDER CONTRACT SERVICES FOR COMMUNITY DEVELOPMENT

This Modification No. 1 to Agreement for Job Order Contract Services for Community Development (this "Modification") is made and entered into on the 5th day of December 2024, by and between the **City of Huntsville**, a municipal corporation in the State of Alabama, hereinafter referred to as the "City," and **James Monaghan dba Monaghan Construction**, hereinafter referred to as "Monaghan Construction".

WITNESSETH:

WHEREAS, the City and Monaghan Construction entered into Job Contracting Services for Community Development contract #11202470 (the "Contract") awarded pursuant to Resolution No. 23-1050 at the December 21, 2023 Huntsville City Council meeting; and

WHEREAS, the Contract included a provision under Appendix D: Detailed Requirements Checklist – Section E: Responsibility of the Contractor – Line 7 that prohibited single jobs in excess of \$24,000 from being performed under the Contract; and

WHEREAS, the US Department of Housing and Urban Development (HUD) Lead Safe Housing Rule (LSHR) governs work performed in target housing units receiving HUD funding to address lead-based painted surfaces that are a part of rehabilitation project; and

WHEREAS, the LSHR has established set funding requirements to address lead-based painted surfaces that have become a routine part of a rehabilitation project; and

WHEREAS, the LSHR now permits lead-based paint surfaces to be addressed without the performance of a lead-based paint risk assessment provided that the project cost is between \$5,000 and \$25,000.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

1. Increase the threshold for permissible jobs from \$24,000 to \$24,999 to agree with the revised thresholds set by LSHR.

IN WITNESS WHEREOF, the parties hereunto entered into this Modification agreement on the date written above.

I affirm that I understand and agree that any form of electronic signature, including but not limited to signatures via facsimile, scanning, or electronic mail, may substitute for the original signature and shall have the same legal effect as the original signature.

ATTEST

JAMES MONAGHAN DBA MONAGHAN
CONSTRUCTION

By: April Armijo
(Printed Name) April Armijo
Office manager

By: [Signature]
Its: JAMES W. MONAGHAN
Owner

ATTEST

CITY OF HUNTSVILLE, ALABAMA

By: _____
Shaundrika Edwards
Its: City Clerk

By: _____
Tommy Battle
Its: Mayor