



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 5/22/2025

**File ID:** TMP-5510

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**Department:** Water Pollution Control

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Modification No. 2 to the Agreement between the City of Huntsville and McCord Construction, Inc. for Periodic Bid for Sanitary Sewer Directional Drilling Items-2023, Project No. 71-23-SP19.

Resolution No.

**Finance Information:**

**Account Number:** Various

**City Cost Amount:** Annual Not to Exceed \$1,856,800.00

**Total Cost:** Annual Not to Exceed \$1,856,800.00

**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:** N/A

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

**Additional Comments:** N/A



**RESOLUTION NO. 25-\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to execute Modification No. 2 to the Agreement between the City of Huntsville and McCord Construction, Inc., adopted and approved on the 25<sup>th</sup> day of May, 2023, by the City Council of the City of Huntsville, Alabama by Resolution No. 23-443, and amended on the 23<sup>rd</sup> day of May, 2024, by the City Council of the City of Huntsville, Alabama by Resolution No. 24-366, 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 ONE MILLION EIGHT HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,856,800.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be FIVE MILLION FIVE HUNDRED SEVENTY THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,570,400.00). New contract expiration date: May 23, 2026. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to the Agreement between the City of Huntsville and McCord Construction, Inc. for Periodic Bid for Sanitary Sewer Directional Drilling Items-2023, Project No. 71-23-SP19, as adopted by Resolution No. 23-443 of May 25<sup>th</sup>, 2023, and amended by Resolution No. 24-366 of May 23<sup>rd</sup>, 2024" consisting of a total of four (4) pages including Exhibit "A" and the date of May 22, 2025, 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, 2025.

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

**APPROVED** this the 22nd day of May, 2025.

\_\_\_\_\_  
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 McCord Construction,  
Inc. for Periodic Bid for Sanitary Sewer Directional  
Drilling Items-2023, Project No. 71-23-SP19, as  
adopted by Resolution No. 23-443 of May 25<sup>th</sup>,  
2023, and amended by Resolution No. 24-366 of  
May 23, 2024

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 25th day of May, 2023, in the amount of ONE MILLION EIGHT HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,856,800.00), for an additional one (1) year period. The original Agreement is hereby amended by Modification No. 2 dated May 22<sup>nd</sup>, 2025, for the renewal of an additional one (1) year period in the same Not to Exceed (NTE) amount as the initial year of ONE MILLION EIGHT HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,856,800.00) for the revised cumulative contract amount of FIVE MILLION FIVE HUNDRED SEVENTY THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,570,400.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and McCord Construction, Inc., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated May 25<sup>th</sup>, 2023, 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 ONE MILLION EIGHT HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,856,800.00) per Paragraph 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 23-443 of May 25<sup>th</sup>, 2023.

**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, 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 initial Not-to-Exceed (NTE) Amount of ONE MILLION EIGHT HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,856,800.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be FIVE MILLION FIVE HUNDRED SEVENTY THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,570,400.00).

**President of the City Council of the City of  
Huntsville, AL  
Date: May 22, 2025**

2. Item #1 shall be performed in accordance with the original agreement dated May 25<sup>th</sup>, 2023, and approved by the City Council by Resolution No. 23-443.
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 \_\_\_\_\_ 2025.

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

CONTRACTOR: MCCORD CONSTRUCTION,  
INC.

By: Brian McCord

ATTEST:

Brian McCord

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 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 14<sup>th</sup> day of April 2025.

Brian McCord  
Notary Public  
My Commission Expires: 6/14/2026



## HUNTSVILLE

Randall Stewart  
Director

Water Pollution Control

March 31, 2025

McCord Construction, Inc.  
1194 Salty Bottom Road  
Gurley, AL 35748

ATTN: Brian McCord

RE: Periodic for Sanitary Sewer Directional Drilling Items-2023  
Project No. 71-23-SP19

Dear Brian:

We are pleased to extend your contract in the above-referenced project for another one-year period beginning May 23, 2025, through May 23, 2026. 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: Brian K. McCord  
SIGNATURE: [Signature]  
DATE: 4/14/2025

The Star of Alabama