



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/12/2023

File ID: TMP-2443

Department: Engineering

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Rogers Group, Inc., for Periodic Bid for Various Construction Projects-2021, Project No. 71-22-SP06.

Resolution No.

Does this item need to be published? No

If yes, please list preferred date(s) of publication: N/A

Finance Information:

Account Number: Account No. will be assigned individually as work orders are delivered to the Contractor.

City Cost Amount: \$8,066,506.14

Total Cost: \$16,133,012.28

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:

Contract modification to renew the agreement between the City of Huntsville and Rogers Group, Inc., for Periodic Bid for Various Construction Projects-2021 approved by Resolution No. 22-24 for an additional one (1) year period at the current NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

RESOLUTION NO. 23-

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 between the City of Huntsville and Rogers Group, Inc., adopted and approved on the 13th day of January, 2022, by the City Council of the City of Huntsville, Alabama by Resolution No. 22-24, 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 EIGHT MILLION SIXTY-SIX THOUSAND FIVE HUNDRED SIX AND .14/100 DOLLARS (\$8,066,506.14). This extension results in the Not-to-Exceed amount funded for this contract to be SIXTEEN MILLION ONE HUNDRED THIRTY-THREE THOUSAND TWELVE AND .28/100 DOLLARS (\$16,133,012.28). New contract expiration date: January 13, 2024. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to the Agreement between the City of Huntsville and Rogers Group, Inc., for Periodic Bid for Various Construction Projects-2021, Project No. 71-22-SP06, as adopted by Resolution No. 22-24 of January 13, 2022." consisting of a total of five (5) pages including Exhibit "A" and the date of January 12, 2023, 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 12th day of January, 2023.

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

APPROVED this the 12th day of January, 2023.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and Rogers Group,
Inc., for Periodic Bid for Various
Construction Projects-2021, Project No. 71-
22-SP06, as adopted by Resolution No. 22-
24 of January 13, 2022.

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 13th day of January, 2022, in the amount of EIGHT MILLION SIXTY-SIX THOUSAND FIVE HUNDRED SIX AND .14/100 DOLLARS (\$8,066,506.14). The original Agreement is hereby amended by Modification No. 1 dated January 12, 2023, for the renewal of an additional one (1) year period in the same Not-to-Exceed (NTE) amount as the initial year of EIGHT MILLION SIXTY-SIX THOUSAND FIVE HUNDRED SIX AND .14/100 DOLLARS (\$8,066,506.14) for the revised cumulative contract amount of SIXTEEN MILLION ONE HUNDRED THIRTY-THREE THOUSAND TWELVE AND .28/100 DOLLARS (\$16,133,012.28), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and ROGERS GROUP, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated January 13, 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 EIGHT MILLION SIXTY-SIX THOUSAND FIVE HUNDRED SIX AND .14/100 DOLLARS (\$8,066,506.14) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 22-24 of January 13, 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. Rogers Group, 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 EIGHT MILLION SIXTY-SIX THOUSAND FIVE HUNDRED SIX AND .14/100 DOLLARS (\$8,066,506.14). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be SIXTEEN MILLION ONE HUNDRED THIRTY-THREE THOUSAND TWELVE AND .28/100 DOLLARS (\$16,133,012.28).
2. Item #1 shall be performed in accordance with the original agreement dated January 13, 2022 and approved by the City Council by Resolution No. 22-24.

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.

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:

Kenneth Benion
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 Kenneth Benion, 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 _____ 2023.

Notary Public
My Commission Expires: _____

"EXHIBIT "A"



HUNTSVILLE

Kathy Martin, P.E.
Director
City Engineer

Urban Development Department
Engineering Division

January 13, 2023

Rogers Group, Inc.
151 Water Plant Drive
Laceys Spring, AL 35754

ATTN: Anthony Garcia

RE: Periodic Bid for Various Construction Projects-2021
Project No. 71-22-SP06

Dear Anthony:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning January 13, 2023, through January 13, 2024. 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 Angela Gurley, Engineering Contracts Assistant 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 Engineering

ACCEPTED BY: _____

SIGNATURE: _____

DATE: _____

The Star of Alabama