



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/24/2024

File ID: 2024-1960

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Modification # 2 between the City of Huntsville and KPS Group, Inc. for the architectural services for the Sandra Moon Community Complex Phase 4.

Resolution No.

Finance Information:

Account Number: 4017-14-00000-523023-PHASE004

City Cost Amount: \$596,908.89

Total Cost: \$2,298,283.89

Special Circumstances:

Grant Funded: NONE

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 7901 Bailey Cove Road

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

Additional Comments:

Modification #2 to include the revised fee increase of \$596,908.89 for the increase of the actual contract awarded amount of \$31,324,061 (6.375% of the State of Alabama fee schedule) for the Sandra Moon Community Complex Phase 4

RESOLUTION NO. 24-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, is hereby authorized to enter into Modification No. 2 to the Agreement by and between the City of Huntsville and KPS Group, Inc. for the additional amount of Five Hundred Ninety-Six Thousand Nine Hundred Eight Dollars and 89/100s (\$596,908.89) for a total amount of Two Million Two Hundred Ninety-Eight Thousand Two Hundred Eighty-Three Dollars and 89/100s (\$2,298,283.89) for Architectural Services for the Sandra Moon Community Center Phase 4, Huntsville, Alabama. Said agreement is substantially in words and figures similar to the certain document attached hereto and identified as “Modification No. 2 to the Standard Agreement between the City of Huntsville and KPS Group, Inc., consisting of nine (9) pages, together with the signature of the City Council President 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 24^h day of October, 2024.

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

APPROVED this the 24th 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, Alabama
and KPS Group, Inc.
Dated December 27, 2022,
as adopted by Resolution No. 22-871

MODIFICATION NO. 2

THIS MODIFICATION TO AN AGREEMENT is entered into on this the 24th day of October, 2024 by and between the City of Huntsville, Alabama (Owner) and KPS Group, Inc. as adopted by Resolution 22-871 on December 27, 2022. The City of Huntsville does hereby modify the contract to continue providing Architectural services for the Sandra Moon Community Center Phase 4.

WHEREAS, the fee was based upon a \$15,000,000.00 Million Dollar Construction Budget with a Not To Exceed reimbursable amount of \$10,000.00; and

WHEREAS, the scope of work for design services listed in Attachment “A” of the Agreement Between the City of Huntsville, Alabama, and KPS Group, Inc. dated December 27, 2022, as adopted by Resolution No 22-871 and Attachment A-2 of the agreement Between the City of Huntsville, Alabama and KPS Group, Inc. dated October 26, 2023 is hereby amended to the attached proposal Attachment A-3 dated October 10, 2024 from KPS Group, Inc.

WHEREAS, the increase in cost of construction from \$20,000,000.00 at a rate of 7% to \$31,324,061.00 at a rate of 6.375% based upon the State of Alabama’s fee schedule are hereby added to the agreement with KPS Group, Inc. thereby increasing the overall fee for services.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the Architect agree to the following modifications to the Agreement:

1. Paragraph 3.1 of the Agreement containing the Fixed Limitation on Construction Cost is deleted and is hereby replaced with the following paragraph:

“3.1 The Architect understands and acknowledges that the Owner has entered into a contract with Fite Construction Company, LLC. for the Not to Exceed amount of **Thirty-One Million Three Hundred Twenty-Four Thousand Sixty-One Dollars and No/100s (\$31,324,061.00).**

2. Paragraph 4.1 of the Agreement is deleted and is hereby replaced with the following paragraph:

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

“4.1 The Owner shall compensate the Architect for services rendered pursuant to this Agreement, excepting those services described as Additional Services in Paragraph 1.9 of this Agreement, by payment of the fixed sum of **Two Million Two Hundred Ninety-Eight Thousand Two Hundred Eighty-Three Dollars and 89/100s (\$2,298,283.89).**”

THEREFORE, the previously established Not to Exceed amount of **One Million Seven Hundred One Thousand Three Hundred Seventy-Five Dollars and NO/100s (\$1,701,375.00)** plus a Not to Exceed reimbursable amount of **Ten Thousand Dollars and NO/100s (\$10,000.00)** for a Total Contract of **Two Million Two Hundred Ninety-Eight Thousand Two Hundred Eighty-Three Dollars and 89/100s (\$2,298,283.89)** for these professional services is hereby increased by the amount of **Five Hundred Ninety-Six Thousand Nine Hundred Eight Dollars 89/100s (\$596,908.89).**

All other terms and conditions remain unchanged.

CONTRACTOR

OWNER

SEAL

SEAL

Kristine A. Harding

Tommy Battle

By:

By:

(SIGNATURE)

(SIGNATURE)

**Kristine A. Harding
KPS Group Inc.
104 Jefferson Street South
Huntsville, AL 35801**

**Tommy Battle, Mayor
City of Huntsville
308 Fountain Circle
Huntsville, AL 35801**

(DATE OF EXECUTION)

October 24, 2024

DATE OF EXECUTION)

The parties 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.

August 24, 2022

Chris O'Neal
Facilities Project Manager
City of Huntsville
Facilities Projects Management
PO Box 308
Huntsville, AL. 35804-0308

Re: Phase 4 Sandra Moon Community Center

Dear Mr. O'Neal:



We appreciate the opportunity to provide this fee proposal to you for consideration. This project has many special functions that will require specialty consultants beyond our Basic Services. In addition, we feel that we should complete the Masterplan effort that we started under Phase2, as well as Programming if there is no detailed programming document provided. We have broken the proposal down to address the Masterplan, Programming and Basic Services and are identifying specialty consultants who will provide fee proposals once their scope of work is defined. Basic Services includes construction documents through construction administration.

During this phase, we understand that we are to complete approximately 110,000 SF into renovated spaces to include 700-800 seat Theater that can be reduced to 350 seat Black Box Theater, Event Space, Catering Kitchen, Meeting Spaces, Restrooms, Multi-purpose Spaces, Support Athletic Spaces with Walking Track, new additions for elevators, Dressing Rooms, Offices and entrance drive. We expect that we will also provide FF&E Services. We understand that you need Huntsville City Council approval and anticipate that we will have a Notice to Proceed on or about October 1, 2022 with a desired completion date for construction documents end of March 2023.

We have been given a construction budget of \$15,000,000 and recommend no less than a 10% contingency. Per the State of Alabama Fee Schedule for major renovation, our fee will be 7.25% of the construction cost. The break-down is as follows:

Masterplan Completion	\$ 20,000
Programming	\$ 54,375
FF&E (8% of \$400K Budget)	\$ 32,000
Basic Services	<u>\$1,087,500</u>
TOTAL	\$1,193,875

Specialty Consultants expected for this project but not limited to are as follows:

Audio/Visual	Harvey Marshall Berling Assoc (HMBA)
Acoustical Engineering	CDAI
Theater Consultant	HMBA
Lighting (both theatrical and architectural)	HMBA

KPS Group, Inc.
104 Jefferson Street South
Huntsville, AL 35801
Tel: 256-539-0764

Our Basic Services include Architecture, Interior Design, Civil, Structural, Electrical, Mechanical, Plumbing and Fire Protection. Those consultants are as follows:

Schoel Engineering	Civil
LBVD	Structural
Mims	Mechanical/Plumbing/Fire Protection
Electrical	Hyde Engineering

As is standard, we invoice monthly for percentage complete which is due 15 days from the date of the invoice and considered past due at 30 days. Reimbursable expenses include printing, copies and overnight mail fees which will be invoiced at cost plus 10%. Please let us know if you have any questions. We look forward to working on this project with you!

KPS Group, Inc.
Sincerely,



Kristine A. Harding, FAIA
Sr. Vice President

KPS GROUP, INC.**Schedule of Hourly Rates - 2021-2022**

<u>Position</u>	<u>Rate</u>
Officers	300
	260
	220
Vice President	195
Senior Associate	175
Associate	140
Senior Staff	130
Technical Staff	120

August 24, 2022

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Facilities Project Manager
City of Huntsville
Facilities Projects Management
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Huntsville, AL. 35804-0308

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Schoel Engineering
LBYD
Mims
Electrical

Civil
Structural
Mechanical/Plumbing/Fire Protection
Hyde Engineering

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KPS Group, Inc.
Sincerely,

A handwritten signature in black ink, appearing to read "Kristine A. Harding". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kristine A. Harding, FAIA
Sr. Vice President

KPS GROUP, INC.**Schedule of Hourly Rates - 2021-2022**

<u>Position</u>	<u>Rate</u>
Officers	300
	260
	220
Vice President	195
Senior Associate	175
Associate	140
Senior Staff	130
Technical Staff	120

October 10, 2024

Chris O'Neil
Facilities Project Manager
City of Huntsville
Facilities Projects Management
PO Box 308
Huntsville, AL. 35804-0308

ATTACHMENT A-3

Re: Phase 4 Sandra Moon Community Center REVISED Fee Proposal

Dear Mr. O'Neil:

We appreciate the opportunity to provide this updated fee proposal to you for consideration.

As the budget increased, we limited our percentage fee to a \$20,000,000 budget to avoid multiple contract amendments. The actual bid of \$31,324,061 was received and we propose amending our contract to meet the actual bid amount.

Per the State of Alabama Fee Schedule for major renovation, our fee will be 6.375% of the \$31,324,061 cost. The breakdown is as follows:

Masterplan Completion	\$ 20,000 COMPLETE
Programming	\$ 54,375 COMPLETE
FF&E (8% of \$400K Budget)	\$ 32,000 PREVIOUSLY APPROVED
Newcomb and Boyd	\$ 195,000 PREVIOUSLY APPROVED
Basic Services	<u>\$1,996,908.89</u>
TOTAL	\$2,298,283.89

As is standard, we invoice monthly for percentage complete which is due 15 days from the date of the invoice and considered past due at 30 days. Reimbursable expenses include printing, copies and overnight mail fees which will be invoiced at cost plus 10%. Please let us know if you have any questions. We look forward to working on this project with you!

KPS Group, Inc.
Sincerely,



Kristine A. Harding, FAIA
Sr. Vice President

