



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 7/27/2023

**File ID:** TMP-3148

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**Department:** Finance

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute the Consent to Assignment of Contract Agreement between Aqua Service Inc. and Jones Fish Lake Management to transfer the rights and obligations of the Pond Management Services Contract, awarded under Resolution No. 22-770, from Aqua Service Inc to Jones Fish Lake Management.

Resolution No.

**Finance Information:**

**Account Number:** Varies depending on department utilizing contract.

**City Cost Amount:** \$ Varies depending on quantity ordered/services provided.

**Total Cost:** \$ Varies depending on quantity ordered/services provided.

**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:**

Procurement Services received notification from Jones Fish Lake Management that they had merged with Aqua Services Inc on March 16, 2023, and became the parent (primary) company for the merged entities. The contract was awarded September 22, 2022, and is currently in its first term which is set to expire on September 21, 2023. Procurement Services in conjunction with Landscape Management requests to transfer the contract #93-2022-71 from Aqua Services Inc. to Jones Fish Lake Management. in accordance with the terms and conditions as outlined in the Consent to Assignment of Contract Agreement.

**RESOLUTION NO. 23 - \_\_\_\_\_**

**WHEREAS**, on September 22, 2022, the City Council of the City of Huntsville, Alabama awarded a contract for the provision of pond management services to Aqua Service Inc., pursuant to Resolution No. 22-770; and

**WHEREAS**, the contract became effective September 22, 2022, and the initial term is set to expire on September 21, 2023; and

**WHEREAS**, the contract (#93-2022-71) may be extended for two additional one-year terms; and

**WHEREAS**, on June 30, 2023, the Procurement Services Division was notified by Jones Fish Lake Management that they had merged with Aqua Service Inc. on March 16, 2023; and

**WHEREAS**, section 2.14 of the contract (#93-2022-71) permits Aqua Service Inc. to assign the contract with written consent of the City; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to accept the Consent to Assignment of Contract signed by authorized representatives of both Aqua Service Inc. and Jones Fish Lake Management and attached hereto and enter into agreement with Jones Fish Lake Management for provision of pond management services in accordance with specified scope of services, terms, and conditions as outlined in the Invitation to Bid (contract documents) dated August 5, 2022 and the Consent to Assignment of Contract agreement..

**ADOPTED** this the 27th day of July, 2023.

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

**ADOPTED** this the 27th day of July, 2023.

\_\_\_\_\_  
Mayor of the City of Huntsville

### **CONSENT TO ASSIGNMENT OF CONTRACT**

This Consent to Assignment of Contract is made and entered into on the 27<sup>th</sup> day of July, 2023, by and between the **CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation in the State of Alabama, hereinafter referred to as the “City,” and **JONES FISH LAKE MANAGEMENT**, an Alabama limited liability company, hereinafter referred to as “Jones Fish”.

#### **WITNESSETH:**

**WHEREAS**, the City and Aqua Service Inc. entered into a contract #93-2022-71 for the provision of pond managements services (hereinafter the “Contract”); and

**WHEREAS**, pursuant to Resolution No. 22-770 the Contract was adopted and approved by the City Council of the City of Huntsville on September 22, 2022; and

**WHEREAS**, Jones Fish acquired Aqua Service Inc on March 16, 2023; and

**WHEREAS**, Aqua Service, Inc desires to assign the Contract to Jones Fish and waives it rights conveyed to it under the terms of the September 22, 2022 contract; and

**WHEREAS**, the City desires to consent to the assumption of the Contract by Jones Fish conditioned upon Jones Fish assuming Aqua Service Inc obligations under the Contract.

**WHEREAS**, Jones Fish agrees to adhere to the terms and conditions, pricing structure, and scope of services as outlined in the September 22, 2022 Contract for the remainder of the Contract which is set to expire on September 21, 2023;

**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. The City hereby consents to Aqua Service Inc assignment of its rights and obligations under the Contract to Jones Fish effective on the above-stated date.
2. Jones Fish hereby agrees to assume Aqua Service Inc obligations under the Contract, including but not limited to all insurance requirements and contract pricing structure.
3. Jones Fish will provide the City of Huntsville’s Procurement Services with a current certificate of insurance evidencing insurance coverage, City of Huntsville, Alabama Report of Ownership form, E-Verify Memorandum of Understanding, 2023 City of Huntsville Business License, and proof of registration with Alabama Secretary of State as required by the Contract.

**IN WITNESS WHEREOF**, the parties hereto have caused this Consent to Assignment of Contract to be executed under their respective seals and delivered as of the date first above written.

This Agreement may be executed in one or more counterparts and each counterpart shall, for all purpose, be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

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

**AQUA SERVICE INC**

By: *Doreen Smith*  
Its: Contract Procurement Director

**JONES FISH LAKE MANAGEMENT**

By: *Kayla Ward*  
Its: Sr. Business Analyst

**ATTEST**

By: \_\_\_\_\_  
Shaundrika Edwards  
Its: City Clerk

**CITY OF HUNTSVILLE, ALABAMA**

By: \_\_\_\_\_  
Tommy Battle  
Its: Mayor