



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/13/2023

File ID: TMP-3031

Department: Public Works

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Modification No. 2 to the Agreement between the City of Huntsville and Rogers Group, Inc., for Periodic Bid for Asphalt Projects-2021, Project No. 71-21-SP38, as adopted by Resolution 21-858 on September 9, 2021, and amended by Resolution No. 22-713 on September 8, 2022.

Type of Document: Resolution No.

Finance Information:

Account Number: Will be assigned individually

City Cost Amount: \$4,411,750.00

Total Cost: \$13,235,250.00

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: 21-858 & 22-713

Location: (list below)

Address: N/A

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

Additional Comments:

RESOLUTION NO. _____ - _____

BE IT RESOLVED by the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into Modification No. 2 to the Agreement between the City of Huntsville and Rogers Group, Inc, adopted and approved on the 8th day of September, 2022, by the City Council of the City of Huntsville, Alabama by Resolution 21-858, and amended on the 9th day of September, 2022, by the City Council of the City of Huntsville, Alabama by Resolution No. 22-713, 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 FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00). This extension results in the cumulative Not-To-Exceed amount funded for this contract to be THIRTEEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$13,235,250.00). New contract expiration date: July 13, 2023. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No 2 to Agreement between City of Huntsville and Rogers Group, Inc., for Periodic Bid for Asphalt Projects-2021, Project No 71-21-SP38, as adopted by Resolution 21-858 on September 9, 2021 and amended by Resolution No. 22-713 on September 8, 2022." Consisting of four (4) pages including Exhibit "A" and the date of July 13, 2023, appearing on the margin of the first page, together with signature of the President or President Pro Tem of the City Council, and 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 13th day of July, 2023.

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

APPROVED this the 13th day of July, 2023.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

MADISON COUNTY)

Modification No. 2 to Agreement between
the City of Huntsville and Rogers Group,
Inc., for Periodic Bid for Asphalt Projects
2021, Project No. 71-21-SP38, as adopted
by Resolution 21-858 on September 9, 2021
and amended by Resolution No. 22-713 on
September 8, 2022

THE MODIFICATION NO. 2 TO AN AGREEMENT entered in on the 9th day of September 2021, in the amount of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) and amended on the 8th day September 2022, in the amount of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) for the revised contract amount of EIGHT MILLION EIGHT HUNDRED TWENTY-THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,823,500.00). The original Agreement is hereby amended by Modification No. 2 dated September 8, 2022, for the renewal of an additional one (1) year period in the same Not To Exceed (NTE) amount as the initial year of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) for the revised contract amount of THIRTEEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$13,235,250.00), by and between the City of Huntsville, Alabama, a municipal corporation the State of Alabama (OWNER) and Rogers Group, Inc., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated September 9, 2021, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract for additional one (1) year period at the same Not-To-Exceed amount as the initial year of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution 21-858 on September 9, 2021.

NOW THEREFORE, in consideration of 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 additional one (1) year with services provided on an as-needed basis with up to the initial Not-to-Exceed (NTE) Amount of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be THIRTEEN MILLION TWO HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$13,235,250.00). New contract expiration date is July 13, 2024.

2. Item #1 shall be performed in accordance with the original agreement dated September 9, 2021, and approved by the City Council by Resolution No. 21-858.
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

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 date.

GIVEN under my hand and official seal this the ____ day of _____, 2023.

Notary Public

My Commission Expires: _____

ENGINEER: ROGERS GROUP, INC.

By: 

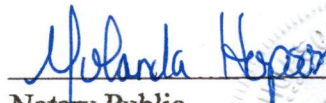
ATTEST: _____

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Anthony Garcia as Vice 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 12th day of July, 2023.



Notary Public

My Commission Expires: 12-1-26





HUNTSVILLE

Chris McNeese
Director

Public Works Services
July 6, 2023

Rogers Group, Inc.
2512 Triana Boulevard, SW
Huntsville, Alabama 35805

ATTN: Anthony Garcia

RE: Periodic Bid for Asphalt Projects-2021
Project No.:71-21-SP38

Dear Anthony:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning July 13, 2023. 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 Yolanda Collier, PWS Management Analyst, Public Works Services.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

Christopher McNeese,
Director

ACCEPTED BY: Anthony Garcia

SIGNATURE: [Signature]

DATE: 7/10/2023

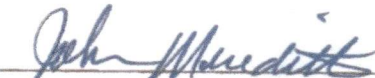
The Star of Alabama

RESOLUTION NO. 22-713

BE IT RESOLVED by the City Council 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 9th day of September, 2021, by the City Council of the City of Huntsville, Alabama by Resolution No. 21-858, 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 FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00). New contract expiration date: September 9, 2023. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No 1 to Agreement between City of Huntsville and Rogers Group, Inc., for Periodic Bid for Asphalt Projects-2021, Project No. 71-21-SP38." Consisting of four (4) pages including Exhibit "A" and the date of September 8, 2022, appearing on the margin of the first page, together with 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 8th day of September, 2022.



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

APPROVED this the 8th day of September, 2022.



Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

MADISON COUNTY)

Modification No. 1 to Agreement between
the City of Huntsville and Rogers Group,
Inc., for Periodic Bid for Asphalt Projects
2021, Project No. 71-21-SP38, as adopted
by Resolution 21-858 on September 9, 2021

THIS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 9th day of September 2021, in the amount of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00). The original agreement is hereby amended by Modification No. 1 dated September 9, 2022, for the renewal of an additional one (1) year period in the same Not to Exceed (NTE) amount as the initial year of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) for the revised cumulative contract amount of EIGHT MILLION EIGHT HUNDRED TWENTY-THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,823,500.00), 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 September 9, 2021, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract for additional one (1) year period at the same Not-To-Exceed amount as the initial year of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution 21-858 on September 9, 2021.

NOW THEREFORE, in consideration of 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 additional one (1) year with services provided on an as-needed basis with up to the initial Not-to-Exceed (NTE) Amount of FOUR MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$4,411,750.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be EIGHT MILLION EIGHT HUNDRED TWENTY THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,823,500.00)

President of the City Council of
the City of Huntsville, Alabama
Date: 9/8/2022

2. Item #1 shall be performed in accordance with the original agreement dated September 9, 2021 and approved by the City Council by Resolution No. 21-858.
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

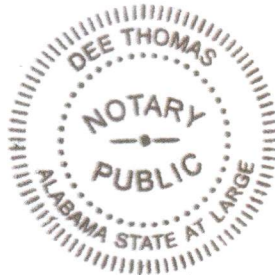
By: Tommy Battle
Tommy Battle
Its Mayor

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 date.

GIVEN under my hand and official seal this the 8th day of September, 2022.



Dee Thomas
Notary Public MY COMMISSION EXPIRES 03-17-2026
My Commission Expires: _____

ENGINEER: ROGERS GROUP, INC.

By: [Signature]

ATTEST: _____

STATE OF ALABAMA)

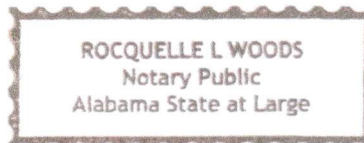
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Anthony Garcia as Vice 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 6th day of September, 2022.

[Signature]
Notary Public

My Commission Expires: 11/10/2023





HUNTSVILLE

Chris McNeese
Director

Public Works Services
September 8, 2022

Rogers Group, Inc.
2512 Triana Boulevard, SW
Huntsville, Alabama 35805

ATTN: Charles C. Lovoy

RE: Periodic Bid for Asphalt Projects-2021
Project No.:71-21-SP38

Dear Chris:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning September 12, 2022. 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 Yolanda Hopson, PWS Management Analyst, Public Works Services.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

Christopher McNeese,
Director

ACCEPTED BY: Anthony M. Garcia - Vice President

SIGNATURE: [Signature]

DATE: 9/16/2022

The Star of Alabama



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/8/2022

File ID: 2022-0789

Department: Public Works

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 Asphalt Projects-2021, Project No. 71-21-SP38.

Resolution No.

Finance Information:

Account Number: Will be assigned individually

City Obligation Amount: \$4,411,750.00

Total Obligation: \$8,823,500.00

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: 21-858

Location: Various Locations in the City of Huntsville

Address:

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

Additional Comments: