



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/7/2023

File ID: TMP-3601

Department: Public Transit

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Nova Bus (US), Inc., which was adopted Pursuant to Resolution No. 22-297 of the City Council of the City of Huntsville.

Resolution No.

Finance Information:

Account Number: N.A.

City Cost Amount: N.A.

Total Cost: N.A.

Special Circumstances:

Grant Funded: Yes, 80%.

Grant Title - CFDA or granting Agency: FTA

Resolution #: 22-297

Location: (list below)

Address: N.A.

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

Additional Comments:

RESOLUTION NO. 23-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into an and effectuate all terms of an agreement modification, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama (herein, in the “City”), by and between The City of Huntsville and Nova Bus (US), Inc., which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as, “Agreement between the City of Huntsville and Nova Bus (US) Inc. Modification No. 1 for the purchase of 40 foot busses”, consisting of a total of 2 pages, with the signature of the President or President Pro-Tem of the City Council, and the date of December 7, 2023, appearing on the margin of the first page, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 7th day of December, 2023.

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

APPROVED this the 7th day of December, 2023.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

**Modification No. 1 to the
Agreement Between the City of
Huntsville, Alabama and Nova Bus (US), Inc.,
which was adopted and approved Pursuant to
Resolution No. 22-297 of the City Council
of the City of Huntsville**

MODIFICATION NO. 1 TO AGREEMENT

This Modification No. 1 to the Agreement for the Purchase of Public Transit Buses (this "Modification No. 1") is made effective as of the 7th day of December, 2023 by and between the CITY OF HUNTSVILLE, ALABAMA, (the "City") a municipal corporation within the State of Alabama (the "City") and NOVA BUS (US) INC., a corporation duly constituted in virtue of the laws of Delaware ("Nova Bus")

WITNESSETH

WHEREAS the City and Nova Bus entered into that certain Agreement for the Purchase of Public Transit Buses on April 28, 2022 (the "Agreement"), which set forth the respective rights and responsibilities of the parties for the construction and purchase of public transit buses from Nova Bus by the City; and

WHEREAS, the term of the Agreement was one year, effective April 28, 2022, with the City having the option to renew for an additional two (2) one-year terms with Nova Bus being obligated to manufacture and deliver a minimum of two (2) buses per year during each year of the Agreement; and

WHEREAS, Nova Bus has delivered four (4) buses, meeting its obligations for the first year of the Agreement term; and

WHEREAS, Nova Bus is ceasing its United States operations;

WHEREAS, the City and Nova Bus mutually desire to amend the Agreement as set forth herein in order to modify Nova Bus's obligations to deliver buses during the two renewal years of the Agreement.

NOW THEREFORE, in consideration of the foregoing facts and circumstances, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the parties, the parties do hereby agree to the following:

President of the City Council of the
City of Huntsville, Alabama
Date: _____

1. Section 1.0 is modified to remove Nova Bus's obligation deliver any buses other than the four that have previously been manufactured and delivered pursuant to the Agreement.

2. All other terms and conditions of the Agreement, including but not limited to all warranties by Nova Bus, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement, on the date set forth above.

**THE CITY OF HUNTSVILLE,
ALABAMA**

Tommy Battle, Mayor
City of Huntsville, Alabama

ATTEST:

Shaundrika Edwards, City Clerk
City of Huntsville, Alabama

NOVA BUS (US), INC.

By:



Its: Ralph Acs, President

By:



Its: Krzysztof Trembecki, VP & CFO