



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/23/2025

File ID: TMP-4747

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, Alabama and Rogers Group, Inc., for Periodic Bid for Various Construction Projects-2024.

Resolution No.

Finance Information:

Account Number: Account numbers to be assigned as work orders are delivered.

City Cost Amount: 13,444,187.50

Total Cost: \$26,888,375.00

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 approved by Resolution No. 24-15 for an additional one (1) year period at the current NTE amount to include Change Order No. 1 shown as Attachment "B" within the Modification Agreement.

RESOLUTION NO. 25-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Rogers Group, Inc., adopted and approved on the 11th day of January, 2024, by the City Council of the City of Huntsville, Alabama by Resolution No. 24-15, 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 THIRTEEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED EIGHTY-SEVEN AND .50/100 DOLLARS (\$13,444,187.50). This extension results in the Not-to-Exceed amount funded for this contract to be TWENTY-SIX MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$26,888,375.00). New contract expiration date: January 10, 2026. 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, Alabama and Rogers Group, Inc., for Periodic Bid for Various Construction Projects-2024, Project No. 71-24-SP05," consisting of a total of four (4) pages including Attachments "A" and "B" the date of January 23, 2025, 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 23rd day of January, 2025.

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

APPROVED this the 23rd day of January, 2025.

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 Rogers Group, Inc., for Periodic Bid
for Various Construction Projects-2024,
Project No. 71-24-SP05.

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 11th day of January, 2024, in the amount of THIRTEEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED EIGHTY-SEVEN AND .50/100 DOLLARS (\$13,444,187.50). The original Agreement is hereby amended by Modification No. 1 dated January 23, 2025, and Change Order No. 1 attached hereto as Attachment “B” for the renewal of an additional one (1) year period in the Not-to-Exceed (NTE) amount of THIRTEEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED EIGHTY-SEVEN AND .50/100 DOLLARS (\$13,444,187.50) for the revised cumulative contract amount of TWENTY-SIX MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$26,888,375.00), 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 January 23, 2024, 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 THIRTEEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED EIGHTY-SEVEN AND .50/100 DOLLARS (\$13,444,187.50).

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 Not-to-Exceed (NTE) Amount of THIRTEEN MILLION FOUR HUNDRED FORTY-FOUR THOUSAND ONE HUNDRED EIGHTY-SEVEN AND .50/100 DOLLARS (\$13,444,187.50). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be TWENTY-SIX MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$26,888,375.00).

**President of the City Council of the City
of Huntsville, AL**

Date: January 23, 2025

2. Item #1 shall be performed in accordance with the original Agreement dated January 11, 2024, and approved by the City Council by Resolution No. 24-15.
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:

Shaundrika Edwards
City Clerk

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 in the state of Alabama, 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 _____ 2025.

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 David South as Controller-Alabama, 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 ____ day of _____ 2025.

Notary Public
My Commission Expires: _____



HUNTSVILLE

Urban Development Department
Engineering Division

Kathy Martin, P.E.
Director
City Engineer

January 3, 2025

Rogers Group, Inc.
2512 Triana Blvd.
Huntsville, AL 35805

ATTN: David South

RE: Periodic Bid for Various Construction Projects-2024
Project No. 71-24-SP05

Dear David:

We are pleased to extend your contract in the above-referenced project for another one-year period, at the current NTE pricing to include Change Order No. 1, beginning January 10, 2025, through January 10, 2026. 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 Coordinator 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

ATTACHMENT "B"

CHANGE ORDER REQUEST						
OWNER	ARCHITECT/ENGINEER				CONTRACTOR	
City of Huntsville					Rogers Group, Inc.	
DATE	1/23/2025	CHANGE ORDER NO.		1		
PROJ. NAME & NUMBER	Periodic Bid for Various Construction Projects-2024, Project No. 71-24-SP06					
NEW NEGOTIATED ITEMS						
ITEM	DESCRIPTION	QUANT	UNIT	UNIT PRICE		EXT AMT.
318	Sectionalizing Cabinet Base Installation to include gravel base and (2) 6" galvanized long radius elbows encased in concrete in accordance with HU specifications	5	EA	\$2,900.00		\$14,500.00
319	Sectionalizing Cabinet Base Installation to include gravel base and (2) 5" galvanized long radius elbows encased in concrete in accordance with HU specifications	5	EA	\$3,100.00		\$15,500.00
320	Single Phase Transformer Base Installation in accordance with the HU Specifications	5	EA	\$750.00		\$3,750.00
321	Common Trench Construction to include Excavation, ALDOT #57 crushed stone backfill, (1) 6" SCH 40 PVC Conduit, (1) 5" SCH 40 PVC Conduit, (1) 2" SCH 40 PVC Conduit, Locator Tape, Complete In Place in accordance with HU Specifications	1,000	LF	\$105.00		\$105,000.00
322	Common Trench Construction to include Excavation, 90% compacted dirt backfill, (1) 6" SCH 40 PVC Conduit, (1) 5" SCH 40 PVC Conduit, (1) 2" SCH 40 PVC Conduit, Locator Tape, Complete In Place in accordance with HU Specifications	1,000	LF	\$65.00		\$65,000.00
323	4" Sch 40 PVC Long Radius Sweeping 90 Degree Bends and Conduit turned up 3' above final grade for (Handhole to be installed by Others)	10	EA	\$20.00		\$200.00
324	3" Sch 40 PVC Long Radius Sweeping 90 Degree Bends and Conduit turned up 3' above final grade for (Sectionalized Cabinet to be installed by Others)	10	EA	\$15.00		\$150.00
325	2" Sch 40 PVC Long Radius Sweeping 90 Degree Bends and Conduit turned up 3' above final grade for (Handhole to be installed by Others)	10	EA	\$10.00		\$100.00
326	Additional 6" galvanized long radius elbow encased in concrete	5	EA	\$875.00		\$4,375.00
327	Additional 5" galvanized long radius elbow encased in concrete	5	EA	\$760.00		\$3,800.00
328	6" Sch 40 PVC conduit to include excavation, 90% compaction, Locator Tape complete in place	500	LF	\$32.00		\$16,000.00
329	5" Sch 40 PVC conduit to include excavation, 90% compaction, Locator Tape complete in place	500	LF	\$30.00		\$15,000.00
330	3" Sch 40 PVC conduit to include excavation, 90% compaction, Locator Tape complete in place	200	LF	\$26.00		\$5,200.00
331	2" Sch 40 PVC conduit to include excavation, 90% compaction, Locator Tape complete in place	500	LF	\$15.00		\$7,500.00
332	6" Sch 40 PVC Riser conduit	50	LF	\$7.00		\$350.00
333	5" Sch 40 PVC Riser conduit	50	LF	\$5.00		\$250.00
334	4" Sch 40 PVC Riser conduit	50	LF	\$3.70		\$185.00
335	3" Sch 40 PVC Riser conduit	50	LF	\$2.80		\$140.00
336	2" Sch 40 PVC Riser conduit	50	LF	\$1.40		\$70.00
337	5" Roadway Bore to include conduit and pull string	500	LF	\$67.00		\$33,500.00
338	Steel Bollard 3-1/2" Square Tubing Painted Black Set in 4" Steel Sleeve poured in Concrete	30	EA	\$1,450.00		\$43,500.00
TOTAL NEW NEGOTIATED ITEMS						\$334,070.00
TOTAL CHANGE ORDER NO. 1						\$0.00
TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions). (See attached sheet for line item breakdown of change order costs.)						
For This Change Order			1	ADD		\$334,070.00
Original Contract Price						\$13,110,117.50
Net Total Previous Change Orders						\$0.00
Previous Revised Contract Price						\$13,110,117.50
Revised Contract Price This Date						\$13,444,187.50
EXTENSION OF TIME: The revised contract completion date is January 10, 2026.						
I, _____, hereby agrees that the modification represents an equitable adjustment of the Contract, and further, agrees to waive all right to file for any further claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract. The Contractor and Owner(s) hereby agree to the terms for the Change Order as contained herein.						