



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/23/2024

File ID: TMP-4182

Department: Water Pollution Control

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into Modification No. 1 to Agreement between the City of Huntsville and McCord Construction, Inc. for Periodic Bid for Sanitary Sewer Jack and Bore Items-2023, Project No. 71-23-SP18.

Resolution No.

Finance Information:

Account Number: Various

City Cost Amount: Cumulative Not to Exceed \$5,548,890.00

Total Cost: Cumulative Not to Exceed \$5,548,890.00

Special Circumstances: N/A

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below) N/A

Address: N/A

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

Additional Comments: N/A

RESOLUTION NO. 24-___

BE IT RESOLVED by the City Council of the City 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 McCord Construction, Inc., adopted and approved on the 25th day of May, 2023, by the City Council of the City of Huntsville, Alabama by Resolution No. 23-442, 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 FIVE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$5,548,890.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be ELEVEN MILLION NINETY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$11,097,780.00). New contract expiration date: May 23, 2025. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between the City of Huntsville and McCord Construction, Inc. for Periodic Bid for Sanitary Sewer Jack and Bore Items-2023, Project No. 71-23-SP18, as adopted by Resolution No. 23-442 of May 25th, 2023" consisting of a total of four (4) pages including Exhibit "A" and the date of May 23, 2024, 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 May, 2024.

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

APPROVED this the 23rd day of May, 2024.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and McCord Construction,
Inc. for Periodic Bid for Sanitary Sewer Jack and
Bore Items-2023, Project No. 71-23-SP18, as
adopted by Resolution No. 23-442 of May 25th,
2023

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 25th day of May, 2023, in the amount of FIVE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$5,548,890.00), for an additional one (1) year period. The original Agreement is hereby amended by Modification No. 1 dated May 23rd, 2024, for the renewal of an additional one (1) year period in the same Not to Exceed (NTE) amount as the initial year of FIVE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$5,548,890.00) for the revised cumulative contract amount of ELEVEN MILLION NINETY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$11,097,780.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and McCord Construction, Inc., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated May 25th, 2023, 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 FIVE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$5,548,890.00) per Paragraph 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 23-442 of May 25th, 2023.

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. McCord Construction, 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 initial Not-to-Exceed (NTE) Amount of FIVE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$5,548,890.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be ELEVEN MILLION NINETY-SEVEN THOUSAND SSEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$11,097,780.00).

**President of the City Council of the City of
Huntsville, AL**
Date: May 23, 2024

2. Item #1 shall be performed in accordance with the original agreement dated May 25th, 2023, and approved by the City Council by Resolution No. 23-442.
3. All unit price billing rates for contract line items shall remain unchanged.
4. 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.
5. 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, 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 _____ 2024.

Notary Public
My Commission Expires: _____

CONTRACTOR: MCCORD CONSTRUCTION,
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 Brian McCord as 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 ____ day of _____ 2024.

Notary Public
My Commission Expires: _____

EXHIBIT "A"



HUNTSVILLE

Water Pollution Control

Randall Stewart
Director

March 27, 2024

McCord Construction, Inc.
1194 Salty Bottom Road
Gurley, AL 35748

ATTN: Brian McCord

RE: Periodic for Sanitary Sewer Directional Drilling Items-2023
Project No. 71-23-SP19

Dear Brian:

We are pleased to extend your contract in the above-referenced project for another one-year period beginning May 25, 2024, through May 25, 2025. 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 Kerri Bevilacqua, Engineering Procurement and Contracts Coordinator in the Water Pollution Control Department.

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

Sincerely,

Randall Stewart
Director of Water Pollution Control

ACCEPTED BY: _____

SIGNATURE: _____

DATE: _____

The Star of Alabama