



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 9/12/2024

**File ID:** TMP-4534

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**Department:** Public Works

**Subject:**

**Type of Action:** Approval/Action

Modification No. 2 to agreement between the City of Huntsville and J.C. Cheek Contractors, Inc., for Periodic Bid for Traffic Striping and Markings, 2023 project, as adopted by Resolution 22-823 on October 13, 2023, and amended by Resolution 23-820 on September 28, 2023.

**Type of Document:** Resolution No.

**Finance Information:**

**Account Number:** 3020-55-00000-516020-00000000

**City Cost Amount:** \$2,441,150.00

**Total Cost:** \$7,323,450.00

**Special Circumstances:**

**Grant Funded:** N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** 22-823 and 23-820

**Location: (list below)**

**Address:** N/A

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

**Additional Comments:**

## **RESOLUTION NO. 24-**

**BE IT RESOLVED** by the City Council 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 J. C. Cheek Contractor, Inc., adopted and approved on the 13<sup>th</sup> day of October, 2022, by the City Council of the City of Huntsville, Alabama by Resolution No. 22-823, and amended on the 28<sup>th</sup> day of September, 2023, by the City Council of the City of Huntsville, Alabama by Resolution No. 23-820, as attached hereto.

**BE IT FURTHER RESOLVED** that 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 TOW MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00). New contract expiration date: September 12, 2025.

Agreement is substantially in words and figures similar to that document attached hereto and identified as “Modification No. 2 to Agreement between the City of Huntsville and J.C. Cheek Contractors, Inc., for Periodic Bid for Traffic Striping and Markings, 2023 project” consisting of a total of three (3) pages and the date of September 12, 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 12<sup>th</sup> day of September, 2024.

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

**APPROVED** this the 12<sup>th</sup> day of September, 2024.

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Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA        )

Modification No. 2 to Agreement between  
the City of Huntsville and J.C. Cheek  
Contractors for Periodic Bid for Traffic

MADISON COUNTY        )

Striping and Markings, 2023, project as  
adopted by Resolution 22-823 on October 13,  
2022, and amended by Resolution 23-820 on  
September 28, 2023.

**THE MODIFICATON NO. 2 TO AN AGREEMENT** entered in on the 13<sup>th</sup> day of October 2022, in the amount of TWO MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00) and amend on the 28<sup>th</sup> day of September, 2023, in the amount of TWO MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00) for the revised contract amount of FOUR MILLION EIGHT HUNDRED EIGHTY-TWO THOUSAND THREE HUNDRED AND 00/100 DOLLARS (\$4,882,300.00). The original Agreement is here by amended by Modification No. 2 dated September 12, 2024, for the renewal of an additional one (1) year period in the same Not to Exceed (NTE) amount as the initial year of TWO MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00) for the revised contract amount of SEVEN MILLION THREE HUNDRED TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY AND 00/100 DOLLARS (\$7,323,450.00), by and between the City of Huntsville, Alabama, a municipal corporation the State of Alabama (OWNER) and J.C. Cheek Contractors (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated October 13, 2022, 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 TWO MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00) per the original contract which was adopted by Resolution 22-823 on October 13, 2022.

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President of City Council of the  
City of Huntsville, Alabama  
Date: September 12, 2024

**NOW THEREFORE**, in consideration of mutual covenants set forth herein, the Owner and the Contractor agrees to the following modifications to the agreement:

- 1) J.C. Cheek Contractors, 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 TWO MILLION FOUR HUNDRED FORTY-ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$2,441,150.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be SEVEN MILLION THREE HUNDRED TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY AND 00/100 DOLLARS (\$7,323,450.00). New contract expiration date is September 12, 2025.
- 2) Item #1 shall be performed in accordance with the original agreement dated October 13, 2022, and approved by the City Council by Resolution No. 22-823.
- 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 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, acknowledge 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:

J.C. CHEEK CONTRACTORS, INC.

By: [Signature]

Its: Alabama Manager

ATTEST: Yolanda Hopson  
City of Huntsville Public Works Services

STATE OF ALABAMA           )  
COUNTY OF MADISON       )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that  
Lanier Conlee as its Alabama Manager,  
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, they in their 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 19th day of August, 2024.

Yolanda Hopson  
Notary Public  
My Commission Expires: 12-1-26