



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 11/21/2024

**File ID:** TMP-4828

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**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 APAC-Alabama, Inc., for Periodic Bid for Concrete Work, 2022, Project No. 71-21-SP38

**Type of Document:** Resolution No.

**Finance Information:**

**Account Number:** 3020-55-00000-516010-00000000

**City Cost Amount:** \$2,052,843.70

**Total Cost:** \$6,158,531.10

**Special Circumstances:**

**Grant Funded:** N/A

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

**Resolution #:** 22-60 and 23-183

**Location: (list below)**

**Address:**

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

**Additional Comments:**



## **RESOLUTION NO. 25-**

**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 APAC-ALABAMA, INC., adopted and approved on the 27<sup>th</sup> day of January 2022, by the City Council of the City of Huntsville, Alabama by Resolution 22-60, and amended on the 9<sup>th</sup> day of March, 2023, by the City Council of the City of Huntsville, Alabama by Resolution 23-183, 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 TWO MILLION FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 70/100 DOLLARS (\$2,052,843.70). New contract expiration date: September 8, 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 APAC-ALABAMA, INC., for Periodic Bid for Concrete Work-2022, Project No. 71-21-SP38,” consisting of a total of three (3) pages and the date of November 21, 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 21<sup>st</sup> day of November, 2024.

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

**APPROVED** this the 21<sup>st</sup> day of November, 2024.

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Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA                    )  
MADISON COUNTY                    )

**Modification No. 2 to Agreement  
between the City of Huntsville and  
Midsouth Paving, Inc., for  
Periodic Bid for Concrete Work-  
2022, Project No. 71-22-SP07, as  
adopted by Resolution 22-60 on  
January 27, 2022, and amended by  
Resolution 23-183 on March 9,  
2023**

**THE MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 27<sup>th</sup> day of January, 2022, in the amount of TWO MILLION FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 70/100 DOLLARS (\$2,052,843.70) and amended on the 9<sup>th</sup> March, 2023, in the amount of TWO MILLION FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 70/100 DOLLARS (\$2,052,843.70) for the revised contract amount of FOUR MILLION ONE HUNDRED FIVE THOUSAND SIX HUNDRED EIGHTY-SEVEN AND 40/100 DOLLARS (\$4,105,687.40). The original Agreement is hereby amended by Modification No. 2 dated October 23, 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 FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 70/100 DOLLARS (\$2,052,843.70) for the revised contract amount of SIX MILLION ONE HUNDRED FIFTY-EIGHT THOUSAND FIVE HUNDRED THRITY-ONE AND 10/100 DOLLARS (\$6,158,531.10) by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (OWNER) and APAC-Alabama, Inc. (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR, to the Agreement, dated March 9, 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 TWO MILLION FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY -THREE AND 70/100 DOLLARS (\$2,052,843.70) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution 22-60 on January 27, 2022.

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President of the City Council of the City of  
Huntsville, Alabama  
Date: November 21, 2024

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

1. APAC-Alabama, Inc., will provide for renewal of contract for additional one (1) year with services provided on as as-needed basis with up to the initial Not-To-Exceed (NTE) Amount of TWO MILLION FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 70/100 DOLLARS (\$2,052,843.70). This extension results in the cumulative Not-To-Exceed amount funded for this contract to be SIX MILLION ONE HUNDRED FIFTY-EIGHT THOUSAND FIVE HUNDRED THIRTY-ONE AND 10/100 DOLLARS (\$6,158,531.10).
2. Item #1 shall be performed in accordance with the original agreement dated January 27, 2022, and approved by the City Council by Resolution No. 22-60 and as amended and approved by Resolution 23-183 by the City Council on March 9, 2023.
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, are signed to the foregoing instrument, and who are know to me, acknowledged before me on tis 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 21<sup>st</sup> of November, 2024.

\_\_\_\_\_  
Notary Public  
My Commission Expires:\_\_\_\_\_

**APAC-ALABAMA, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:\_\_\_\_\_

\_\_\_\_\_  
STATE OF ALABAMA      )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that \_\_\_\_\_ as its \_\_\_\_\_ is signed to the forgoing instrument, and who is know 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 dame with full authority for and as the act of said Corporation on the same bears day.

GIVEN under my hand an official seal this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public  
My Commission Expires:\_\_\_\_\_