



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 3/9/2023

**File ID:** TMP-2628

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**Department:** Public Works

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Modification No 1 to Agreement between City of Huntsville and Midsouth Paving, Inc., for Periodic Bid for Concrete Work-2022.

**Type of Document:** Resolution No.

**Finance Information:**

**Account Number:** 3020-55-00000-56010-00000000

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

**Total Cost:** \$4,105,687.40

**Special Circumstances:**

**Grant Funded:** NA

**Grant Title - CFDA or granting Agency:** NA

**Resolution #:** 22-60

**Location: (list below)**

**Address:** NA

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

**Additional Comments:**

**RESOLUTION NO. 23-\_\_\_**

**BE IT RESOLVED** by the City Council 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 Midsouth Paving, 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 No. 22-60, as attached hereto.

**BE IT FURTHER RESOLVED** that periodic contract is extended for 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 9, 2024. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No 1 to Agreement between City of Huntsville and Midsouth Paving, Inc., for Periodic Bid for Concrete Work-2022, Project No. 71-21-SP38," Consisting of four (4) pages including Exhibit "A" and the date of March 9, 2023, 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 9th day of March, 2023.

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

**APPROVED** this the 9th day of March, 2023.

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Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA )

**Modification No. 1 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**

MADISON COUNTY )

**THIS MODIFICATION NO. 1 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). The original agreement is hereby amended by Modification No. 1 dated January 27, 2022, 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 cumulative contract amount of FOUR MILLION ONE HUNDRED FIVE THOUSAND SIX HUNDRED EIGHTY SEVEN AND 40/100 DOLLARS, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (OWNER) and Midsouth Paving, Inc. (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR, to the Agreement dated January 27, 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 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.

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

1. Midsouth Paving, 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 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 FOUR MILLION ONE HUNDRED FIVE THOUSAND SIX HUNDRED EIGHTY-SEVEN AND 40/100 DOLLARS
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.

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  
Interim City Clerk-Treasurer

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 Interim City Clerk-Treasurer 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 \_\_\_\_\_, 2023.

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

ENGINEER: MIDSOUTH PAVING, 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 \_\_\_\_\_ as its \_\_\_\_\_, 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 \_\_\_\_\_, 2023.

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