

RESOLUTION NO. 21-

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. 2 to the Agreement between the City of Huntsville and J.C. Cheek Contractors, Inc., adopted and approved on the 24th day of October, 2019, by the City Council of the City of Huntsville, Alabama by Resolution No. 19-1003, and amended on the 24th day of September, 2020, by the City Council of the City of Huntsville, Alabama by Resolution No. 20-872, 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 ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be FIVE MILLION EIGHT HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED FORTY AND NO/100 DOLLARS (\$5,848,440.00). New contract expiration date: September 9, 2022. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and J.C. Cheek Contractors, Inc., for Periodic Bid for Traffic Striping and Marking-2019, Project No. 71-19-SP51, as adopted by Resolution No. 19-1003 of October 24, 2019 and amended by Resolution No. 20-872 of September 24, 2020," consisting of a total of five (5) pages including Exhibit "A" and the date of September 9, 2021, 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 September, 2021.

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

APPROVED this the 9th day of September, 2021.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 2 to the Agreement between
the City of Huntsville and J.C. Cheek Contractors,
Inc., for Periodic Bid for Traffic Striping and
Marking-2019, Project No. 71-19-SP51, as adopted
by Resolution No. 19-1003 of October 24, 2019 and
amended by Resolution No. 20-872 of September
24, 2020.

THIS IS MODIFICATION NO. 2 TO AN AGREEMENT entered in on the 24th day of October, 2019, in the amount of ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00) and amended on 24th day of September 2020, in the amount of ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00) for the revised contract amount of THREE MILLION EIGHT HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED SIXTY AND NO/100 DOLLARS (\$3,898,960.00). The original Agreement is hereby amended by Modification No. 2 dated September 9, 2021, for the renewal of an additional one (1) year period in the same cumulative Not-to-Exceed (NTE) amount as the initial year of ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00) for the revised contract amount of FIVE MILLION EIGHT HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED FORTY AND NO/100 DOLLARS (\$5,848,440.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and J.C. CHEEK CONTRACTORS, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement October 24, 2019, 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 (NTE) amount as the initial year of ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 19-1003 of October 24, 2019.

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. J.C. Cheek Contractors, 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 ONE MILLION NINE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$1,949,480.00).

President of the City Council of the
City of Huntsville, AL
Date: _____ September 9, 2021

This extension results in the cumulative Not-to-Exceed amount funded for this contract to be FIVE MILLION EIGHT HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED FORTY AND NO/100 DOLLARS (\$5,848,440.00). New contract expiration date is September 9, 2022.

2. Item #1 shall be performed in accordance with the original agreement dated October 24, 2019 and approved by the City Council by Resolution No. 19-1003.
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:

Kenneth Benion
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 Kenneth Benion, whose names as Mayor and 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 _____ 2021.

Notary Public
My Commission Expires: _____

CONTRACTOR: J.C. CHEEK CONTRACTORS,
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 Hollis Cheek 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 _____ 2021.

Notary Public
My Commission Expires: _____

"EXHIBIT "A"



HUNTSVILLE

Kathy Martin, P.E.
Director
City Engineer

Urban Development Department
Engineering Division

September 9, 2021

J. C. Cheek Contractors, Inc.
P.O. BOX 1138
Kosciusko, MS 39090

ATTN: Hollis Cheek

RE: Periodic Bid for Traffic Striping and Marking-2019
Project No. 71-19-SP51

Dear Hollis:

We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning September 10, 2021, through September 10, 2022. 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 Mary Ridgeway, 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 City Engineering

ACCEPTED BY: _____

SIGNATURE: _____

DATE: _____

The Star of Alabama