

**RESOLUTION NO. 17-\_\_\_\_\_**

**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 Reed Contracting Services, Inc., adopted and approved on the 14th day of January, 2016, by the City Council of the City of Huntsville, Alabama by Resolution No. 16-32, and amended on the 15th day of December, 2016, by the City Council of the City of Huntsville, Alabama by Resolution No. 16-974, 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 TWO MILLION NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be EIGHT MILLION SEVEN HUNDRED NINETY-THREE THOUSAND THREE HUNDRED SIXTY-NINE AND NO/100 DOLLARS (\$8,793,369.00). New contract expiration date: January 14, 2018. 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 Reed Contracting Services, Inc. for Periodic Bid for Asphalt Projects-2016, Project No. 71-16-SP12, as adopted by Resolution No. 16-32 of January 14, 2016 and amended by Resolution No. 16-974 of December 15, 2016" consisting of a total of four (4) pages including Exhibit "A" and the date of September 14, 2017, 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 14<sup>th</sup> day of September, 2017.

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

**APPROVED** this the 14<sup>th</sup> day of September, 2017.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 2 to Agreement between  
the City of Huntsville and Reed Contracting  
Services, Inc. for Periodic Bid for Asphalt Projects-  
2016, Project No. 71-16-SP12, as adopted by  
Resolution No. 16-32 of January 14, 2016 and  
amended by Resolution No. 16-974 of December  
15, 2016

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 14th day of January, 2016, in the amount of TWO MILLION NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00) and amended on 15th day of December 2016, in the amount of TWO MILLION NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00) for the revised contract amount of FIVE MILLION EIGHT HUNDRED SIXTY-TWO THOUSAND TWO HUNDRED FORTY-SIX AND NO/100 DOLLARS (\$5,862,246.00). The original Agreement is hereby amended by Modification No. 2 dated September 14, 2017, 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 NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00) for the revised contract amount of EIGHT MILLION SEVEN HUNDRED NINETY-THREE THOUSAND THREE HUNDRED SIXTY-NINE AND NO/100 DOLLARS (\$8,793,369.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and REED CONTRACTING SERVICES, INC., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated January 14, 2016, 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 NTE amount as the initial year of TWO MILLION NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00) per Paragraph 5 on Page 1 of Attachment B of the original contract which was adopted by Resolution No. 16-32 of January 14, 2016.

\_\_\_\_\_  
President of the City Council of the  
City of Huntsville, AL  
Date: \_\_\_\_\_ September 14, 2017

**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. Reed Contracting Services, 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 TWO MILLION NINE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$2,931,123.00). This extension results in the cumulative Not-to-Exceed amount funded for this contract to be EIGHT MILLION SEVEN HUNDRED NINETY-THREE THOUSAND THREE HUNDRED SIXTY-NINE AND NO/100 DOLLARS (\$8,793,369.00). New contract expiration date is January 14, 2018.
2. Item #1 shall be performed in accordance with the original agreement dated January 14, 2016, and approved by the City Council by Resolution No. 16-32.
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 \_\_\_\_\_ 2017.

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

CONTRACTOR: REED CONTRACTING  
SERVICES, 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 David Harris 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 \_\_\_\_\_ 2017.

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



# HUNTSVILLE

Kathy Martin, P.E.  
Director  
City Engineer

Urban Development Department  
Engineering Division

**September 14, 2017**

Reed Contracting Services, Inc.  
2512 Triana Boulevard, SW  
Huntsville, AL 35805

**ATTN: Chris Lovoy**

**RE: Periodic Bid for Asphalt Projects-2016  
Project No. 71-16-SP12**

**Dear Chris:**

**We are pleased to extend your contract in the above-referenced project for another one-year period, at current pricing, beginning January 14, 2018, through January 14, 2019. 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 Dolberry, 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 Engineering**

**ACCEPTED BY: \_\_\_\_\_**

**SIGNATURE: \_\_\_\_\_**

**DATE: \_\_\_\_\_**

**The Star of Alabama**