

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH FINCHUM SPORTS FLOORS FOR THE JOHN SEVIER MIDDLE SCHOOL GYM FLOOR PROJECT AND AUTHORIZING THE PROCUREMENT MANAGER TO SIGN THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, an agreement was executed with Finchum Sports Floors, LLC, in the amount of \$198,998.00 for the John Sevier Middle School Gym Floor Project; and

WHEREAS, upon commencement of the work it was discovered that additional work would be necessary to level concrete floor of the auxiliary gym in order to install the new hardwood floor; and

WHEREAS, the Board of Education recommends amending the current agreement with Finchum Sports Floors, LLC, for additional work at a cost of \$65,000.00, making the total contract cost \$263,998.00; and

WHEREAS, funding is available in the School Capital Improvements Project, GP2301.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That an amendment to the Finchum Sports Floors LLC agreement to add concrete leveling work for the Sevier Gym Floor Project is approved.

SECTION II. That the Procurement Manager is authorized and directed to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an amendment for the same and all documents necessary and proper, to deliver the amendment and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution, said amendment being as follows:

**AMENDMENT NUMBER 1
TO THE CONTRACT
ENTERED INTO BETWEEN FINCHUM SPORTS FLOORS, LLC
AND CITY OF KINGSFORT, TENNESSEE**

On April 12, 2023, a Contract was entered into by and between Finchum Sports Floors, LLC (hereinafter Contractor) and the City of Kingsport, Tennessee (hereinafter Owner). The parties now desire to expand the scope of the contract and other provisions of the Contract and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties have entered into this Amendment Number 1 to the Contract effective as of the date of its execution by the parties. The terms of the Agreement are hereby amended as set forth herein.

Section 1. Scope of the Contract shall include the following language:

1.1 Additionally, work to be performed shall include the attached proposal dated June 9, 2023, from Contractor hereinafter referred to as Appendix A.

Section 3. The Contract Price shall include the following language:

4.1 Owner agrees to compensate Contractor for work performed pursuant to Appendix A in the amount of sixty five thousand dollars and zero cents (\$65,000.00) for a total sum payable to

Contractor in an amount not to exceed of two hundred sixty three thousand nine hundred ninety eight dollars and zero cents (\$263,998.00).
Except as hereby amended, all other terms and conditions of the Agreement effective April 12, 2023, shall remain in full force and effect.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of June, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B ROWLETT, III, CITY ATTORNEY