

RESOLUTION NO. _____

A RESOLUTION APPROVING ADDENDUM 2 TO AN AGREEMENT WITH LDA ENGINEERING FOR THE REPLACEMENT OF THREE SEWER LIFT STATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE AGREEMENT AND ALL LOTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, On June 25, 2018, the city entered into a Professional Services Agreement with LDA Engineering for the design and bidding assistance on the replacement of sewer lift stations no(s): 18 on Oak Glen Drive, 307 on Lakeside Drive, and 308 on Cooks Valley Road; and

WHEREAS, on July 6, 2021, Resolution No.: 2022-004, proposing an amendment to the agreement was approved and it moved the project into the construction phase after being placed on hold due to COVID; and

WHEREAS, the project has been further delayed due to supply chain issues for critical components and this has caused a delay in the substantial completion of the project by approximately seven months and a change order was issued with the Frizzell Construction (contractor) on January 10, 2023, to extend the contract times from 210 days to 405 days due to these supply chain issues; and

WHEREAS, this amendment includes additional engineering during construction and project inspection by the consulting engineer; and

WHEREAS, the funding is available in SW2005, and this amendment is for \$94,620.00, making the total of the project no more than \$284,470.00.

Now therefore,

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

SECTION I. That the second amendment to the professional service agreement with LDA Engineering is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, 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, the second amendment to the professional services agreement with LDA Engineering for replacement of sewer lift stations no(s): 108 at Oak Glen Drive, 307 at Lakeside Drive, and 308 at Cooks Valley Drive and 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.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

ADOPTED this the 1st day of August, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY