

City of Madison, Alabama
Legal Department—Competitive Purchasing Division
INVITATION TO BID
#2024-006-ITB | Brownsferry Box Culvert Replacement
Issued May 15, 2024

AMENDMENT TO AGREEMENT

This Amendment to the Agreement dated June 24, 2024 (“Amendment”) is made and entered into by and between the City of Madison, Alabama, a municipal corporation, located at 100 Hughes Road, Madison, Alabama 35758, hereinafter referred to as the “City,” and **Miller & Miller, Inc.**, located at 2106 Miller Ferry Way, SW, Huntsville, Alabama 35801, hereinafter referred to as the “Contractor.”

RECITALS:

WHEREAS, by virtue of passage of Resolution Number 2024-166-R, the City Council of the City of Madison awarded the Bid for the Brownsferry Box Culvert Replacement project (the “Project”) in the amount of **five hundred forty thousand two hundred forty-two dollars (\$540,242.00)**; and

WHEREAS, on July 8, 2024, the parties entered into an Agreement for the Project (the “Agreement”) pursuant to such award; and

WHEREAS, Article I, Section A of said Agreement outlined the services to be provided by Contractor and specified that all services shall be done in accordance with the Invitation to Bid; and

WHEREAS, the Agreement allows for amendments and change orders to the original contract as stated in Article II, Section G; and

WHEREAS, the City Engineer has recommended certain modifications to the contract, which are described in the Change Order attached hereto as Attachment A; and

WHEREAS, the City Engineer, in requesting the Change Order, has provided a signed statement explaining the need and justification for the additional work attached hereto as Attachment B; and

WHEREAS, although the Change Order is an approximately 14% addition to the Contract price, the contemplated addition to the Agreement was not foreseen when the plans and specifications were prepared, and the City Engineering Department has determined and documented in Attachment B that extraordinary circumstances justify the need for this change order; and

WHEREAS, the City Council has approved of this Amendment via Resolution No. 2024-

349-R; and

WHEREAS, the City and Contractor mutually desire to amend the Agreement as described above, pursuant to Article II, Section G of the Agreement;

NOW, THEREFORE, in consideration of the foregoing premises and the parties' respective agreements, promises, representations, and warranties contained herein, City and Contractor agree as follows:

A. Amendment to Agreement:

1. Article II, Section A is hereby amended as follows:

A. **Contract Price.** The City will pay, and the Contractor will accept in full consideration for the performance of the Project, payment in accordance with the unit prices set forth in Contractor's accepted Bid, the total amount of compensation subject to additions and deductions as provided in this Agreement not to exceed six hundred fifteen thousand one hundred seventy-five dollars and zero cents (\$615,175.00).

2. Change Order No. 1, is hereby incorporated into the Agreement as an Addendum, and the total contract time is hereby extended by 30 calendar days to a total of 395 calendar days.

B. Remainder.

Unless specifically amended in Section A., all other provisions, attachments, content, language, recitals, covenants, promises, guarantees, and commitments contained in, referenced in, or incorporated into the original Agreement remain valid and in full force and effect.

C. Effective Date.

The foregoing amendments shall be effective as of the date of final execution by the parties.

IN WITNESS WHEREOF, City and Contractor have caused this Amendment to the Agreement to be executed in their respective names by their duly authorized officers on the dates set forth below, the latter of which is hereby deemed to be the effective date of this Amendment.

**CITY OF MADISON, ALABAMA,
a municipal corporation**

By: _____
Paul Finley, Mayor

Attest: _____
Lisa D. Thomas, City Clerk-Treasurer

Date: _____

STATE OF ALABAMA §
§
COUNTY OF MADISON §

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Paul Finley and Lisa D. Thomas, whose names as Mayor and the City Clerk-Treasurer, respectively, of the **CITY OF MADISON, ALABAMA**, 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, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Madison, Alabama, a municipal corporation.

Given under my hand and official seal this ____ day of October 2024.

Notary Public

MILLER & MILLER, INC.

By: _____

Its: _____

Date: _____

STATE OF ALABAMA §
 §
COUNTY OF MADISON §

I, the undersigned authority, as Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of **Miller & Miller, Inc.**, is signed to the foregoing instrument, and who is/was made known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this _____ day of _____ 2024

Notary Public