

**ORGANIZATIONAL MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL AND
MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT**

**CITY HALL, COUNCIL CHAMBER (ROOM A-108)
56 CURCH STREET
MOUNTAIN BROOK, AL 35213**

NOVEMBER 7, 2022, 8:00 A.M.

As a matter of convenience, members of the public are invited to listen, observe and participate in public meetings by Internet video conference. Presenters and others interested in a particular matter for discussion are encouraged to attend the meeting in-person. The City is not responsible for technical issues that may occur that interfere with the virtual meeting. The City Council, at its sole discretion, may proceed with its in-person business meeting regardless of whether virtual attendees can hear and/or observe the proceedings. The City intends to make the meeting available by way of the Zoom app (re: Meeting ID 801-559-1126, password 11072022).

1. Introduction: City Manager to introduce K. C. Hairston, municipal judge, who will administer the oaths of office
2. Inauguration of the three members of the City Council elected to office
3. Motion: Election of the City Council President
4. Motion: Election of the City Council President Pro Tempore
5. Consent agenda:
 - a. Consideration: Resolution adopting of the rules of order and procedure
 - b. Consideration: Resolution appointing the City Attorney(s) (Bishop, Colvin, Johnson & Kent and Starnes, Davis & Florie, LLP)
 - c. Consideration: Motion appointing Council representatives to the:

| | |
|--|---|
| Planning Commission (voting member) | - |
| Board of Zoning Adjustment (liaison) | - |
| Parks and Recreation Board (liaison) | - |
| O'Neal Library Board (liaison) | - |
| Board of Education (liaison) | - |
| Finance Committee (voting member) | - |
| Villages Design Review Committee (liaison) | - |
| Editorial Board | - |
| Board of Landscape Design (liaison) | - |
| Chamber of Commerce (liaison) | - |
| Parking Committee | - |
| Municipal judges | - |
| Public safety departments | - |
| All In Committee (voting member) | - |
 - d. Consideration: Resolution appointing the members of the Mountain Brook City Council as the Board of Commissioners of the Mountain Brook Emergency Communication District and nomination of the Chairman of the Emergency Communication District Board
 - e. Consideration: Resolution reaffirming the prior removal (Resolution No. 2015-142) of all elected officials of the City of Mountain Brook from the covered employee classification with respect to the City's Local Government Health Insurance Plan (LGHIP)
6. Consideration: Resolution of the Board of Commissioners of the E911 District adopting the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2022

7. Consideration: Resolution awarding the bid to JD Morris Construction Co. Inc. for the Mountain Brook Junior High Drainage Improvements Project.
8. Consideration: Ordinance appointing the City Manager (Sam S. Gaston)
9. Consideration: Ordinance appointing the City Clerk (Heather Richards)
10. Consideration: Ordinance appointing the City Treasurer (William F. "Billy" Angell)
11. Consideration: Ordinance appointing the Assistant City Treasurer (Leigh Ann Sisson)
12. Inauguration of the City Manager, City Clerk, and Assistant City Treasurer
13. Other business
14. Announcement: The next regular meeting of the City Council is November 14, 2022, at 7:00 p.m.
15. Adjourn.

RESOLUTION NO. 2022-173

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby adopts the Rules of Order and Procedure as follows:

“DIVISION 2. - RULES OF ORDER AND PROCEDURE

Sec. 2-56. - Meetings.

(a) *Rules of procedure.* Meetings of the city council shall be conducted in accordance with the applicable statutes of the state, as implemented by the rules of procedure contained in this article.

(b) *Time and place of regular meetings; special meetings.* Meetings of the council shall be held at the city hall or such other places within the city limits as the council may determine.

(1) Regular meetings shall be at such times as determined by the council.

(2) Written or oral notice of the time of any special meeting of the council as authorized by Code of Ala. 1975, § 11-43-5 shall, unless such meeting is announced at a regular meeting of council, be given to the city manager and to each councilmember at least 12 hours in advance of the meeting. The failure of any of them to receive such notice shall not invalidate an action taken at such meetings if:

a. Such person is present at the meeting or, either before or after the meeting, waives notice thereof; or

b. Such action is ratified at a subsequent meeting of the council.

The business that may be transacted at a special meeting shall not be limited to the item indicated in the notice. To the extent practicable, notice of a special meeting shall also be given to the mayor and the clerk, but the failure of either or both of them to receive such notice shall not impair the validity and efficacy of the business transacted at the meeting.

(c) *Attendance and participation of mayor, city manager and other city officials; addressing council.*

(1) The mayor and the city manager shall have the privilege of participating in the council's discussions and deliberations, but the right to make motions and to vote is limited to councilmembers.

(2) Persons other than the councilmembers, mayor and city manager shall be allowed to address the council while in session only with the permission of and under the conditions and limitations prescribed by the council president. Any such person shall, when first recognized, state his name, address and, if applicable, the person or group represented; he shall identify himself again by name each subsequent time he is recognized.

(3) Meetings shall be attended by the city clerk, the city attorney and such other officers, agents or employees of the city as the council may from time to time determine.

(d) *Order of business.* The order of business shall be as directed by the council president, however, any councilmember may make additions to the agenda. (Code 1996, §§ 2-8—2-11; Ord. No. 570, §§ 1—4; Ord. No. 890, § 1, 11-13-1984; Ord. No. 1564, 2-24-2003)

State Law reference— Provisions relative to meetings, Code of Ala. 1975, §§ 11-43-49, 11-43-50; city council authorized to enact rules of procedure, Code of Ala. 1975, § 11-43-52; attendance of the city clerk, Code of Ala. 1975, § 11-43-100.”

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2022-174

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, as follows:

The law firm of Bishop, Colvin, Johnson & Kent is hereby appointed as City Attorney for the City of Mountain Brook, Alabama, to serve at the pleasure of the City Council at a retainer fee of \$15,000 per month. Said fees are to compensate the City Attorney for the regular and customary legal services performed for said City, such as attendance at City Council meetings, advice to the Mayor, Council, and employees, and preparation of ordinances and resolutions; said salary not to operate as compensation for extraordinary or unusual services, such as handling municipal bond issues, public improvements, litigation, and the like for which said attorney shall be paid such additional compensation as may be fixed by the Council.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the law firm of Starnes, Davis & Florie, LLP is hereby appointed as City Attorney for the City with respect to litigation services to be billed at their standard hourly rates, to serve at the pleasure of the City Council.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its special meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2022-176

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby appoints the five (5) members of the Mountain Brook City Council to serve as the Board of Commissioners of the Mountain Brook Emergency Communications District of the City.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby appoints the Council President to serve as the Chairman of the Board of Commissioners of said District.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk for the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2022-177

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby reaffirms the prior removal (Resolution No. 2015-142) of all elected officials of the City of Mountain Brook from the covered employee classification with respect to the City's Local Government Health Insurance Plan (LGHIP) (Re: LGHIPN19M).

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2022-178

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023

BE IT RESOLVED by the Board of Commissioners of the Mountain Brook Emergency Communication District ("District"), that the following is the adopted budget for the District for the fiscal year beginning October 1, 2022, and ending September 30, 2023 (as adopted by the City Council of the City of Mountain Brook upon its adoption of Ordinance No. 2130 on September 26, 2022):

| | | (For Reference Only) | |
|--------------------|--|--------------------------|-------------------------------|
| <u>Ledger No.</u> | <u>Account Description</u> | <u>9/30/2023 Budget</u> | <u>9/30/2022 Budget</u> |
| 531-3305-4500 | Fines & Forfeitures (Act 03-289) | \$ (1,600) | \$ (1,600) |
| 531-3404-4050-3401 | E-911 Surcharge (Mobile) | (381,500) | (388,300) |
| 531-3407-4400 | Other Investment Earnings | (25) | (25) |
| 531-3408-4810 | Transfers General Fund | <u>(232,775)</u> | <u>(900,000)</u> |
| | E911 Revenue | (615,900) | (1,289,925) |
| 531-1100-6407 | Insurance and Bonding | 1,250 | 1,250 |
| 531-1213-6307 | Bank Fees | 400 | 400 |
| 531-3510-6210 | Development-Training | 9,000 | 25,000 |
| 531-3510-6300 | Supplies/Exp-General | 2,000 | 4,500 |
| 531-3510-6464 | Service Contr-Comm Equip | 3,900 | 709,912 |
| 531-3510-6610 | Utilities-Telephone | 48,100 | 48,100 |
| 531-3510-6870 | Contract Services | 551,250 | 0.00 |
| 531-3516-6910 | Transfers-City General Fund | 0 | 487,000 |
| 531-3516-6941 | Transfers-Capital Projects Fnd | 0 | 0.00 |
| 531-3590-6941 | Transfers-Capital Projects Fnd | <u>0</u> | <u>32,000</u> |
| | E911 Expenses | <u>615,900</u> | <u>1,308,162</u> |
| | Excess of (Revenue) Over Expenditures | 0 | 18,237 |
| | (Fund Balance), Beginning of Year | <u>373,341</u> | <u>355,104</u> ⁽¹⁾ |
| | (Fund Balance), End of Year | <u>\$ 373,341</u> | <u>\$ 373,341</u> |

BE IT FURTHER RESOLVED by the Board of Commissioners of the Mountain Brook Emergency Communications District that the District Administrator is hereby authorized and directed, for and on behalf of the District, to disburse funds for the payment of budgeted expenditures including and not limited to salaries and benefits, payroll taxes, service and other contracts, debt service, utilities, supplies and such other obligations incurred by the District in the normal course of public safety operations.

⁽¹⁾ As reported in the audited financial statements of the City of Mountain Brook as of and for the year ended September 30, 2021.

ADOPTED AND APPROVED: The 7th of November, 2022.

Chairman

CERTIFICATION

I, Heather Richards, District Clerk of the Mountain Brook Emergency Communications District certify the above to be a true and correct copy of a resolution adopted by the Board of Commissioners of the Mountain Brook Emergency Communications District at its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

District Clerk

RESOLUTION NO. 2022-179

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby awards the bid for the Mountain Brook Junior High Drainage Improvements (B-20220926-823) to JD Morris Construction Co. Inc., having submitted the lowest bid and;

BE IT FURHTER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council here by authorizes the execution of a construction contract, in the form as attached hereto as Exhibit A, with respect to said project.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on November 7, 2022, as same appears in the minutes of record of said meeting.

City Clerk



Heather Richards <richardsh@mtnbrook.org>

FW: Mtn Brook Junior High - Bid Tabulation and Recommendation of Award to JD Morris

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Heather Richards <richardsh@mtnbrook.org>
Cc: forbesj@mtnbrook.org

Wed, Nov 2, 2022 at 10:11 AM

Sam S.Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
(205) 870-3577 Fax



From: Taylor Schoel [mailto:tschoel@schoel.com]
Sent: Tuesday, November 01, 2022 10:44 AM
To: Sam Gaston; Ronald Vaughn
Cc: Walter Schoel III; Mark Simpson; Jess Sirkin; Culwell, Mike; PREWITT, THOMAS (TOMMY)
Subject: Mtn Brook Junior High - Bid Tabulation and Recommendation of Award to JD Morris

Sam and Ronnie,

A document that includes the bid tabulation and a recommendation to award to the apparent low bidder, JD Morris Construction Co, is attached.

Let me know when we need to be ready to discuss with Council. The sooner we can issue a notice to proceed or a "limited notice to proceed" so that the storm structures submittals can be prepared, the better so they can stay on

schedule.

Thank you,

Taylor Schoel, P.E.

Principal

Direct: 205.313.1149



Civil Engineering | Surveying | Laser Scanning + Modeling
Water Resources | Environmental | Landscape Architecture

CONNECT WITH US   

 **MBJH Drainage Improvement Project Award Recommendation and Bid Tabulation.pdf**
2361K



November 1, 2022

City of Mountain Brook
56 Church Steet
Mountain Brook, AL 35213-3700

Attn: Mr. Sam Gaston

Project Reference: Mountain Brook Junior High Drainage Improvements
Bid No. B-20220926-823
Bid Date: October 27, 2022
Recommendation to Award

Mr. Gaston:

We are in receipt of the bids for the Mountain Brook Junior High Drainage Improvements. The bids were prepared based on construction plans and technical specifications prepared by Schoel. In total, three responsive bids were received.

The apparent low bidder is JD Morris Construction Co. Inc., as shown in the table below.

| Contractor | Total Base Bid | Deductive Alternate |
|--------------------------------|----------------|---------------------|
| JD Morris Construction Co Inc. | \$ 3,222,750 | \$ 85,000 |
| T.E. Stevens | \$ 3,665,000 | \$ 235,000 |
| Cleary Construction | \$ 3,492,300 | \$ 25,000 |

The Deductive Alternate as noted in the table above, indicates the price to perform the *portion* of work referred to as "Alternate 1" in the Bid Documents, which the City may elect to remove from the Total Base Bid. The scope of the work for the Deductive Alternate includes modifications to the open channel north of Overbrook Rd as shown on Sheet 12 of the construction plans. If the City chooses to remove the Deductive Alternate from the Total Base Bid, JD Morris Construction Co. Inc., will remain the apparent low bidder per the table above.

The submitted information appears to be in accordance with the bid requirements and the contractor has the required experience and qualifications, as stipulated in the bid documents.

Based on this, and in consideration of the conditions submitted and discussed herein, Schoel recommends award to JD Morris Construction Co. Inc.

SCHOEL ENGINEERING CO., INC.

Taylor Schoel, PE
Principal

Cc: Mr. Ronald Vaughn, Public Works Director

Attachment: Bid Opening Sign-in Sheet
Bid Tabulation
Bid Proposal Forms:
JD Morris Construction Co. Inc.
T.E. Stevens
Cleary Construction

VI. EXHIBITS

EXHIBIT A - CONTRACTOR BID RESPONSE FORM*

Below is the firm bid of the undersigned to perform the Mountain Brook Junior High Drainage Improvement Project at the price indicated below. The undersigned submits this Form in response to the City's Invitation for Bids for this Project. The City may use the address and contact information below for its communications with the undersigned bidder. By submitting a bid, the undersigned acknowledges that it has read and understands the Contract Documents that apply to the Project and conditions for the award of the contemplated Contract and, except as may be listed in any exception sheet, submits its bid and agrees to perform the Work in accordance with the requirements in the Contract Documents.

**OPERATIONS/ESTIMATED QUANTITIES/ UNIT PRICES
BASE BID**

| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|------------|-----------------------|------------|-------------------------|-------------------------|---|
| 1 | DRAINAGE IMPROVEMENTS | LUMP SUM | 1 | \$ 2,946,000 | \$ 2,946,000 |
| 2 | ROCK EXCAVATION | CUBIC YARD | 650 | \$ 195 ⁰⁰ | \$ 126,750 ⁰⁰ |
| 3 | OWNER CONTINGENCY | LUMP SUM | 1 | \$ 150,000.00 | \$ 150,000.00 |

TOTAL AMOUNT BASE BID: \$ 3,222,750

DEDUCTIVE ALTERNATE

| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|------------|-----------------------------------|----------|-------------------------|-------------------------|---|
| ALT 1 | OVERBROOK RD CHANNEL IMPROVEMENTS | LUMP SUM | 1 | \$ 85,000 | \$ 85,000 |

Note - Deductive Alternative Bid includes all work included in "Deductive Alternative" as depicted on Sheet 12 in the construction plans. The City may elect to remove this portion of work from the base bid.

INCLUDES ADDENDUMS 1, 2, & 3

J.D. MORRIS CONSTRUCTION CO., INC

Name of Firm or Company Submitting Bid

5645 MYRON CLARK ROAD

Street Address

McGAWA AL 35111

City State Zip

Signature of Bidder Representative

RON REED

Printed Name Representative Executing for Bidder

VP.

Title

10/27/2022

Date of Bid

63-1092089

Tax Id # of Bidder

www.jdmorrisconstruction.com

Web Site of Bidder

205-475-5645

Office Ph. # Bidder

205-288-1547

Cell Ph. # Bidder Contact

vreed17628@aol.com

Email Address Bidder Rep.

This Bid Response must be notarized.

Sworn to and subscribed before me on this 27th day of October 2022.

April Waller
Notary Public

5/18/24
Commission Expiration Date

SEAL

*** Notes:**

1. Please state any Exceptions to the Specifications or other requirements in the Contract Document on a separate sheet and attach that sheet to your Bid Response.
2. Bidders must complete, sign, notarize and return the Bidder Affidavit and Warranty below with their Responses.
3. Items 1, 2, and 3 of the Base Bid and Item ALT 1 of the Deductive Alternate operations are detailed on EXHIBIT E and on EXHIBIT F.
5. The Estimated Quantity of Item 2, Cubic Yards of Trench Rock Excavation, is the City's good faith estimate of the scope of the Item 2 operations. The Estimated Quantity is provided solely for the purpose of evaluating the respective bids that are submitted and awarding the Contract. The City does not guarantee that the Contractor will remove the Estimated Quantity, or that it will receive any minimum compensation for its Work on Item 2.

VI. EXHIBITS

EXHIBIT A - CONTRACTOR BID RESPONSE FORM*

Below is the firm bid of the undersigned to perform the Mountain Brook Junior High Drainage Improvement Project at the price indicated below. The undersigned submits this Form in response to the City's Invitation for Bids for this Project. The City may use the address and contact information below for its communications with the undersigned bidder. By submitting a bid, the undersigned acknowledges that it has read and understands the Contract Documents that apply to the Project and conditions for the award of the contemplated Contract and, except as may be listed in any exception sheet, submits its bid and agrees to perform the Work in accordance with the requirements in the Contract Documents.

**OPERATIONS/ESTIMATED QUANTITIES/ UNIT PRICES
BASE BID**

| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|-------------------|-----------------------|----------------|--------------------------------|--------------------------------|--|
| 1 | DRAINAGE IMPROVEMENTS | LUMP SUM | 1 | \$ 3,287,500.00 | \$ 3,287,500.00 |
| 2 | ROCK EXCAVATION | CUBIC YARD | 650 | \$ 350.00 | \$ 227,500.00 |
| 3 | OWNER CONTINGENCY | LUMP SUM | 1 | \$ 150,000.00 | \$ 150,000.00 |

TOTAL AMOUNT BASE BID: \$ 3,665,000.00

DEDUCTIVE ALTERNATE

| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|-------------------|-----------------------------------|----------------|--------------------------------|--------------------------------|--|
| ALT 1 | OVERBROOK RD CHANNEL IMPROVEMENTS | LUMP SUM | 1 | \$ 235,000.00 | \$ 235,000.00 |

Note - Deductive Alternative Bid includes all work included in "Deductive Alternative" as depicted on Sheet 12 in the construction plans. The City may elect to remove this portion of work from the base bid.

T.E. Stevens Company, Inc

Name of Firm or Company Submitting Bid

2511 Ruffner Road

Street Address

Irondale, AL 35210

City State Zip

Signature of Bidder Representative

Tom E. Stevens

Printed Name Representative Executing for Bidder

President

Title

10/27/2022

Date of Bid

63.0956291

Tax Id # of Bidder

<https://testevens.com/>

Web Site of Bidder

205-252-1600

Office Ph. # Bidder

205-229-3331

Cell Ph. # Bidder Contact

tstevens@testevens.com

Email Address Bidder Rep.

This Bid Response must be notarized.

Sworn to and subscribed before me on this 26th day of October 2022.

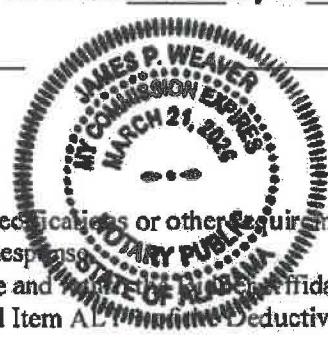
Signature of Notary Public

Notary Public

3/21/26

Commission Expiration Date

SEAL



* Notes:

1. Please state any Exceptions to the Specifications or other requirements in the Contract Document on a separate sheet and attach that sheet to your Bid Response.
2. Bidders must complete, sign, notarize and file the Affidavit and Warranty below with their Responses.
3. Items 1, 2, and 3 of the Base Bid and Item ALP of the Deductive Alternate operations are detailed on EXHIBIT E and on EXHIBIT F.
5. The Estimated Quantity of Item 2, Cubic Yards of Trench Rock Excavation, is the City's good faith estimate of the scope of the Item 2 operations. The Estimated Quantity is provided solely for the purpose of evaluating the respective bids that are submitted and awarding the Contract. The City does not guarantee that the Contractor will remove the Estimated Quantity, or that it will receive any minimum compensation for its Work on Item 2.

VI. EXHIBITS

EXHIBIT A - CONTRACTOR BID RESPONSE FORM*

Below is the firm bid of the undersigned to perform the Mountain Brook Junior High Drainage Improvement Project at the price indicated below. The undersigned submits this Form in response to the City's Invitation for Bids for this Project. The City may use the address and contact information below for its communications with the undersigned bidder. By submitting a bid, the undersigned acknowledges that it has read and understands the Contract Documents that apply to the Project and conditions for the award of the contemplated Contract and, except as may be listed in any exception sheet, submits its bid and agrees to perform the Work in accordance with the requirements in the Contract Documents.

OPERATIONS/ESTIMATED QUANTITIES/ UNIT PRICES
BASE BID

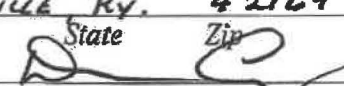
| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|------------|-----------------------|------------|-------------------------|-------------------------|---|
| 1 | DRAINAGE IMPROVEMENTS | LUMP SUM | 1 | \$ 3,341,000.00 | \$ 3,341,000.00 |
| 2 | ROCK EXCAVATION | CUBIC YARD | 650 | \$ 2.00 | \$ 1,300.00 |
| 3 | OWNER CONTINGENCY | LUMP SUM | 1 | \$ 150,000.00 | \$ 150,000.00 |

TOTAL AMOUNT BASE BID: \$ 3,492,300.00

DEDUCTIVE ALTERNATE

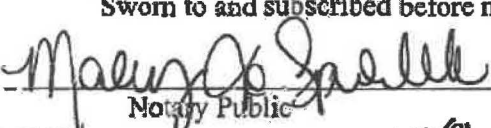
| ITEM NO. * | A. DESCRIPTION | B. UNIT | C. ESTIMATED QUANTITY * | D. PRICE BID PER UNIT * | E. TOTAL PRICE BID PER ITEM (COL. C X COL. D) |
|------------|-----------------------------------|----------|-------------------------|-------------------------|---|
| ALT 1 | OVERBROOK RD CHANNEL IMPROVEMENTS | LUMP SUM | 1 | \$ 25,000.00 | \$ 25,000.00 |

Note - Deductive Alternative Bid includes all work included in "Deductive Alternative" as depicted on Sheet 12 in the construction plans. The City may elect to remove this portion of work from the base bid.

CLEARY CONSTRUCTION INC.
 Name of Firm or Company Submitting Bid
2006 EDMONTON ROAD
 Street Address
TOMPKINSVILLE KY. 42161
 City State Zip

 Signature of Bidder Representative
DARREN CLEARY
 Printed Name Representative Executing for Bidder
PRESIDENT
 Title

OCTOBER 27, 2022
 Date of Bid
61-1279574
 Tax Id # of Bidder
WWW.CLEARYCONST.COM
 Web Site of Bidder
(270) 487-1754
 Office Ph. # Bidder
(270) 417-6146
 Cell Ph. # Bidder Contact
cci@clearconst.com
 Email Address Bidder Rep.

This Bid Response must be notarized.

Sworn to and subscribed before me on this 27th day of October 2022.

 Notary Public
4/6/2020
 Commission Expiration Date
 SEAL LYNP 47489

- * Notes:
1. Please state any Exceptions to the Specifications or other requirements in the Contract Document on a separate sheet and attach that sheet to your Bid Response.
 2. Bidders must complete, sign, notarize and return the Bidder Affidavit and Warranty below with their Responses.
 3. Items 1, 2, and 3 of the Base Bid and Item ALT 1 of the Deductive Alternate operations are detailed on EXHIBIT E and on EXHIBIT F.
 5. The Estimated Quantity of Item 2, Cubic Yards of Trench Rock Excavation, is the City's good faith estimate of the scope of the Item 2 operations. The Estimated Quantity is provided solely for the purpose of evaluating the respective bids that are submitted and awarding the Contract. The City does not guarantee that the Contractor will remove the Estimated Quantity, or that it will receive any minimum compensation for its Work on Item 2.

Addendum Acknowledged ; 1- 10/20/22
 Addendum Acknowledged 2- 10/25/22
 Addendum Acknowledged 3- 10/26/22

CONSTRUCTION CONTRACT

This CONSTRUCTION CONTRACT is entered into this _____ day of _____, 20____ between the **OWNER(s)**,

| | |
|------------------------|---|
| Entity Name(s): | CITY OF MOUNTAIN BROOK, ALABAMA |
| Address(es): | 56 Church Street Mountain Brook, AL 35213 |
| Email(s) & Phone #(s): | City Manager: Sam Gaston – gastons@mtnbrook.org 205-802-3803 |

and the **CONTRACTOR**, _____

| | |
|------------------|----------------|
| Company Name: | ----- |
| Address: | _____ _____ |
| Email & Phone #: | _____ |

for the **WORK** of the Project (identified as PROJECT):

Mountain Brook Junior High Drainage Improvements

The **CONTRACT DOCUMENTS** for the PROJECT are as follows (*below list any Supplementary Conditions, Specifications of the Work, Drawings or other Documents that are incorporated into this CONTRACT*):

1. This CONSTRUCTION CONTRACT
2. The GENERAL CONDITIONS OF THE CONTRACT
3. PERFORMANCE BOND
4. LABOR & MATERIALS BOND
5. SUPPLEMENTARY OR TECHNICAL SPECIFICATIONS
6. DRAWINGS & PLANS

and have been amended by the following **ADDENDA** (if applicable):

If applicable, the ARCHITECT (or ENGINEER) providing Professional Services for the PROJECT is

Firm Name: Schoel Engineering

Contact at Firm: Mr. Taylor Schoel

Address of Firm: 1001 22nd Street South, Birmingham, AL 35205

Contact's Email & Phone #: tschoel@schoel.com, (205) 313-1149

The CONTRACT SUM is _____ Dollars
(\$ _____). Unless otherwise indicated, this CONTRACT SUM is the amount of the Contractor's Total Bid for the Work, and, if applicable, the following Bid Alternate Prices:

The CONTRACT TIME is 235 calendar days. The Work shall commence on a date to be specified in a Notice to Proceed issued by the Owner, and Contractor then shall substantially complete the Work within the Contract Time.

PROJECT REPRESENTATIVES. The respective PROJECT REPRESENTATIVES of the parties to this CONSTRUCTION CONTRACT are as follows:

Owner Representative

Name: _____

Title: _____

Email & Phone #: _____

Contractor Representative:

Name: _____

Title: _____

Email & Phone #: _____

OWNER AND CONTRACTOR AGREE AS FOLLOWS: The Contract Documents, as defined in the General Conditions of the Contract are incorporated herein by reference. The Contractor shall perform the Work in accordance with the Contract Documents. The Owner will pay the Contract Sum (subject to any additions or deductions for change orders, Liquidated Damages, or other adjustments as provided in the Contract Documents), and Contractor will accept that amount as full compensation for its performance of the Work.

LIQUIDATED DAMAGES. If Contractor does not substantially complete the Work on the PROJECT by the stated Time, the LIQUIDATED DAMAGES for which the Contractor and its Surety (if any) shall be liable and may be required to pay the Owner in accordance with the Contract Documents shall be the dollar amount stipulated in the following space:

Five Hundred Dollars (\$500) per calendar day.

SPECIAL PROVISIONS

Phasing schedule as outlined in the construction documents

STATE GENERAL CONTRACTOR'S LICENSE: The Contractor hereby certifies that it is currently licensed by the Alabama State Licensing Board for General Contractors and that the certificate for such license bears the following:

License No(s): _____

Classification(s): _____

Bid Limit: _____

(Counterpart Signature Page Follows)

WHEREAS, the undersigned, duly authorized representatives of the respective parties enter this CONSTRUCTION CONTRACT on behalf of their organization.

OWNER - CITY OF MOUNTAIN BROOK, ALABAMA

By: _____

Printed Name: _____

Its: _____

Date: _____

CONTRACTOR

By: _____

Printed Name: _____

Its: _____

Date: _____

ORDINANCE NO. 2133

**ORDINANCE APPOINTING THE
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Sam Gaston is hereby appointed and employed as City Manager of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.
2. His duties shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.
3. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of the City, the same to be conditioned as provided in Section 11-43-21(c), Code of Alabama, 1975.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2022, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road

City Clerk

OATH OF OFFICE (ORDINANCE NO. 2133)

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Sam S. Gaston, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Sam S. Gaston

Sworn to and subscribed before me this 7th day of November, 2022.

K. C. Hairston, Judge
Municipal Court of Mountain Brook

**ORDINANCE APPOINTING THE
CITY CLERK OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Heather Richards is hereby appointed as City Clerk of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until her successor be duly appointed.
2. Her duties as such City Clerk shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to her from time to time by the Council.
3. Her duties as City Clerk shall be in addition to those incident to the position in the classified civil service in which she is or may hereafter be employed; and her compensation, both for such civil service position and as City Clerk, shall be that established for the civil service position under the schedules of the Personnel Board of Jefferson County as implemented by the City Council from time to time for classified employees of the City.
4. She shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of, the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2022, at the following public places, which copies remained posted for five (5) days as required by law.

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City Clerk

OATH OF OFFICE (ORDINANCE NO. 2133)

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Heather Richards, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Heather Richards

Sworn to and subscribed before me this 7th day of November, 2022.

K. C. Hairston, Judge
Municipal Court of Mountain Brook

ORDINANCE NO. 2135

**ORDINANCE APPOINTING THE
CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. William F. Angell is hereby appointed as City Treasurer of the City of Mountain Brook, to serve without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. He shall give bond with sureties in the penal sum of \$5,000.00, the premium for which shall be paid by, and be the expense of the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2022, at the following public places, which copies remained posted for five (5) days as required by law.

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Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road

City Clerk

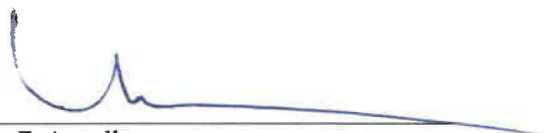
OATH OF OFFICE (ORDINANCE NO. 2133)

STATE OF ALABAMA

JEFFERSON COUNTY

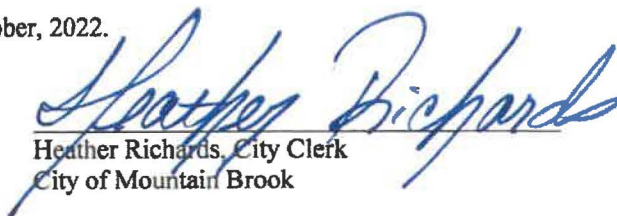
CITY OF MOUNTAIN BROOK

I, William F. Angell, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office of Treasurer, the term of office to commence on November 7th 2022, to the best of my ability, so help me God.



William F. Angell

Sworn to and subscribed before me this 27th day of October, 2022.



Heather Richards, City Clerk
City of Mountain Brook

ORDINANCE NO. 2136

**ORDINANCE APPOINTING THE
ASSISTANT CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Leigh Ann Sisson is hereby appointed as Assistant City Treasurer of the City of Mountain Brook, Alabama, to serve without compensation at the pleasure of the Council or until her successor be duly appointed.

2. The Assistant Treasurer shall furnish a surety company bond in an amount approved by the City Council for the faithful performance of her duties in the safe custody of the funds of the City. Such bond shall be signed by good and sufficient sureties to be approved by the Mayor. The premium for such bond shall be paid by the City from its General Fund.

ADOPTED: This 7th day of November, 2022.

Council President

APPROVED: This 7th day of November, 2022.

Mayor

CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 7, 2022, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2022, at the following public places, which copies remained posted for five (5) days as required by law.

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City Clerk

OATH OF OFFICE (ORDINANCE NO. 2133)

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Leigh Ann Sisson solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Leigh Ann Sisson

Sworn to and subscribed before me this 7th day of November, 2022.

K. C. Hairston, Judge
Municipal Court of Mountain Brook