

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 WW

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION
 INTRODUCED BY: Mayor Andrew "FoFo" Gilich
 CONTACT PERSON: E. Michael Leonard, CAO *eml*

SUMMARY EXPLANATION:

Resolution authorizing entry into First Amendment to the Monthly Elevator Maintenance Agreement with A1 Elevator Service, LLC

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: First Amendment

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Barrett	___	___	___	___
	Deming	___	___	___	___					

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO FIRST AMENDMENT TO THE MONTHLY ELEVATOR MAINTENANCE AGREEMENT WITH A1 ELEVATOR SERVICE, LLC

WHEREAS, by Resolution No. 503-18, the governing authorities of the City of Biloxi (the “City”) approved entry into a Monthly Elevator Maintenance Agreement, (the “Agreement”), with A1 Elevator Service, LLC (“A1”), under which A1 currently services fifteen (15) elevators;

WHEREAS, alterations and repairs to the elevators by third parties are allowable due to the liability assumed by A1 in servicing and maintain the City’s elevators;

WHEREAS, the Agreement failed to explicitly state that third-party alterations and repairs are prohibited under the Agreement;

WHEREAS, the First Amendment to the Monthly Elevator Maintenance Agreement (the “Amendment”), attached hereto as Exhibit “A,” memorializes the prohibition on third-party repairs and alterations of the elevators covered by the Agreement; and

WHEREAS, for the above-stated reasons, it is the recommendations of E. Michael Leonard, Chief Administrative Officer, that the City enter the Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF BILOXI, MISSISSIPPI, THAT:

SECTION ONE: The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified, and incorporated herein.

SECTION TWO: The Mayor is hereby authorized to accept and enter into the First Amendment to the Monthly Elevator Maintenance Agreement, attached hereto as Exhibit “A,” with A1 Elevator Service, LLC.

SECTION THREE: This resolution shall take effect and be in force from and after adoption.



**FIRST AMENDMENT TO THE
MONTHLY ELEVATOR MAINTENANCE AGREEMENT**

THIS, FIRST AMENDMENT TO THE MONTHLY ELEVATOR MAINTENANCE AGREEMENT (this “Amendment”), is made this the ____ day of _____, 2023, by and between the CITY OF BILOXI, MISSISSIPPI, a Mississippi municipal corporation (the “City”) and A-1 ELEVATOR SERVICE, LLC (“A-1”).

WITNESSETH:

WHEREAS, the City and A-1 entered that certain Monthly Elevator Maintenance Agreement (the “Agreement”), effective July 1, 2018, which provides the terms and conditions under which A-1 provides elevator maintenance services on a monthly basis to City-owned elevators;

WHEREAS, the parties mutually desire to amend the Agreement to clarify the responsibilities of the parties in regard to elevator repairs.

NOW THEREFORE, in consideration of the provisions set forth in the foregoing recitals, and the consideration set forth in the Agreement, all of which is incorporated herein by reference, the sufficiency and adequacy of which is hereby acknowledged, the Parties agree to amend the Agreement by inserting the following provisions:

The City will not permit any other party to make alterations, additions, adjustments, repairs or replacements to the equipment being serviced under this Agreement. To do so would void the terms of this Agreement.

All remaining terms and conditions of the Agreement will remain in full force and effect.

Signatures on following page

IN WITNESS WHEREOF, the parties by their duly authorized officers have caused these presents to be subscribed on the day and year first above written.

CITY:

A-1:

THE CITY OF BILOXI, MISSISSIPPI, a
Mississippi municipal corporation

A-1 ELEVATOR SERVICE, LLC

By: _____
Name: A. M. Gilich, Jr.
Title: Mayor

By: _____
Name: _____
Title: _____

ATTESTED BY:

Stacy L. Thacker, Municipal Clerk