

7994-04

**SECOND AMENDMENT TO CONTRACT
BETWEEN
THE CITY OF JACKSONVILLE
AND
J&D MAINTENANCE AND SERVICES
FOR
CITYWIDE MOWING AND LANDSCAPE SERVICES,
NORTH AREA (Parts 1-5) AND SOUTH AREA (Parts 1-4)**

THIS SECOND AMENDMENT to Agreement is made and entered into this 15 day of Jan, ~~2013~~²⁰¹⁴, by and between the CITY OF JACKSONVILLE, FLORIDA (hereinafter sometimes the "Owner" or the "City"), a municipal corporation in Duval County, Florida, and Rodney D. Evans and E. J. Crowell, d/b/a J&D Maintenance and Services (hereinafter the "Contractor") with offices located at 4779 Phyllis Street, Jacksonville, Florida 32254.

RECITALS:

WHEREAS, on March 1, 2013, City and Contractor made and entered into City of Jacksonville Contract No. 7994-04 (hereinafter the "Agreement"); and

WHEREAS, said Agreement has been amended once previously; and

WHEREAS, said Agreement should be amended by increasing City's maximum indebtedness by \$1,625,000.00 for the current term expiring December 31, 2013, and by further increasing the City's maximum indebtedness by \$6,500,000.00 for the first renewal term to a new total maximum indebtedness not-to-exceed \$12,125,000.00 for the period from March 1, 2013 to December 31, 2014, and by exercising the first of four (4) one-year renewal options, with three (3) one (1) year renewal options remaining, and with all other provisions, terms, and conditions of said Agreement remaining unchanged; now therefore

IN CONSIDERATION of the Agreement and of the mutual covenants and promises hereinafter contained, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein and made a part hereof by this reference.

2. Section 2 of said Agreement is amended, in part, by increasing City's maximum indebtedness by \$1,625,000.00 for the current term expiring December 31, 2013, and by further increasing the City's maximum indebtedness by \$6,500,000.00 for the first renewal term to a new total maximum indebtedness not-to-exceed \$12,125,000.00 for the period from March 1, 2013 to December 31, 2014, and, as amended, shall read as follows:

“2. The Contractor will, at its own cost and expense, do the work required to be done and furnish the materials required to be furnished on said work in accordance with plans and specifications prepared by Right of Way and Grounds Maintenance, bid numbered SC-0437-13, bid date January 23, 2013, designated as SPECIFICATIONS FOR CITYWIDE MOWING AND LANDSCAPE MAINTENANCE SERVICES FY 2012-2013, and strictly in accordance with the advertisement calling for bids, plans, specifications, blueprints, addenda, requirements of the City of Jacksonville, proposal of the said Contractor, and award therefor (hereinafter collectively called the “Contract Documents”) now on file in the Office of the Division Chief of the Procurement Division of the City of Jacksonville, all of which are, by this reference, hereby specifically made a part hereof to the same extent as if fully set out herein for an amount not-to-exceed TWELVE MILLION ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$12,125,000.00), at and for the prices and on the terms contained in the Contract Documents.”

3. Section 6 of said Agreement is amended in part by exercising the first of four (4) one-year renewal options, with three (3) one (1) year renewal options remaining, and as amended shall read as follows:

“6. The period of service for this Contract shall be from the date of execution hereof until December 31, 2014, with three (3) consecutive, one (1) year renewal options exercisable in the sole discretion of the City.”

SAVE AND EXCEPT as expressly amended in this instrument, the provisions, terms, and conditions of said Agreement of March 1, 2013, shall remain unchanged and shall continue in full force and effect.

[Remainder of page left blank intentionally. Signature page follows immediately].

IN WITNESS WHEREOF, the parties hereto have duly executed this Second Amendment in duplicate, the day and year first above written.

ATTEST:

CITY OF JACKSONVILLE, FLORIDA

By James R. McCain, Jr.
James R. McCain, Jr.
Corporation Secretary



By Karen Bowling
Alvin Brown, Mayor
OWNER

ENCUMBRANCE & FUNDING INFORMATION IS FOUND ON THE NEXT PAGE.

ATTEST:

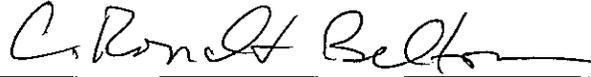
J&D MAINTENANCE AND SERVICES

Elaine Bailey
Signature
Elaine Bailey
Type/Print Name
Office Manager
Title

[Signature]
Signature
Rodney Evans
Rodney Evans
E.J. Crowell
E.J. Crowell
CONTRACTOR

Karen Bowling
Chief Administrative Officer
For: Mayor Alvin Brown
Under Authority of:
Executive Order No. 2013-04

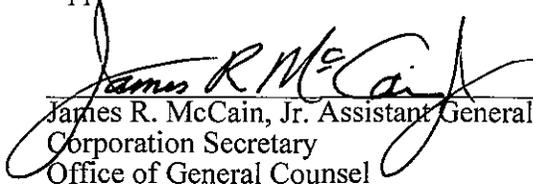
In accordance with Section 24.103(e), Ordinance Code, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing agreement; provided however, this certification is not nor shall it be interpreted as an encumbrance of funding under this Contract. Actual encumbrance[s] shall be made by subsequent purchase order[s], as specified in said Contract.



Director of Finance
City Contract #7994-04, Amd #2



Approved as to form:



James R. McCain, Jr. Assistant General Counsel
Corporation Secretary
Office of General Counsel

G:\Gov't Operations\JMcCain\PW\Amendments\J&D Maintenance Services #7994-04 Amd #2 - mowing, south and north areas.103013.rtf

Encumbrance and funding information for internal City use:

Increase for Current Period of Service (March 1, 2013 – December 31, 2013)

Account..... PWGM461MOW-03410

Amount..... \$225,000.00

Account..... PWGM011MOW03410

Amount..... \$1,400,000.00

Total..... \$1,625,000.00

Increase for First Renewal Period (January 1, 2014 – December 31, 2014)

Account..... PWGM461MOW-03410

Amount..... \$885,487.00

Account..... PWGM011MOW-03410

Amount..... \$2,653,520.00

Total..... \$6,500,000.00

TOTAL MAXIMUM INDEBTEDNESS \$12,125,000.00

This above stated amount is the maximum fixed monetary amount of the foregoing contract. It shall not be encumbered by the foregoing contract. It shall be encumbered by one (1) or more subsequently issued purchase order(s) that must reference the foregoing Contract. All financial examinations and funds control checking will be made using release purchase orders against a master blanket purchase order.

SUBJECT: CITYWIDE MOWING AND LANDSCAPE MAINTENANCE- NORTH & SOUTH AREAS

BID #: SC-0437-13

OPEN DATE: 1/23/2013

GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CONTRACT: SERVICE CONTRACT- DATE OF AWARD THRU DECEMBER 31, 2013, WITH FOUR (4), ONE (1) YEAR RENEWAL OPTIONS

AGENCY: ROW & GROUNDS

BASIS OF AWARD: TOTAL LUMP SUM BASE BID FOR EACH AREA TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER

NUMBER OF BIDS INVITED: (19) NUMBER RECEIVED: (2) OTHER (0)

SUMMARY OF BIDS AND RECOMMENDED ACTIONS:

RECOMMEND APPROVAL TO INCREASE AWARD DATED 06/24/13 BY \$1,625,000.00 TO J & D MAINTENANCE & SVCS TO PROVIDE ADDITIONAL SERVICES GRANTED BY THE CURRENT BUDGET AND TO COVER ADDITIONAL COSTS FOR "OPERATION URBAN BLIGHT", FOR PERIOD OF SERVICE THROUGH DECEMBER 31, 2013. TOTAL REVISED AWARD AMOUNT NOT-TO-EXCEED \$5,625,000.00.

FUNDING SOURCE FOR INCREASE: PWGM461MOW-03410- \$225,000.00; PWGM011MOW-03410- \$1,400,000.00

RECOMMEND APPROVAL OF AWARD TO UTILIZE THE FIRST RENEWAL OPTION WITH J & D MAINTENANCE & SVCS, FOR CITYWIDE MOWING AND LANDSCAPE MAINTENANCE- NORTH & SOUTH AREAS. PERIOD OF SERVICE WILL BE FROM DECEMBER 31, 2013 THROUGH DECEMBER 30, 2014, WITH THREE (3) RENEWAL OPTIONS REMAINING. ANNUAL EXPENDITURE AMOUNT FOR RENEWAL PERIOD WILL BE \$6,500,000.00. TOTAL AWARD AMOUNT NOT-TO-EXCEED \$12,125,000.00.

FUNDING SOURCE FOR RENEWAL: PWGM461MOW-03410- \$885,487.00; PWGM011MOW-03410- \$2,653,520.00; THE ADDITIONAL FUNDS WILL BE FORTHCOMING FROM COUNCIL, AND THE REMAINING INCREASE WILL BE ENCUMBERED AS FUNDING BECOMES AVAILABLE.

ATTACHMENTS: RECOMMENDATION MEMO, VENDOR LETTER, PREVIOUS AWARDS

BUYER: Marilyn Laidler RESPECTFULLY SUBMITTED Gregory Pease
MRL MARILYN LAIDLER GREGORY PEASE, CHIEF
PROCUREMENT DIVISION

CONCURRENCE BY: L.W. "TERRY" THERIAULT, P.E., CHIEF, ROW & GROUNDS MAINTENANCE DIVISION

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)

ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING 0 DATE: 10/24/13

[Signature]
[Signature]
[Signature]

OTHER: _____

ACTION OF AWARDING AUTHORITY _____ DATE 10/24/13

APPROVED DISAPPROVED

OTHER _____

SIGNATURE OF AUTHENTICATION Karen Bowling

Karen Bowling
Chief Administrative Officer
For: Mayor Alvin Brown
Under Authority of:
Executive Order No. 2013-04

**J&D MAINTENANCE AND SERVICES
PO BOX 37389
JACKSONVILLE, FLORIDA 32236
TELEPHONE (904) 384-8411
FAX (904) 387-0851**

October 9, 2013

City of Jacksonville
Right-of-Way and Grounds Maintenance Division
609 St. Johns Bluff Road North
Jacksonville, Florida 32225

Attn: Citywide Mowing & Landscape Maintenance Services
ESC-0437-13

We are requesting that the first option year be granted in accordance with the above listed contract. All prices will remain the same.

If you have any questions please call 219-7941.

Thank you.



Rodney D. Evans
Owner/Partner