# FIFTH AMENDMENT TO CONTRACT BETWEEN THE CITY OF JACKSONVILLE AND

## OREM ENTERPRISES, LLC d/b/a PESTMASTER SERVICES OF JACKSONVILLE FOR VEGETATION MANAGEMENT COUNTYWIDE

THIS FIFTH AMENDMENT to Contract is executed as of this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 2015, by and between the CITY OF JACKSONVILLE, a municipal corporation in Duval County, Florida (hereinafter the "Owner" or the "City"), and OREM ENTERPRISES, LLC d/b/a PESTMASTER SERVICES OF JACKSONVILLE, a Florida limited liability company with principal office at 1170 Giovanni Street, Deltona, Florida 32725 (hereinafter the "Contractor"), for vegetation management countywide (hereinafter the "Project").

#### **RECITALS:**

WHEREAS, on April 11, 2014, City and Contractor made and entered into City of Jacksonville Contract No. 7809-04 (hereinafter the "Contract"); and

WHEREAS, said Contract has been amended four times previously; and

WHEREAS, said Contract should be amended further by providing annual funding in an amount not-to-exceed \$545,972.96 for the second renewal period from October 1, 2015, through September 30, 2016, so as to increase the maximum indebtedness to a new total expenditure not-to-exceed \$1,009,545.92 for the period April 11, 2014, through September 30, 2016, and by exercising the second of three (3) renewal options so as to extend the period of service from October 1, 2015, through September 30, 2016, with one (1) one (1)-year renewal option remaining, and with all other provisions, terms, and conditions of the Contract remaining unchanged; now therefore

IN CONSIDERATION of the premises and of the mutual covenants and agreements 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 Contract is amended by providing annual funding in an amount not-to-exceed \$545,972.96 for the second renewal period from October 1, 2015, through September 30, 2016, so as to increase the maximum indebtedness to a new total expenditure not-to-exceed \$1,009,545.92 for the period April 11, 2014, through September 30, 2016, 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 the Right of Way and Grounds Maintenance Division of the Department of Public Works of the City of Jacksonville, bid numbered SC-0442-14, bid date March 12, 2014, designated as *Bid Specifications for Vegetation Management Countywide*, 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 the "Contract Documents") now on file in the Office of the Chief of the Procurement Division of the City of Jacksonville, all of which are by this reference specifically made a part hereof to the same extent as if fully set out herein, in the total amount not-to-exceed ONE MILLION NINE THOUSAND FIVE HUNDRED FORTY-FIVE AND 92/100 USD (\$1,009,545.92), at and for the prices and on the terms contained in the Contract Documents."

3. Section 4 of said Contract is amended by exercising the second of three (3) renewal options so as to extend the period of service from October 1, 2015, through September 30, 2016, with one (1) one (1)-year renewal option remaining, and as amended shall read as follows:

"4. The term of this Contract shall commence as of April 11, 2014, and shall continue in full force and effect as to all of its provisions, terms, and conditions, unless earlier terminated as provided in the Contract Documents, until September 30, 2016; provided, however, this Contract may be renewed, in the sole discretion of Owner, for one (1) additional one (1)-year term upon conditions that are mutually acceptable to the parties.

**SAVE AND EXCEPT** as expressly amended in and by this instrument, the provisions, terms, and conditions of said City of Jacksonville Contract No. 7809-04, as previously amended, 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 Fifth Amendment in duplicate the day and year first above written.

ATTEST:	CITY OF JACKSON VILLE, FLORIDA
By James R. McCain, Jr. Corporation Secretary	Lenny Curry, Mayor.  OWNER  Sam E. Mousa Chief Administrative Officer
WITNESS:	For: Mayor Lenny Curry Under Authority of: Executive Order No. 2015-05 OREM ENTERPRISES, LLC d/b/a PESTMASTER SERVICES OF JACKSONVILLE
Kandell Allen Signature	Laura Orem Signature
Signature  **Ranchall Aller**  Type/Print Name	LAURA OREM Type/Print Name  Uce Bresident
Title	Vice President
	CONTRACTOR
Approved as to form:	

Assistant General Counsel

#### **ENCUMBRANCE & FUNDING INFORMATION:**

Account PWML461SW-03410:

\$535,972.96

Account PWML011-03410:

\$ 10,000.00

Total for 10/01/15 through 09/30/16:

\$545,972.96

TOTAL MAXIMUM INDEBTEDNESS: \$1,009,545.92

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(s) that must reference the foregoing Contract. All financial examinations and funds control checking will be made at the time such check request(s) are issued.

In accordance with Section 24.103(e), of the Ordinance Code of the City of Jacksonville, 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 #7809-04, Amd #5



### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 9/21/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW, THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an the terms and conditions of the policy, certa certificate holder in lieu of such endorseme	in policies may require an ei	policy(i ndorser	es) must be ment. A stat	endorsed. ement on th	if SUBROGATION is certificate does	IS WAIVEE not confer	), subject to rights to the
PRODUCER		CONTAC NAME:	T Certifi	cate Depa	artment		
Leavitt Ins Services of So Ca. #0F13098	lifornia	PHONE (A/C, No	Ext): (714)	569-2700	FAX (A/C	( , No): (714)!	569-3099
W		ADDRES		•	vitt.com		<del>-</del>
1820 E. First Street, Ste 500		<u> </u>			DING COVERAGE		NAIC #
Santa Ana CA 92705		INSURE	<sub>RA:</sub> StarNe	et Insura	ance Company		40045
INSURED		INSURE	RB:				<u> </u>
Orem Enterprises, LLC		INSURE		· · · · · · · · · · · · · · · · · · ·			
dba Pestmaster Services of Ja	cksonville, FL	INSURE			BY WRITTEN		<u> </u>
1170 Giovanni St		INSURE	RE: CO	NTRACT*	**		
Delton FL 32725		INSURE	R F :				
	ATE NUMBER:2014 Orem				REVISION NUMBE		LIOV PEDIOD
THIS IS TO CERTIFY THAT THE POLICIES OF IN INDICATED. NOTWITHSTANDING ANY REQUIRE CERTIFICATE MAY BE ISSUED OR MAY PERIOD EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.	EMENT, TERM OR CONDITION AIN, THE INSURANCE AFFORDI CIES. LIMITS SHOWN MAY HAVE	OF ANY	CONTRACT THE POLICIES REDUCED BY	OR OTHER D S DESCRIBED PAID CLAIMS	OOCUMENT WITH RE HEREIN IS SUBJE	ESPECT TO CT TO ALL	WHICH THIS
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	Services; Pesticide	or			PERSONAL & ADV INJU	RY \$	2,000,000
	Herbicide Applicable	,			GENERAL AGGREGATE	\$	4,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:	Crge; Pollution Liab	ility			PRODUCTS - COMP/OP	AGG \$	4,000,000
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ANY AUTO					BODILY INJURY (Per per	rson) \$	
ALL OWNED SCHEDULED AUTOS					BODILY INJURY (Per ac	cident) \$	
AUTOS AUTOS HIRED AUTOS AUTOS AUTOS					PROPERTY DAMAGE (Per accident)	\$	
						\$	
UMBRELLA LIAB OCCUR					EACH OCCURRENCE	s	
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WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATU- TORY LIMITS	OTH- ER	
ANY PROPRIETOR/PARTNER/EXECUTIVE					E.L. EACH ACCIDENT	\$	
OFFICER/MEMBER EXCLUDED? N / A (Mandatory In NH)					E.L. DISEASE - EA EMP	LOYEE \$	
If yes, describe under DESCRIPTION OF OPERATIONS below	f				E.L. DISEASE - POLICY	LIMIT \$	
		i					
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (A RE: Contract No. 7809-04 The Fif City of Jacksonville is named as IL1201 1185P attached.							ement
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CERTIFICATE HOLDER		CANC	ELLATION		· · · · · · · · · · · · · · · · · · ·		
City of Jacksonville	490	THE	EXPIRATION	N DATE THE	ESCRIBED POLICIES EREOF, NOTICE W Y PROVISIONS.		
117 W. Duval Street, Suit Jacksonville, FL 32202	Se 450	AUTHO	RIZED REPRESE	NTATIVE		=6 1	n 200-



#### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 9/21/2015

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

Ce	rtificate holder in lieu of such endor	seme	ent(s)	l <u>.</u>						
PROI	DUCER				CONTAI NAME:			1 ===0		
Lea	vitt Ins Services of So	Ca	lif	Cornia	PHONE (A/C, No	). Ext): ( <u>/ <del></del> - /</u>	569-2700	(A/C, No):	(714) 5	59-3099
	13098				E-MAIL ADDRE	ss:				<del></del>
182	0 E. First Street, Ste	500	)			INS	URER(S) AFFOR	IDING COVERAGE		NAIC#
Sar	ita Ana CA 92	705	i		INSURE	RA:Star ]	Insurance	e Company		18023
INSU	RED				INSURE	RB:				
Ore	em Enterprises, LLC				INSURE	RC:				
dba	a/Pestmaster Services of	Ja	ıcks	onville,FL	INSURE	RD:				<u> </u>
117	0 Giovanni St				INSURE	RE:				
De.	tona FL 32			<u>.</u>	INSURE	RF:				<u> </u>
				NUMBER:15-16 WC				REVISION NUMBER:		
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INSR LTR	TYPE OF INSURANCE	ADDL	SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	S	
	GENERAL LIABILITY							EACH OCCURRENCE	\$	
	COMMERCIAL GENERAL LIABILITY							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	
	CLAIMS-MADE OCCUR		]					MED EXP (Any one person)	\$	
			İ					PERSONAL & ADV INJURY	\$	
								GENERAL AGGREGATE	\$	_
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	POLICY PRO- JECT LOC	<u> </u>	<u> </u>					COMPUED CINIOLE LIMIT	\$	
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	\$	
	ANY AUTO ALL OWNED SCHEDULED							BODILY INJURY (Per person)	\$	_
	AUTOS AUTOS NON-OWNED	i	ŀ					BODILY INJURY (Per accident) PROPERTY DAMAGE	\$	
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	CEA[MS-IMADE	4	i				  -	AGGREGATE	\$	_
A	DED RETENTION \$ WORKERS COMPENSATION		-					X WC STATU- OTH- TORY LIMITS ER	\$	
	AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE								•	1 000 000
	OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A		WC0739128		7/16/2015	7/16/2016	E.L. EACH ACCIDENT  E.L. DISEASE - EA EMPLOYEE	\$	1,000,000 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below								\$	1,000,000
	DESCRIPTION OF OPERATIONS BEIOW	†	<del>                                     </del>					E.E. DIGENOL - I OCIOT CIMIT	. •	
DESC	RIPTION OF OPERATIONS / LOCATIONS / VEHIC	LES (	Attach	ACORD 101, Additional Remarks	Scheduk	, if more space I	s required)			
_	Contract No. 7809-04 The	Fii	cn.	Amendment for Vege	etati	on Manage	ment Cour	ntywide Contract		
EV.	dence of Coverage									
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CEF	RTIFICATE HOLDER				CANO	CELLATION				
	City of Jacksonville 117 W. Duval Street,	<b>C</b> 111	to	490	THE	EXPIRATION	N DATE TH	ESCRIBED POLICIES BE CA EREOF, NOTICE WILL E CY PROVISIONS.		
	Jacksonville, FL 322			<del></del>	AUTHO	RIZED REPRESE	NTATIVE			

Gary Wells/CHYEOM

D.	With	respect to the insurance afforded to these additional insureds, the following additional exclusion applies:
	This of, o	insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering or the failure to render, any professional architectural, engineering or surveying services, including:
	1.	The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
	2.	Supervisory, inspection, architectural or engineering activities.
All of	thert	terms, conditions and exclusions under the policy are applicable to this Endorsement and remain unchanged.

Authorized Representative Signature

SUBJECT: VEGETATION MANAGEMENT COUNTYWIDE

BID# SC-0442-14

OPEN DATE: 2014-03-12

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#### GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CO SERVICE CONTRACT - F RENEWAL OPTIONS		F AWARD THROUGH SEP	TEMBEI	9 30, 2014, V	VITH THREE (3	) ONE (1) YEAR
AGENCY: ROW 8	& GROUNDS					
BASIS OF AWARD: TO	TAL BASE B	<u>ÍD TO THE LOWEST RE</u>	SPONS	IVE, RESP	ONSIBLE BID	DER
NUMBER OF BIDS INVIT	ED 6	NUMBER RECEIVED	3	OTHER	0	

#### SUMMARY OF BIDS AND RECOMMENDED ACTIONS:

Recommend approval to utilize the second renewal option with Orem Enterprises, LLC dba Pestmaster Services of Jacksonville. Period of Service is from October 1, 2015 through September 30, 2016. Total revised estimated annual expenditure in the amount of \$545,972.96, for a not to exceed expenditure amount of \$1,009,545.92.

Funding for this award to be encumbered by the following accounts and executed by purchase order:

PWML461SW-03410 - \$535,972.96 PWML011-03410 - \$10,000.00

Attachments: Recommendation Memo, Vendor Letter, Previous Awards

6

This award is subject to appropriation by the City in the fiscal year beginning October 1, 2015. No funds have been appropriated to date. The City has no obligation for payment and work hereunder is not authorized unless funds are appropriated for the work herein. A written notification will be provided in the event that funds are appropriated.

BUYER: RESPECTFULLY SUBMITTED: GREGORX PEASE, CHIEF **ANNETTE BURNEY** PROCUREMENT DIVISION

CONCURRENCE BY: Dave McDaniel, Chief, Mowing and Landscape Maintenance Division

	(ALL AWARD ACTIONS SUBJ ACTION OF GGAC COMM MEMBERS APPROVING MEMBERS	JITTEE ON RECOMMENDATION	ONS ABOVE
	Catherine Slows		OTHER:
C	James KIRCa, k		
ر. ز	AZTION OF AWARDING JUTHORITY	DATE	6/27/15
MAC	APPROVED	DISAPPROVED	/
11:	OTHER		
	SIGNATURE OF AUTHENTICATION	am a Maria	
	$l_{c}$	\	

San Revised 12/2007 Chief Administrative Officer For: Mayor Lenny Curry Under Authority of: Executive Order No. 2015-05

## Jacks Onville Where Florida Begins.

## Requisition

City of Jacksonville 214 N. Hogan Street, Suite 800 Jacksonville, FL 32202 Informal Quote Ending Date Requisition No.

REQ178303

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Н	
1	Public Works
Р	MOWING AND LANDSCAPE MAINTENANCE
.	609 St. Johns Bluff Road N.
Ţ	Jacksonville, FL 32225
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L
Finance Services Department
General Accounting Division
117 W. Duval Street, Suite 375
T
Henry Noles, Accounts Payable Supervisor
D Jacksonville, FL 32202

	Requesting Department	Buyer		F	hone #	Requisition Type
	Public Works					Release
Item	Des	cription	Quantity	Unit	Unit Price	Total
1.00		COUNTYWIDE- OREM ENTERPRIES, VICES OF JACKSONVILLE; BID	1.00	EA	\$250,000.00	\$250,000.00
	FY/Account Code	Dollar Amount				
<b>[</b>	16/ PWML461SW-03410	\$250,000.00				
1						
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					Subtotal:	\$250,000.00
					Odbiolai,	φ200,000.00
					Discount:	\$0.00
					TOTAL:	\$250,000.00

RTIFY THAT FUNDS FOR THIS PURCHASE WERE AUTHORIZED AND WIDED FOR IN THE CURRENT BUDGET.		
	AUTHORIZED	SIGNATURE
		TITLE
	DATE	PHONE

## Jacks Onville Where Florida Begins.

### Requisition

City of Jacksonville 214 N. Hogan Street, Suite 800 Jacksonville, FL 32202

Informal Quote Ending Date	Requisition No.
	REQ178971

S	
H.	
1	Public Works
P	MOWING AND LANDSCAPE MAINTENANCE
	609 St. Johns Bluff Road N.
T	Jacksonville, FL 32225
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Finance Services Department
General Accounting Division
117 W. Duval Street, Suite 375
Henry Noles, Accounts Payable Supervisor
Jacksonville, FL 32202

	Requesting Department	Buyer		F	hone #	Requisition Type	
	Public Works	Marilyn Laidler		(904)	255 - 8804	Release	
Item	Description Quantity Unit Unit Price		Total				
1.00	FY2016 - VEGETATION MANAGEN OREM ENTERPRIES, LLC, DB, JACKSONVILLE; BID #SC-0442-14		1.00	EA	\$10,000.00	\$10,000.00	
	FY/Account Code	Dollar Amount					
	16/ PWML011-03410	\$10,080.00					
	:				Subtotal:	\$10,000,00	
					Subtotal:	\$10,000.00	
					Discount:	\$0.00	
					TOTAL:	\$10,000.00	

I CERTIFY THAT FUNDS FOR THIS PURCHASE WERE AUTHORIZED AND PROVIDED FOR IN THE CURRENT BUDGET.

AUTHORIZED SIGNATURE

TITLE

DATE PHONE