

10053  
Amd 3

**THIRD AMENDMENT TO CONTRACT  
(PAID BY SUBSEQUENT PURCHASE ORDER)  
BETWEEN  
THE CITY OF JACKSONVILLE  
AND  
LEWIS TREE SERVICE, INC.  
FOR  
HAZARDOUS TREE SERVICES, TREE PRUNING,  
AND RIGHT-OF-WAY ENCROACHMENT CLEARING**

**THIS THIRD AMENDMENT** to Contract for hazardous tree services, tree pruning, and right-of-way encroachment clearing (hereinafter the "Project") is executed as of this 3 day of Aug, 2015, by and between the CITY OF JACKSONVILLE, FLORIDA, a municipal corporation in Duval County, Florida, (hereinafter the "Owner" or the "City"), and LEWIS TREE SERVICE, INC., a foreign profit corporation with principal address at 300 Lucius Gordon Drive, West Henrietta, New York 14586 (hereinafter the "Contractor").

**RECITALS:**

**WHEREAS**, on November 4, 2014, the parties made and entered into City Contract #10053 (hereinafter the "Contract") for the Project; and

**WHEREAS**, said Contract has been amended twice previously; and

**WHEREAS**, said Contract should be amended by increasing the award by \$359,777.06 to a new cumulative total maximum indebtedness not-to-exceed \$2,012,495.46, with all other provisions, terms, and conditions of said Contract remaining unchanged; now therefore

**IN CONSIDERATION** of the Contract and of the mutual covenants and agreements hereinafter contained and for other good and valuable consideration which the parties admit is legally sufficient, the parties agree as follows:

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

2. Section 2 of said Contract is amended by increasing the award by \$359,777.06 to a new cumulative total maximum indebtedness not-to-exceed \$2,012,495.46, and as amended shall read as follows:

“2. The Contractor will, at its own cost and expense, do the work required to be done on said Project and, if asked by the City, furnish the materials required to be furnished on said Project in accordance with plans and specifications prepared by the Mowing and Landscape Maintenance Division of the Department of Public Works entitled *Bid Specifications for Hazardous Tree Services, Tree Pruning, and Right-of-Way Encroachment Clearing*, City of Jacksonville Bid Number CP-0004-15, Bid Date September 3, 2014, 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 hereby specifically made a part hereof and incorporated herein by this reference to the same extent as if fully set out herein, for a total amount not-to-exceed TWO MILLION TWELVE THOUSAND FOUR HUNDRED NINETY-FIVE AND 46/100 DOLLARS (\$2,012,495.46) for the Project, at and for the prices and on the terms contained in the Contract Documents; *provided however*, the above-stated amount will not be encumbered by this Contract. Instead, it will be encumbered in whole by a subsequently issued Master Blanket Order for all work involved at all locations. Such Master Blanket Order shall be binding upon the parties hereto and must incorporate the provisions of this Contract. All funds control checking shall be made and performed at the time such Master Blanket Order issued.”

**SAVE AND EXCEPT** as expressly amended by this instrument, the provisions, terms, and conditions of said Agreement of November 4, 2014, as previously amended, shall remain unchanged

and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Third 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 *Samuel Mousa*  
Lenny Curry, Mayor



OWNER

Sam E. Mousa  
Chief Administrative Officer  
For Mayor Lenny Curry  
Under Authority of:  
Executive Order No. 2015-05

WITNESS:

LEWIS TREE SERVICE, INC.

*Jillian M. Stapleton*  
Signature  
Jillian M. Stapleton  
Type/Print Name  
Bid & Contract Coordinator  
Title

*James W. Stenger*  
Signature  
James W. Stenger  
Type/Print Name  
Senior Vice President/CFO  
Title

CONTRACTOR

Encumbrance, funding information, and approval as to form for internal City use are contained on the following page.

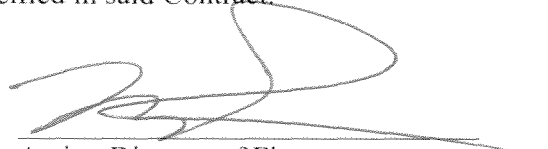
**Encumbrance and funding information for internal City use:**

**Account PWML011TR-03410: \$201,000.00**  
**Account PWML461SW-03410: \$108,777.06**  
**Additional intradepartmental use via PWSW and PWGM: \$50,000.00**

**Total Amount..... \$2,012,495.46**

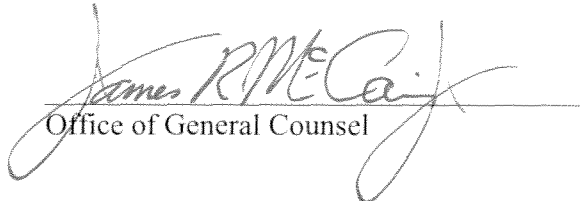
**This above stated amount is the maximum fixed monetary amount of the foregoing contract. It shall not be encumbered by the foregoing contract. It shall be encumbered by a subsequently issued Master Blanket Order that must reference the foregoing Contract. All financial examinations and funds control checking will be made at the time such Master Blanket Order is 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 Master Blanket Order, as specified in said Contract.

  
Acting Director of Finance  
City Contract #10053, Amd #3

*ms*

Approved as to form:

  
Office of General Counsel



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/29/2014

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 ADDITIONAL INSURED, the policy(ies) 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).

<b>PRODUCER</b> MARSH USA INC. 70 LINDEN OAKS, SUITE 310 ROCHESTER, NY 14625 Attn: Upstate.certrequest@Marsh.com Fax: 212-948-0930	<b>CONTACT NAME:</b> _____	
	<b>PHONE (A/C, No, Ext):</b> _____	<b>FAX (A/C, No):</b> _____
<b>E-MAIL ADDRESS:</b> _____		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
310001-MAIN-CAS-14-15                      16	<b>INSURER A:</b> ACE American Insurance Company	22687
<b>INSURED</b> LEWIS TREE SERVICE, INC. ATTN: RISK MANAGEMENT DEPARTMENT 300 LUCIUS GORDON DRIVE WEST HENRIETTA, NY 14586-9686	<b>INSURER B:</b> Indemnity Ins Co Of North America	43575
	<b>INSURER C:</b> N/A	N/A
	<b>INSURER D:</b> N/A	N/A
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:** NYC-005846263-29                      **REVISION NUMBER:** 5

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			HDOG27338689	11/01/2014	11/01/2015	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMPI/OP AGG	\$ 2,000,000
								\$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS  <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ISAH08829391	11/01/2014	11/01/2015	COMBINED SINGLE LIMIT (Ea accident)	\$ 3,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE  DED      RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WLRC48137660 (AOS)	11/01/2014	11/01/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	
A				WLRC48137672 (MA)	11/01/2014	11/01/2015	<input type="checkbox"/> OTHER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
City of Jacksonville is added as Additional Insured.

<b>CERTIFICATE HOLDER</b>  City of Jacksonville Procurement & Supply Division 117 W. Duvall Street Suite 335 Jacksonville, FL 32202	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Kimberly M Tortora <i>Kimberly M Tortora</i>
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SUBJECT: HAZARDOUS TREE SRVS, TREE PRUNING AND RIGHT- OF- WAY ENCROACHMENT CLEARING

BID# CP-0004-15

OPEN DATE: 2014-09-03

**GENERAL GOVERNMENT AWARDS COMMITTEE**

KIND AND BASIS OF CONTRACT:

CONSTRUCTION PARTICIPATION- ONE YEAR BEGINNING ON THE DATE OF BLANKET ORDER WITH THREE (3) ONE (1) YEAR RENEWAL OPTIONS

AGENCY: ROW & GROUNDS

BASIS OF AWARD: LOWEST RESPONSIVE, RESPONSIBLE BIDDER

NUMBER OF BIDS INVITED 4 NUMBER RECEIVED 1 OTHER 1

**SUMMARY OF BIDS AND RECOMMENDED ACTIONS:**

Subject bid was awarded on 09/19/14 to Lewis Tree Service, Inc. (contract #10053), in the amount of \$752,718.40; Increased on 12/04/14 in the amount of \$700,000.00; Increased on 04/30/15 in the amount of \$200,000.00.

Recommend approval to increase award by \$359,777.06 to Lewis Tree Service, Inc., for a revised total estimated expenditure amount not-to-exceed \$2,012,495.46.

Funding for this award to be encumbered by account(s): PWML011TR-03410- \$201,000.00; PWML461TR-03410- \$108,777.06; Additional Intradepartmental use via PWSW and PWGM- \$50,000.00 to be executed by contract amendment #3 through Office of General Counsel and released by individual Purchase Orders.

Attachments: Recommendation Memo, Previous Award(s)

BUYER: Marilyn Laidler  
MARILYN LAIDLER

RESPECTFULLY SUBMITTED: Gregory Pease  
GREGORY PEASE, CHIEF  
PROCUREMENT DIVISION

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

**(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)**

ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING 0 DATE: 7/1/15

OTHER: \_\_\_\_\_

ACTION OF AWARDDING AUTHORITY

DATE: 7/01/15

APPROVED ✓

DISAPPROVED \_\_\_\_\_

Sam E. Mousa  
Chief Administrative Officer  
For: Mayor Lenny Curry  
Under Authority of:

OTHER \_\_\_\_\_

Executive Order No. 2015-05

SIGNATURE OF AUTHENTICATION Sam E. Mousa