

10053
Amd 4

**FOURTH 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 FOURTH AMENDMENT to Contract for hazardous tree services, tree pruning, and right-of-way encroachment clearing (hereinafter the "Project") is executed as of this 20 day of Oct, 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 three (3) times previously; and

WHEREAS, said Contract should be amended by increasing the award by \$200,000.00 to a new cumulative total maximum indebtedness not-to-exceed \$2,212,495.46, 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 \$200,000.00 to a new cumulative total maximum indebtedness not-to-exceed \$2,212,495.46, 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 TWO HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-FIVE AND 46/100 DOLLARS (\$2,212,495.46) 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.”

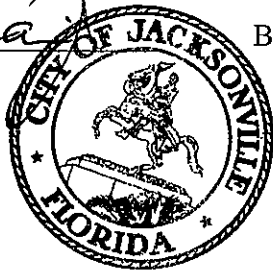
SAVE AND EXCEPT as expressly amended by this instrument, the provisions, terms, and conditions of said Agreement of November 4, 2014, as previously amended, shall remain unchanged and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Fourth 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 Lenny Curry
Lenny Curry, Mayor

OWNER

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

LEWIS TREE SERVICE, INC.

WITNESS:

Jillian Skipton
Signature

Jillian Skipton
Type/Print Name

Bid 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.

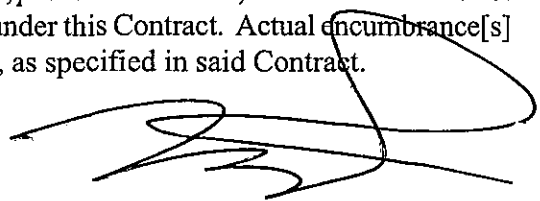
Encumbrance and funding information for internal City use:


Account PWML011TR-03410: \$200,000.00

Total Amount..... \$2,212,495.46

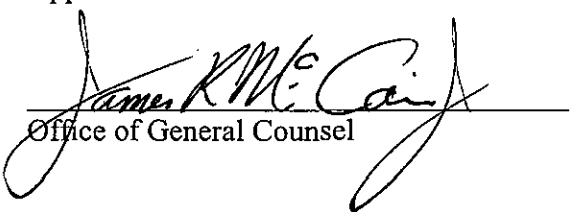
This above stated amount is the maximum fixed monetary amount of the foregoing contract. It shall not be encumbered by the foregoing contract. It shall be encumbered by a subsequently issued individual purchase orders that must reference the foregoing Contract. All financial examinations and funds control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



Acting Director of Finance
City Contract #10053, Amd #4 

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).

PRODUCER MARSH USA INC. 70 LINDEN OAKS, SUITE 310 ROCHESTER, NY 14625 Attn: Upstate.certrequest@Marsh.com Fax: 212-948-0930	CONTACT NAME: _____	
	PHONE (A/C, No, Ext): _____	FAX (A/C, No): _____
E-MAIL ADDRESS: _____		
INSURER(S) AFFORDING COVERAGE		NAIC #
310001-MAIN-CAS-14-15 16	INSURER A: ACE American Insurance Company	22667
INSURED LEWIS TREE SERVICE, INC. ATTN: RISK MANAGEMENT DEPARTMENT 300 LUCIUS GORDON DRIVE WEST HENRIETTA, NY 14586-9686	INSURER B: Indemnity Ins Co Of North America	43575
	INSURER C: N/A	N/A
	INSURER D: N/A	N/A
	INSURER E:	
	INSURER F:	

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	GENERAL LIABILITY <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"/> PROJECT <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 - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED 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) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
B A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WLRC48137660 (AOS) WLRC48137672 (MA)	11/01/2014 11/01/2014	11/01/2015 11/01/2015	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER 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.

CERTIFICATE HOLDER City of Jacksonville Procurement & Supply Division 117 W. Duvall Street Suite 335 Jacksonville, FL 32202	CANCELLATION 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 OF 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 09/09/14 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 04/03/15 in the amount of \$200,000.00; Increased on 7/07/15 increased in the amount of \$359,777.06.

Recommend approval to increase award by \$200,000.00 to Lewis Tree Service, Inc., for a revised total estimated expenditure amount not-to-exceed \$2,212,495.46.

Funding for this award to be encumbered by account: PWML011TR-03410 to be executed by contract amendment #4 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 _____ DATE: 08/13/15

OTHER: _____

ACTION OF AWARDING AUTHORITY _____ DATE: 8/13/15

APPROVED DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION Sam E. Mousa

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

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) YR 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 12/4/14 in the amount of \$700,000.00.

Recommend approval to increase award by \$200,000.00, for a revised total estimated expenditure amount not-to-exceed \$1,652,718.40.

Funding for this award to be encumbered by account: PWML011TR-03410 to be executed by contract amendment #2 through Office of General Counsel and released by individual Purchase Orders.

Attachments: Recommendation Memo, Previous Award(s)

BUYER: Marilyn Laidler
MR MARILYN LAIDLER

RESPECTFULLY SUBMITTED: Martine Russell
for 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 _____ DATE: 04/30/15
OTHER: _____

ACTION OF AWARDDING AUTHORITY DATE: 4/30/15

APPROVED 3 DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION [Signature]
Cleveland Ferguson III
Deputy Chief Administrative Officer
For Mayor Alvin Brown
Under Authority of:
Executive Order No. 2015-01

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 DATE OF BLANKET ORDER, WITH THREE (3) ONE
(1) YR 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., in the amount of \$752,718.40.

Recommend approval to increase award by \$700,000.00, for a revised total estimated expenditure amount not-to-exceed \$1,452,718.40.

Funding for this award to be encumbered by accounts: PWML011TR-03410, PWML15F-04904, PWML461SW-03410 and PWML011PP-03410 to be executed by Purchase Orders.

Attachments: Recommendation Memo, Previous Award

W
MR
BUYER: Marilyn Laddler
MARILYN LADLER

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 _____ MEMBERS DISAPPROVING _____ DATE: _____

OTHER: _____

ACTION OF AWARDING AUTHORITY

DATE: 12/4/14

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

SUBJECT: HAZARDOUS TREE SRVS, TREE PRUNING AND RIGHT OF WAY ENCROACHMENT CLEARING

BID# CP-0004-15

OPEN DATE: 9/3/2014

GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CONTRACT:

CONSTRUCTION PARTICIPATION- ONE YEAR BEGINNING ON DATE OF BLANKET ORDER, WITH THREE (3) ONE (1) YR 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:

Recommend approval of award to Lewis Tree Service, Inc., as the lowest responsive, responsible bidder in the amount of \$752,718.40.

Funding for this award to be encumbered by the following account(s): PWML011TR-03410; PWML15F-04904; PWML461SW-03410, to be executed by individual Purchase Order(s).

Attachments: Recommendation Memo, Bid Tabulation Sheet, JSEB Letter, Basis of Award, Scope of Work

This award subject to appropriation by the City in the fiscal year beginning October 1, 2014. 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 work herein. A written notification will be provided in the event the funds are appropriated.

WNR
BUYER: Marilyn Landler
MARILYN LANDLER

RESPECTFULLY SUBMITTED: Greg Pease
GREGORY PEASE, CHIEF
PROCUREMENT DIVISION

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

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)

ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING _____ DATE: 09/18/14

[Signatures]

OTHER: _____

ACTION OF AWARDDING AUTHORITY

DATE: 9/19/14

APPROVED [Signature]

DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION

Karen Bowling
Karen Bowling
Chief Administrative Officer

For: Mayor Alvin Brown
Under Authority of: _____
Executive Order No. 2013-04



Purchase Order

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

VENDOR	Vendor Number: 00000655
	Lewis Tree Service, Inc.
	300 Lucius Gordon Drive
	West Henrietta, NY 14586-9686 Phone No: 585-436-3208

PO Date: 09/30/2015
Buyer: Marilyn Laidler
Phone #: (904) 255 - 8804
FOB: F.O.B., Destination
Terms: Net 30

Purchase Order Number
PO500577 : 17
Master Blanket
ALL PACKING SLIPS, INVOICES, AND CORRESPONDENCE MUST REFERENCE THIS NUMBER.

SHIP TO	Public Works
	MOWING AND LANDSCAPE MAINTENANCE
	609 St. Johns Bluff Road N.
	Jacksonville, FL 32225 Contact Victor Colon at (904)998-5384

INVOICE	Finance Services Department
	General Accounting Division
	117 W. Duval Street, Suite 375
	Jacksonville, FL 32202

Department		Bid Number		Requisition Number		Delivery Date					
Public Works				REQ178083		As Required					
Item	Description	Quantity	Unit	Unit Price	Total						
1	FY16 - ENCROACHMENT CLEARING HAZARDOUS TREE SRVS, TREE PRUNNING AND RIGHT OF WAY ENCROACHMENT CLEARING- PRICED IN ACCORDANCE WITH BID #CP-0004-15; VENDOR- LEWIS TREE SERVICES, INC. PERIOD OF SERVICE FROM 10/1/15 THRU 09/30/16	1.00	EA	\$200,000.00	\$200,000.00						
<table border="1"> <tr> <td>LN / FY / Account Code</td> <td>Dollar Amount</td> </tr> <tr> <td>1 / 16 / PWML011TR-03410</td> <td>\$200,000.00</td> </tr> </table>		LN / FY / Account Code	Dollar Amount	1 / 16 / PWML011TR-03410	\$200,000.00						
LN / FY / Account Code	Dollar Amount										
1 / 16 / PWML011TR-03410	\$200,000.00										
				Subtotal:	\$200,000.00						
				Freight:	\$0.00						
				Discount:	\$0.00						
				TOTAL:	\$200,000.00						
This is a Not to Exceed Blanket Order											

THIS ORDER IS SUBJECT TO THE GENERAL CONDITIONS ATTACHED HERETO.
 MANUFACTURER'S FEDERAL EXCISE TAX EXEMPT NO: 59-89-0120K
 FLORIDA STATE SALES AND USE TAX EXEMPTION NO: 85-8012621607C-8
 Revised Date: 01/14/2008

Approved By Gregory Pease, Chief Procurement Division