

**FIRST AMENDMENT TO CONTRACT
(PAID BY SUBSEQUENT PURCHASE ORDERS)
BETWEEN
THE CITY OF JACKSONVILLE
AND
JAX UTILITIES MANAGEMENT, INC.
FOR
ROADSIDE DITCH CLEANING & REHABILITATION**

THIS FIRST AMENDMENT to Contract is executed as of this 23RD day of December, 2014, by and between the CITY OF JACKSONVILLE, FLORIDA, a municipal corporation in Duval County, Florida (hereinafter the ACity@), and JAX UTILITIES MANAGEMENT, INC., a Florida profit corporation with principal address at 5465 Verna Boulevard, Jacksonville, Florida 32205 (hereinafter the AContractor@), for roadside ditch cleaning and rehabilitation (hereinafter the "Project").

RECITALS:

WHEREAS, City and Contractor made and entered into City of Jacksonville Contract No. 8258-15 (hereinafter the "Contract") on October 30, 2013, retroactive to September 26, 2013; and

WHEREAS, said Contract has not been amended previously; and

WHEREAS, said Contract should be amended by increasing the maximum indebtedness by \$1,500,000.00 to a new cumulative total maximum indebtedness not-to-exceed \$3,000,000.00 for the period September 26, 2013, through September 30, 2015, with all other provisions, terms, and conditions of said Contract remaining unchanged; now therefore

IN CONSIDERATION of the Agreement and the mutual promises and covenants herein contained and for other good, valuable, and legally sufficient consideration, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein by

this reference.

2. Section 2 of said Contract is amended in part by increasing the maximum indebtedness by \$1,500,000.00 to a new cumulative total maximum indebtedness not-to-exceed \$3,000,000.00 for the period September 26, 2013, through September 30, 2015, and as amended shall read as follows:

“2. The Contractor will do the work required to be done on said Project at its own cost and expense and, if asked by the City, furnish the materials required to be furnished on said Project in accordance with plans and specifications prepared by Right of Way and Grounds Maintenance entitled Specifications for Roadside Ditch Cleaning & Rehabilitation, City of Jacksonville Bid Number CP-0093-13, Bid Date September 4, 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 the AContract 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 THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00) 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 or in part by subsequently issued purchase order[s]. Such purchase order[s] 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 purchase orders are issued.”

SAVE AND EXCEPT as expressly amended in and by this instrument, the provisions,

terms, and conditions of the Contract shall remain in full force and effect.

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

ATTEST:

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



CITY OF JACKSONVILLE, FLORIDA

By Karen Bowling
Alvin Brown, Mayor

OWNER

WITNESS:

William Brannen
Signature

William Brannen
Type/Print Name

Secretary
Title

JAX UTILITIES MANAGEMENT, INC.

Charles D. Freshwater
Signature

Charles D. Freshwater
Type/Print Name

V.P.
Title

CONTRACTOR

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

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

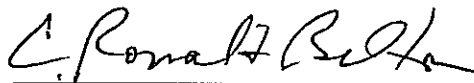
Encumbrance and funding information for internal City use:

Account..... PWGM461SW-03410


Amount.....\$3,000,000.00

The 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 Orders that must reference the foregoing Contract. All financial examinations and funds control checking will be made at the time such Purchase Order[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 # 8258-15
pro

Approved as to form:


Office of General Counsel