

CITY OF MARATHON, FLORIDA
RESOLUTION 2013-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A THIRD AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND GONZALEZ BROTHERS LANDSCAPING, INC. FOR LANDSCAPING AND FACILITIES MAINTENANCE SERVICES TO ADD MAINTENANCE OF SIX (6) WASTEWATER TREATMENT FACILITIES FOR A CONTRACT INCREASE OF \$72,000 ANNUALLY FOR A REVISED TOTAL CONTRACT AMOUNT OF \$430,400; AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2007 the City of Marathon, Florida (the "City") and Gonzalez Landscaping, Inc. ("Gonzalez") entered into a contract for landscaping and facilities maintenance at all of the City's parks and beaches (the "Contract"); and

WHEREAS, in 2009 the Contract was modified and extended by the City, and in 2011 the Contract was extended until September 30, 2013; and

WHEREAS, in 2013 the Contract was modified and extended by the City to September 30, 2015, as reflected in the Second Amendment to the Contract; and

WHEREAS, the City and Gonzalez desire to amend and extend the Contract, as reflected in the Third Amendment to the Contract as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Third Amendment between the City and Gonzalez, a copy of which is attached hereto as "Exhibit A", is hereby approved. The City Manager is authorized to execute the Third Amendment and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THIS 26th DAY OF NOVEMBER, 2013.

THE CITY OF MARATHON, FLORIDA


Dick Ramsay, Mayor

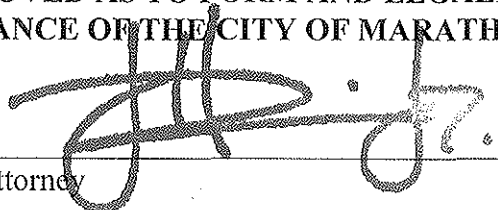
AYES: Bull, Keating, Senmartin, Snead, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:


City Attorney

**THIRD AMENDMENT TO CONTRACT
FOR
LANDSCAPE AND FACILITIES MAINTENANCE SERVICES**

This Third Amendment to the Contract for Landscape and Facilities Maintenance Services (the "Third Amendment") made and entered into this 26th day of November 2013 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as "City") and Gonzalez Landscaping Brothers, Inc., a Florida corporation, with its address at P.O. Box 501740, Marathon, Florida 33050 (hereinafter referred to as "Contractor").

WITNESSETH:

WHEREAS, on August 14, 2007, the City and Contractor entered into a Contract for Landscape and Facilities Maintenance Services (the "Contract"), a copy of which is attached to this Third Amendment as Exhibit "A"; and

WHEREAS, on July 14, 2009 the City and Contractor modified the Contract by a Change Order, a copy of which is attached to this Third Amendment as Exhibit "B"; and

WHEREAS, in 2011 the City and Contractor entered into a First Amendment to the Contract that extended the Contract until September 30, 2013, a copy of which is attached to this Third Amendment as Exhibit "C"; and

WHEREAS, in 2013 the City and Contractor entered into a Second Amendment to the Contract that extended the Contract until September 30, 2015, a copy of which is attached to this Third Amendment as Exhibit "D"; and

WHEREAS, the City and Contractor desire to further amend the Contract as set forth herein.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Third Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 2.2 Compensation/Payment is hereby revised.

Section 2.2.3 is revised as follows:

The Contractor shall be compensated at the unit-prices specified in the Bid-Schedule original contract and Amendments 1, 2 and 3 based upon the actual work completed for the month. Total contract amount through Amendment 3 is revised from \$358,400 to \$430,400.

Section 2.2.4 is revised as follows:

Upon proposal requested by City Manager or designee, the Contractor may perform additional services needed. Additional scope and locations are hereby added to the contract. Scope of Work - Landscape Maintenance for Wastewater Facilities is added (following table).

Scope of Work - Landscape Maintenance for Wastewater Facilities

| | <u>SA 7</u> | <u>Grassy Key</u> | <u>59255</u> | <u>Frequency</u> | <u>Amount</u> |
|----------|--|----------------------------|---------------------|------------------------|-------------------------|
| <u>1</u> | <u>WWTP</u> | <u>Wastewater Facility</u> | <u>Overseas Hwy</u> | | <u>\$1000 per month</u> |
| ▪ | <u>Mow and edge approximately 3500 sq ft grass – alley inside, near tanks west side and US1</u> | | | <u>Every two weeks</u> | |
| ▪ | <u>Remove weeds, vines, exotics from fence lines</u> | | | <u>As required</u> | |
| ▪ | <u>Trim shrubs at vehicle driveway and pedestrian access locations, gates and fence lines, and near piping on west side, Jolly Roger side, trim silver buttonwood sides only on US1 side</u> | | | <u>As required</u> | |
| ▪ | <u>Cut and Remove Coconuts from (12) Palms and Brown Palm Fronds and Seed Pods from Sabal Palms (22)</u> | | | <u>As required</u> | |
| ▪ | <u>Remove hanging branches, dead limbs, seed pods, brown palm fronds from trees</u> | | | <u>As required</u> | |

| | <u>SA 6</u> | <u>Coco Plum</u> | <u>100</u> | <u>Frequency</u> | <u>Amount</u> |
|----------|---|----------------------------|-----------------|------------------------|-------------------------|
| <u>2</u> | <u>WWTP</u> | <u>Wastewater Facility</u> | <u>Avenue I</u> | | <u>\$1000 per month</u> |
| ▪ | <u>Mow and edge approximately 1200 sq ft grass</u> | | | <u>Every two weeks</u> | |
| ▪ | <u>Remove weeds, vines, exotics from fence lines</u> | | | <u>As required</u> | |
| ▪ | <u>Trim shrubs at vehicle driveway and pedestrian access locations and gates fence lines</u> | | | <u>As required</u> | |
| ▪ | <u>Remove hanging branches, dead limbs, seed pods, brown palm fronds from trees</u> | | | <u>As required</u> | |
| ▪ | <u>Trim green buttonwood, remove exotics and weeds outside fence at marina parking and neighbor lot</u> | | | <u>As required</u> | |
| ▪ | <u>Cut and Remove Brown Palm Fronds and Seed Pods from Sabal Palms (19), Thatch (5)</u> | | | <u>As required</u> | |
| ▪ | <u>Remove dead beautyberry next to red containers</u> | | | <u>One time</u> | |
| ▪ | <u>Trim 150 ft green buttonwood and pitch apple inside fence side next to shed – trim 6 feet back</u> | | | <u>As required</u> | |

| | <u>SA 5</u> | <u>Little Venice</u> | <u>10685</u> | <u>Frequency</u> | <u>Amount</u> |
|----------|---|----------------------------|---------------------|------------------------|-------------------------|
| <u>3</u> | <u>WWTP</u> | <u>Wastewater Facility</u> | <u>Overseas Hwy</u> | | <u>\$1000 per month</u> |
| ▪ | <u>Mow and edge approximately 900 sq ft grass inside fence closest to Airport and outside fence US1 bike path</u> | | | <u>Every two weeks</u> | |
| ▪ | <u>Remove weeds, vines, exotics from Subway side fence line</u> | | | <u>As required</u> | |
| ▪ | <u>Trim gumbo limbo trees at vehicle driveway</u> | | | <u>As required</u> | |
| ▪ | <u>Remove hanging branches, dead limbs, seed pods, brown spots from trees</u> | | | <u>As required</u> | |
| ▪ | <u>Trim 150 ft green buttonwood next to bldg on US1 both fence sides</u> | | | <u>As required</u> | |

| | <u>SA 15</u> | <u>Area 5 Vacuum</u> | <u>7280</u> | <u>Frequency</u> | <u>Amount</u> |
|----------|-----------------------|----------------------|---------------------|------------------|-------------------------|
| <u>4</u> | <u>Vacuum Station</u> | <u>Station</u> | <u>Overseas Hwy</u> | | <u>\$1000 per month</u> |

- Mow and edge approximately 400 sq ft grass Every two weeks
- Remove weeds, vines, exotics from fence line As required
- Trim shrubs at vehicle driveway and pedestrian access locations, gates and fence lines As required
- Cut and Remove Brown Palm Fronds and Seed Pods from Sabal Palms (22), Thatch Palms (5)
- Stain Leaf trees (21) treat with pesticide As required

5 **SA 4** **Sombrero** **140** **Frequency** **Amount**
 WWTP **Wastewater Facility** **Sombrero** **Beach Rd** **\$1000 per month**

- Mow and edge approximately 700 sq ft grass Every two weeks
- Remove weeds, invasive grasses, vines, exotics from fence line As required
- Trim shrubs at vehicle driveway and pedestrian access locations, gates and fence lines As required
- Cut and Remove Brown Palm Fronds and Seed Pods from Sabal Palms (15), Thatch Palms (6) As required
- Trim 300 ft green buttonwood, cocoplum, pitch apple along rear driveway - trim 6 feet back As required
- Winn Dixie side – mow grass and trim 50 ft cocoplum, along driveway As required

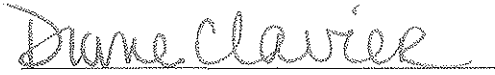
6 **SA 3** **Old Towne** **4095** **Frequency** **Amount**
 WWTP **Wastewater Facility** **Overseas** **Hwy** **\$1000 per month**

- Mow and edge approximately 1200 sq ft grass in retention pond unless covered with water Every two weeks
- Remove weeds, invasive grasses, vines, exotics from fence line As required
- Trim shrubs at gate entrance As required
- Remove dead trees As required
- Cut and Remove Brown Palm Fronds and Seed Pods from Sabal Palms (27), Thatch Palms (37) Dead branches from Gumbo Limbo (38) As required

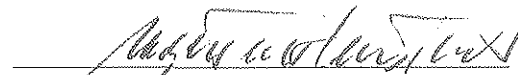
IN WITNESS WHEREOF, City and Contractor have set their hands and seals,
as of the day and year first above written.

Attest:

City Of Marathon, Florida

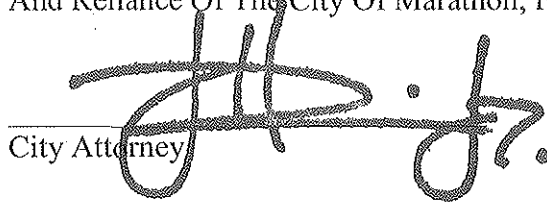


Diane Clavier
City Clerk



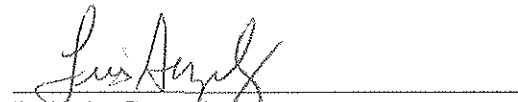
Roger Hernstadt
City Manager

Approved As To Form And Legality For The Use
And Reliance Of The City Of Marathon, Florida Only:



City Attorney

Gonzalez Brothers Landscaping, Inc.



Luis A. Gonzalez
President