



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # *8E*
November 9, 2017

~ **CRA BOARD SUMMARY** ~
**THIRD AMENDMENT TO LANDSCAPE MAINTENANCE AGREEMENT
w/ LV SUPERIOR LANDSCAPING, INC.**

At the August 27, 2015 CRA Board meeting, the Request for Bids (RFB) for Landscape Maintenance Services for CRA-Owned properties was awarded to LV Superior Landscaping, Inc. (LV) for \$62,496.00. On September 10, 2015, the CRA Board approved the Agreement for one (1) year with the option to renew the contract for one (1) additional one (1) year extension. The Agreement with LV was executed and effective one (1) year from October 1, 2015 to October 31, 2016. On June 23, 2016, the parties entered into a First Amendment to the Original Agreement to renew the Original Agreement for one (1) additional year to and including October 31, 2017.

On September 28, 2017, the CRA Board approved the Second Amendment to the Agreement with LV Superior Landscaping to extend the termination date up to and including November 30, 2017, as the award of the Request for Bids (RFB) that was scheduled for the CRA Board's consideration on October 12th, and the award and execution of an Agreement may not occur prior to the October 31st termination date.

At the October 12, 2017 CRA Board meeting the Board considered the responses to the Request for Bids for Landscape Maintenance Services for the CRA-owned properties and the Atlantic Avenue Gateway Feature. After discussing the item, the Board rejected the bids and authorized re-issuance of the RFB.

As the award of the RFB and execution of an Agreement will not occur prior to the November 30th termination date, the attached Third Amendment to the Agreement with LV Superior Landscaping to extend the termination date up to and including January 30, 2018, is before the Board for consideration. This will provide sufficient time to process the recently issued RFB and the associated agreement with the successful respondent.

Recommended Action:

Approve the Third Amendment to the Agreement with LV Superior Landscaping, Inc. to extend the termination date up to and including January 30, 2018.

Submitted By: DJ Lee Property/Project Manager

Attachments: Third Amendment to the Landscape Maintenance Agreement with LV Superior Landscaping, Inc.

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**THIRD AMENDMENT TO THE AGREEMENT FOR LAWN MAINTENANCE
SERVICES BETWEEN THE DELRAY BEACH COMMUNITY REDEVELOPMENT
AGENCY
AND LV SUPERIOR LANDSCAPING, INC.**

THIS THIRD AMENDMENT TO THE AGREEMENT FOR LAWN MAINTENANCE SERVICES ("Second Amendment") is made and entered into as of the _____ day of _____, 2017, by and between the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public agency created pursuant to Section 163, Part III, Florida Statutes, (hereinafter referred to as the "OWNER"), and LV Superior Landscaping, Inc., a Florida corporation, with a business address of 16059 Okeechobee Blvd., Loxahatchee, FL 33470 (hereinafter referred to as "CONTRACTOR").

WITNESSETH:

WHEREAS, on September 15, 2015, the OWNER and CONTRACTOR entered into an Agreement for Lawn Maintenance Services (the "Original Agreement"); and

WHEREAS, on June 23, 2016, the parties entered into a First Amendment to the Original Agreement to renew the Original Agreement for one (1) additional year up to and including October 31, 2017; and

WHEREAS, on September 28, 2017, the parties entered into a Second Amendment to the Original Agreement to extend the Original Agreement for an additional period of time up to and including November 30, 2017; and

WHEREAS, OWNER and CONTRACTOR desire to enter into this Third Amendment in order to extend the termination date of the Original Agreement up to and including January 30, 2018.

NOW THEREFORE, in consideration of the promises, mutual covenants, provisions and undertakings hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified as being true and correct, and incorporated herein.

SECTION 2. That pursuant to Section 1.3 of the Original Agreement, the OWNER and CONTRACTOR hereby agree to extend the termination date of the Original Agreement up to and including January 30, 2018.

SECTION 3. That except as amended herein, the OWNER and CONTRACTOR ratify, approve, and reaffirm the terms of the Original Agreement, and the Original Agreement shall remain in full force and effect, except as amended herein.

SECTION 4. In the event of any conflict or ambiguity by and between the terms and provisions of the First Amendment, the Second Amendment, this Third Amendment, and the Original Agreement, the terms and provisions of this Third Amendment shall control to the extent of any such conflict or ambiguity.

IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Lawn Maintenance Services Agreement on the date first written above.

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

BY: _____
ANNETTE GRAY, CHAIR

ATTEST:

JEFF COSTELLO, EXECUTIVE DIRECTOR

LV SUPERIOR LANDSCAPING, INC.

ATTEST:

By: _____
Print Name: _____
Title: _____

By: _____

(SEAL)

Print Name and Title

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared _____, as _____ authorized to do business in the State of Florida, and acknowledged executed the foregoing Agreement as the proper official of LV Superior Landscaping, Inc., for the use and purposes mentioned in it and affixed the official seal of the company, and that the instrument is the act and deed of that company. He is personally known to me or has produced _____ as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this _____ day of _____, 2018.

NOTARY PUBLIC

My Commission Expires: