

1 Introduced by Council Member Carlucci:
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4 **ORDINANCE 2023-241**

5 AN ORDINANCE APPROPRIATING \$15,000 FROM THE JAX
6 HAPPENINGS ACTIVITY WITHIN THE SPECIAL EVENTS
7 FUND TO THE GENERAL FUND OFFICE OF SPORTS AND
8 ENTERTAINMENT - SPECIAL EVENTS ACTIVITY TO
9 PROVIDE FUNDING FOR GREENSCAPE OF JACKSONVILLE,
10 INC. ("GREENSCAPE") TO HOST VARIOUS EVENTS AND
11 TO PROCURE SUPPLIES AND MATERIALS TO PROVIDE
12 ADDITIONAL CARE AND MAINTENANCE FOR TREES
13 RECENTLY PLANTED IN CERTAIN CITY PARKS;
14 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS
15 DESIGNEE, AND THE CORPORATION SECRETARY TO
16 EXECUTE AN AGREEMENT WITH GREENSCAPE; INVOKING
17 THE EXEMPTION IN SECTION 126.107(G)
18 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),
19 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
20 TO ALLOW A DIRECT CONTRACT WITH GREENSCAPE OF
21 JACKSONVILLE, INC.; WAIVING SECTION 118.107
22 (NONPROFITS TO RECEIVE FUNDING THROUGH A
23 COMPETITIVE EVALUATED AWARD PROCESS), PART 1
24 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),
25 *ORDINANCE CODE*, TO ALLOW A DIRECT CONTRACT WITH
26 GREENSCAPE; PROVIDING FOR OVERSIGHT BY THE
27 PARKS, RECREATION AND COMMUNITY SERVICES
28 DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

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30 **BE IT ORDAINED** by the Council of the City of Jacksonville:

31 **Section 1. Appropriation.** For the 2022-2023 fiscal year,

1 within the City's budget, there are hereby appropriated the indicated
2 sum(s) from the account(s) listed in subsection (a) to the account(s)
3 listed in subsection (b):

4 (The account information is attached hereto as **Exhibit 1** and
5 incorporated herein by this reference)

6 (a) Appropriated from:

7 See **Exhibit 1** \$15,000

8 (b) Appropriated to:

9 See **Exhibit 1** \$15,000

10 (c) Explanation of Appropriation:

11 The funding above represents an appropriation of \$15,000
12 to Greenscape of Jacksonville, Inc. ("Greenscape") for
13 supplies and materials to provide additional care for trees
14 recently planted in certain City parks. In addition, a
15 portion of the funds will be used to host smaller events
16 such as a tree planting activity for children and an
17 educational session on the benefits of trees.

18 **Section 2. Purpose.** The purpose of the appropriation in
19 Section 1 is to provide funding to Greenspace to provide additional
20 care for trees that have been recently planted in Lem Merrett Park,
21 Lew Brantley Park, Brentwood Golf Course, and at the S-Line Trailhead.
22 Greenscape intends to provide these services with the assistance of
23 volunteers and using Greenscape's own equipment. The funds
24 appropriated herein will be used to purchase mulch, and volunteer
25 supplies and materials (e.g. gloves, grabbers, trash bags, tree care
26 information pamphlets, etc.). In addition, a portion of the funds may
27 be used to host a small tree planting event targeted to children, and
28 to provide an educational session on the benefits of trees.

29 **Section 3. Approval and Authorization to Execute.** The
30 Mayor, or his designee, and the Corporation Secretary are hereby
31 authorized to execute and deliver an agreement between the City of

1 Jacksonville and Greenscape of Jacksonville, Inc., in a not-to-exceed
2 amount of \$15,000 providing the scope of services and terms and
3 conditions for Greenscape's use of the City funds in accordance with
4 the scope of services attached hereto as **Exhibit 2** and incorporated
5 herein by this reference. The agreement may include such additions,
6 deletions and changes as may be reasonable, necessary and incidental
7 for carrying out the purposes thereof, as may be acceptable to the
8 Mayor, or his designee, with such inclusion and acceptance being
9 evidenced by execution of the agreement by the Mayor, or his designee;
10 provided however, no modifications to the agreement may increase the
11 financial obligations of the City to an amount in excess of the amount
12 stated in the agreement or decrease the duties and obligations of
13 Greenscape, and any such modifications shall be technical only and
14 shall be subject to appropriate legal review and approval by the
15 Office of General Counsel and the Office of Risk Management for
16 appropriate insurance and indemnification terms. For the purposes of
17 this Ordinance, the term "technical changes" is defined as those
18 changes having no financial impact to the City and any other non-
19 substantive changes that do not substantively increase the duties and
20 responsibilities of the City under the provisions of the agreement.

21 **Section 4. Invoking the Exemption in Section 126.107(g)**
22 **(Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement**
23 **Code), Ordinance Code.** The City is hereby authorized to procure the
24 services of Greenscape of Jacksonville, Inc. for care and maintenance
25 of trees recently planted in certain City parks. Pursuant to Section
26 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
27 (Procurement Code), *Ordinance Code*, such procurement is exempted from
28 competitive solicitation because the supplies or services are to be
29 provided by those specifically prescribed within authorizing
30 legislation that appropriates the same. With the exception of the
31 foregoing, all other provisions of Chapter 126, *Ordinance Code*, shall

1 remain in full force and effect.

2 **Section 5. Waiver of Section 118.107 (Nonprofits to receive**
3 **funding through a competitive evaluated award process), Part 1**
4 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The
5 provisions of Section 118.107 (Nonprofits to receive funding through
6 a competitive evaluated award process), Part 1 (General Provisions),
7 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow
8 for a direct contract between Greenscape of Jacksonville, Inc. and
9 the City of Jacksonville. The City finds that the direct contract
10 approved herein is justified because Greenscape is uniquely situated
11 to provide the services contemplated in **Exhibit 2**. Greenscape has
12 provided similar services to the City over the years including
13 providing maintenance and care for trees planted through the City's
14 Tree Planting Program. In addition, Greenscape hosts a number of
15 events each year including tree giveaways, educational sessions on
16 the maintenance and care of trees, and discussions on the importance
17 of maintaining a healthy tree canopy.

18 **Section 6. Oversight Department.** The Parks, Recreation and
19 Community Services Department shall oversee the agreement described
20 herein.

21 **Section 7. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

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25 Form Approved:

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27 /s/ Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation prepared by: Mary E. Staffopoulos

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