

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health &
3 Safety Committee:

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6 **ORDINANCE 2021-116-E**

7 AN ORDINANCE APPROVING AND AUTHORIZING THE
8 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
9 SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN
10 MAINTENANCE AGREEMENT BETWEEN THE CITY OF
11 JACKSONVILLE AND LIBERTY POINT LLC ("LP") FOR
12 MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS AT
13 BERKMAN PLAZA; INVOKING THE EXCEPTION IN
14 SECTION 126.107(G), *ORDINANCE CODE*, TO ALLOW
15 DIRECT CONTRACT WITH LIBERTY POINT LLC TO
16 PROVIDE MAINTENANCE OF CERTAIN PUBLIC
17 IMPROVEMENTS AT BERKMAN PLAZA; PROVIDING
18 FURTHER AUTHORIZATIONS; PROVIDING FOR CITY
19 OVERSIGHT BY THE DEPARTMENT OF PARKS,
20 RECREATION AND COMMUNITY SERVICES; PROVIDING
21 AN EFFECTIVE DATE.

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

24 **Section 1. Approval and authorization to execute**
25 **Maintenance Agreement.** There is hereby approved, and the Mayor,
26 or his designee, and the Corporation Secretary are hereby
27 authorized to execute and deliver, for and on behalf of the City,
28 that certain Maintenance Agreement between the City of Jacksonville
29 and Liberty Point LLC (the "Agreement"), in substantially the same
30 form attached hereto as **Revised Exhibit 1**, labeled as "Revised

1 Exhibit 1, Revised Agmt, March 15, 2021 - NCSPHS" and incorporated
2 herein by this reference, pursuant to which LP will provide
3 maintenance services for certain public improvements at Berkman
4 Plaza. The Agreement provides for an initial term of ten (10)
5 years commencing upon the effective date of the Agreement, with the
6 option to renew for up to fifteen (15) additional one (1) year
7 terms. The City's total maximum indebtedness for fiscal year 2020-
8 2021 is \$126,000.00, payable in quarterly installments to be
9 prorated from the date of contract execution in accordance with the
10 terms of the Agreement. The total maximum indebtedness for
11 subsequent years shall be calculated in accordance with a formula
12 outlined in the Agreement, subject to future appropriations by the
13 Council.

14 **Section 2. Invoking the exception to Section 126.107(g),**
15 **Ordinance Code.** The City is hereby authorized to procure the use of
16 the professional services of Liberty Point LLC to provide
17 maintenance of certain public improvements at Berkman Plaza.
18 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
19 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
20 procurement is exempted from competitive solicitation because the
21 supplies or services are to be provided by those specifically
22 prescribed within authorizing legislation that appropriates the
23 same. With the exception of the foregoing, all other provisions of
24 Chapter 126, *Ordinance Code*, shall remain in full force and effect.

25 **Section 3. Further Authorizations.** The Mayor, or his
26 designee, and the Corporation Secretary are hereby authorized to
27 execute amendments to the Agreement that include, but are not
28 limited to, revisions to the scope of services that become
29 necessary due to changes in field conditions or applicable
30 maintenance standards or codes, and other minor changes which have
31 no financial impact. No modification of the Agreement may increase

1 the financial obligations or the liability of the City. The Mayor,
2 or his designee, and the Corporation Secretary are hereby
3 authorized to execute all other contracts and documents and
4 otherwise take all necessary action therewith and herewith, subject
5 to review and approval by the Office of General Counsel, to
6 effectuate the purpose and intent of this ordinance.

7 **Section 4. Oversight Department.** The Department of
8 Parks, Recreation and Community Services shall oversee
9 administration of the Agreement.

10 **Section 5. Effective Date.** This ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

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14 Form Approved:

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16 /s/ Paige H. Johnston

17 Office of General Counsel

18 Legislation prepared by: Mary E. Staffopoulos

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