

1 The following Substitute is offered by the Neighborhoods, Community
2 Services, Public Health and Safety Committee to File No. 2021-347:

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4 Introduced by Council Member White:

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6 **ORDINANCE 2021-347**

7 AN ORDINANCE AUTHORIZING THE MAYOR AND
8 CORPORATION SECRETARY TO EXECUTE AN AMENDMENT
9 TO THE CONTRACT WITH GREENSCAPE OF JACKSONVILLE,
10 INC. FOR TREE PLANTING AT THE JACKSONVILLE
11 EQUESTRIAN CENTER TO CHANGE THE PAYMENT TERMS
12 FROM A "REIMBURSEMENT AFTER PAYMENT TO
13 SUBCONTRACTOR" BASIS TO A "WORK PERFORMED AND
14 INVOICED" BASIS; REVISING THE FORM AGREEMENT
15 APPROVED IN ORDINANCE 2020-213-E TO REFLECT THE
16 CHANGED PAYMENT TERMS; PROVIDING AN EFFECTIVE
17 DATE.

18
19 **WHEREAS**, the City of Jacksonville has engaged Greenscape of
20 Jacksonville, Inc. ("Greenscape") to provide a tree planting project
21 at the Jacksonville Equestrian Center; and

22 **WHEREAS**, as a non-profit whose income was severely reduced due
23 to the COVID-19 pandemic; and

24 **WHEREAS**, the existing contract calls for payment to be made to
25 Greenscape upon presentation of cancelled checks indicating payment
26 had been made to the subcontractors; and

27 **WHEREAS**, Greenscape is requesting that the payment basis be
28 changed to a "work performed and invoiced" basis so that they may
29 install the work, ask for a receive payment from the City and then
30 pay their subcontractors; and

1 **WHEREAS**, Public Works, the oversight Department for the Tree
2 Commission's Level 3 Tree Planting Program, has requested that the
3 form agreement for the "Tree Planting Program (Level 3) Grant
4 Agreement" that is now used for all Level 3 projects also be revised
5 to allow payment to the contractor to be made on a "work performed
6 and invoiced" basis; and

7 **WHEREAS**, proof of payment to the subcontractors will be required
8 upon the next draw request, or if there is not another draw request,
9 then prior to release of the retainer, now therefore

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

11 **Section 1. Authorizing the Mayor and Corporation Secretary to**
12 **Execute an Amendment to the Contract 615745-21, dated January 8,**
13 **2021.** The Mayor, or his designee, and Corporation Secretary are
14 authorized to execute an Amendment to the contract with Greenscape
15 of Jacksonville, Inc. to revise the draw request criteria from a
16 reimbursement basis to a "work performed and invoiced" basis, in
17 substantially the same form as contained in the document attached
18 hereto as **Exhibit 1.**

19 Section 2. **Revising Level 3 Tree Planting Program Form**
20 **Agreement.** The Form Agreement approved pursuant to Ordinance 2020-
21 213-E is hereby revised to be in substantially the same form as the
22 revised Tree Planting Program (Level 3) Grant Agreement attached
23 hereto as **Exhibit 2.** As with the amended Greenscape contract, the
24 substance of the revisions are contained in paragraphs 6.3, 6.4, and
25 Exhibit G-2 of the Agreement. In addition in the Form Agreement, in
26 the third WHEREAS clause the words "pursuant to Ordinance ___-E" were
27 deleted because Ordinance 2020-213-E changed the process to allow
28 final approval by the Mayor's Budget Review Committee rather than
29 Council for that \$1,000,000 appropriated by Ordinance 2020-213-E.
30 Paragraph 2.1 was revised to remove the word "reimbursement" and
31 insert "work performed and invoiced." Finally, the signature block

1 for the Contractor was revised to delete "GRANTEE" and insert
2 "CONTRACTOR." The revised Form Agreement shall reflect the Effective
3 Date of this Ordinance.

4 **Section 3. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

9
10 /s/ Susan Grandin

11 Office of General Counsel

12 Legislation Prepared By: Susan C. Grandin

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