

RESOLUTION NO. 16-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING AND APPROVING AMENDMENT NO. 2 TO THE COMPREHENSIVE PARKS LANDSCAPE/GROUNDS MAINTENANCE SERVICES AGREEMENT BETWEEN THE TOWN AND VALLEYCREST LANDSCAPE MAINTENANCE, INC. TO REFLECT A NAME CHANGE TO BRIGHTVIEW LANDSCAPING SERVICES INC.; AUTHORIZING EXECUTION OF THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 20, 2013, the Town Council adopted Resolution No. 13-25 (a copy of which is attached hereto as Exhibit “A”), which approved a Comprehensive Parks Landscape/Grounds Maintenance Services Agreement between the Town of Cutler Bay (the “Town”) and ValleyCrest Landscape Maintenance Inc. (the “Contractor”), as per Request for Proposal (RFP) No. 13-01 (the “Agreement”); and

WHEREAS, on February 19, 2014, the Town Council adopted Resolution No. 14-09 (a copy of which is attached hereto as Exhibit “B”), which approved Amendment No. 1 to the Agreement for additional work within Town Parks – addition of Blue Heron Park; and

WHEREAS, the Contractor has changed its name to BrightView Landscape Services, Inc. and on June 1, 2016 formally requested to exercise the Assignment and Amendment clause of Section 1.10 of the Agreement, to amend the Agreement to reflect the Contractor’s change in name to BrightView Landscape Services, Inc.; and

WHEREAS, the Town staff is confident that BrightView Landscape Services, Inc. will continue to perform all of the Scope of Work as identified in Section 1.1.1 of the Agreement (*see* Exhibit “A”); and

WHEREAS, the Town Council approves of amending the Agreement to reflect the Contractor’s name change and desires to authorize the Town Manager, on behalf of the Town, to execute Amendment No. 2 to the Agreement in substantially the same form attached hereto as Exhibit “B;” and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Amendment No. 2 to Agreement. Amendment No. 2 of the Comprehensive Parks Landscape/Grounds Maintenance Services Agreement between ValleyCrest Landscape Maintenance Inc. and the Town reflecting a name change from ValleyCrest Landscape Maintenance Inc. to BrightView Landscape Services, Inc., (the “Amendment”), in substantially the same form attached hereto as Exhibit “B,” is approved by the Town Council, subject to approval by the Town Attorney as to form, content, and legality, and further subject to BrightView Landscape Services, Inc. providing any required insurance and bonds to the Town pursuant to the Agreement.

Section 3. Authorization of Town Manager. The Town Manager is authorized to execute the Amendment, and to execute any required documents necessary to reflect the Contractor’s name change as may be required by law, subject to approval of the Town Attorney as to form, content, and legality.

Section 4. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of October, 2016.

Attest:

PEGGY R. BELL
Mayor

JACQUELINE N. WILSON
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE
USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____
Vice Mayor Ernest N. Sochin _____
Council Member Roger Coriat _____
Council Member Sue Ellen Loyzelle _____
Council Member Mary Ann Mixon _____