



Agenda Item Cover Sheet

Agenda Item N^o: A-48

Meeting Date 9/7/2023

Consent Section

Regular Section

Public Hearing

Subject: Approve and execute the Second Modification agreement for continued ongoing and as needed synthetic turf installation services (21224) for the Parks & Recreation Department at an additional cost of \$495,000.00.			
Department Name: Parks and Recreation Services			
Contact Person: Rick Valdez		Contact Phone: 813-307-8344	
Sign-Off Approvals:			
Dexter Barge	8/25/2023	Richard Valdez	8/25/2023
Assistant County Administrator	Date	Department Director	Date
Kevin Brickey	8/25/2023	Charlotte Diggs	8/25/2023
Management and Budget – Approved as to Financial Impact Accuracy	Date	County Attorney – Approved as to Legal Sufficiency	Date
Gregory Horwedel	8/25/2023		
Deputy or Chief County Administrator	Date		

Staff's Recommended Board Motion:
 Approve and execute the Second Modification agreement, with Abilacy Holdings, LLC, d/b/a Foreverlawn of Tampa Bay, for continued ongoing and as-needed synthetic turf installation services (21224) for the Parks & Recreation Department at an additional cost of \$495,000.00. The modification will increase the blanket purchase agreement (BPA 221210095) by \$495,000.00, from \$1,111,800.00, to \$1,606,800.00, to accommodate the increase in use of the Agreement for a substantial savings to the County for Capital Improvement Projects (CIPs) with synthetic turf versus the markup paid to general contractors for similar services. Acquiring turf via the awarded agreement with Abilacy service saved the County 12% to 15% per project when compared to acquiring a general contractor for the same need. In the original award, due to limited availability of Certified Disadvantaged Minority/Disadvantaged Women Business Enterprises (DM/DWBE) and Registered Small Business Enterprise (SBE) firms in this category, no participation goal or set-aside was established for this procurement. While no participation goal or set-aside was established, all DM/DWBE and SBE firms in this work category were solicited for the opportunity to submit a bid as a prime vendor. In regards to this modification there are no opportunities to subcontract, and the services will continue to be provided by the awarded vendor. Funding for this modification is available in the requesting department's approved budget, and purchase orders will only be issued against such approved budgets.

Financial Impact Statement:
 Funding for the second modification is available in the requesting department's approved budget, and purchase orders will only be issued against such approved budgets.

Background:
 On May 5, 2021, the County approved a five (5) year term contract to Abilacy Holdings, LLC, d/b/a Foreverlawn of Tampa Bay, for ongoing and as-needed synthetic turf maintenance and installation services (21224) for the Parks & Recreation Department in the not-to-exceed (NTE) amount of \$1,063,400.00. On August 18, 2021, the County approved the First Modification to the Agreement which increased the NTE amount by \$48,400.00 from \$1,063,400.00 to \$1,111,800.00. The requested additional \$495,000.00 will fund substantial costs to projects under the Agreement include but is not

limited to, Branchton Park Playground at \$100,000.00, E.G. Simmons Park Fitness at \$64,000.00, Beacon Meadows Park Fitness at \$15,000.00, Sandy Perrone Park Fitness at \$15,000.00, West Park Fitness at \$15,000.00, Apollo Beach Park Fitness at \$15,000.00, Keystone Park Playground at \$138,000.00, and Water/Southshore Sports Complex Playground and Concession Area at \$100,000.00. In addition to new turf installation, a repair of out-of-warranty installed synthetic turf at Carrollwood Village Playground at \$33,000.00.

List Attachments: Second Modification

**SECOND MODIFICATION TO
BLANKET PURCHASE AGREEMENT NO. 221210095
FOR ITB 21224 – SYNTHETIC TURF INSTALLATION SERVICES**

THIS SECOND MODIFICATION AGREEMENT (“SECOND Modification”), dated this 7th day of September 2023, is entered into by and between **HILLSBOROUGH COUNTY**, a political subdivision of the State of Florida, located at 601 E. Kennedy Boulevard, Tampa, FL 33602, hereinafter referred to as **"COUNTY"**; and Abilacy Holdings, LLC, d/b/a ForeverLawn of Tampa Bay, a Florida corporation, located at 1113 East Cass Street, Tampa, FL 33602, hereinafter referred to as **"CONTRACTOR."**

WITNESSETH

WHEREAS on May 5, 2021, the COUNTY and the CONTRACTOR entered into an Agreement, pursuant to Invitation to Bid (ITB) No. 21224, titled “Synthetic Turf Installation Services”, to provide ongoing and as-needed maintenance and installation of antistatic synthetic playground turf and resilient surface systems at public playgrounds in parks throughout the COUNTY, hereinafter referred to as the “Agreement”; and

WHEREAS the Agreement was awarded for a five (5) year term beginning May 5, 2021, through May 31, 2026, in a not-to-exceed (NTE) amount of \$1,063,400.00; and

WHEREAS on August 18, 2021, the COUNTY and CONTRACTOR agreed to modify the Agreement to increase the NTE amount by \$48,400.00 from \$1,063,400.00 to \$1,111,800.00 for the continuation of ongoing and as-needed synthetic turf installation and repair services; and

WHEREAS Part 5 (General Terms and Conditions), Section 2 (Changes in Work/Unilateral Change Orders/Modifications), Subsection (c) of the Agreement provides for the Modification of the Agreement by written instrument executed by the parties; and

WHEREAS the Parks and Recreation Department by way of this Modification seeks to increase the Agreement monetary NTE amount by \$495,000.00 from \$1,111,800.00 to \$1,606,800.00, to accommodate the increase in use of the Agreement for a substantial savings to the County for Capital Improvement Projects (CIPs) with synthetic turf versus the markup paid to general contractors for similar services.

NOW, THEREFORE, in consideration of the mutual covenants and provisions contained herein, additional to those heretofore made, the Agreement is hereby modified as follows:

1. Increase the total monetary NTE amount of the Agreement by \$495,000.00 from \$1,111,800.00 to \$1,606,800.00 to accommodate the increase in use of the Agreement while also providing a substantial savings to the County for specialized turf installations throughout the County.

2. The aforementioned changes shall become effective upon approval by the BOCC.
3. In the event any section, sentence, clause, or provision of this SECOND Modification is held to be invalid, illegal, or unenforceable by a court having jurisdiction over the matter, the remainder of this SECOND Modification shall not be affected by such determination and shall remain in full force and effect.
4. All other terms and conditions of the Agreement (including all previous modifications) which do not conflict with this SECOND Modification are hereby reaffirmed in their entirety. In the event of a conflict between the terms of this SECOND Modification and the Agreement, the terms of this SECOND Modification shall control.
5. The parties agree that this SECOND Modification and all documents associated with the transaction contemplated herein may be executed by electronic signature in a manner that complies with Chapter 668, Florida Statutes, and as approved by the Hillsborough County Board of County Commissioners in Resolution R15-025 on February 4, 2015.

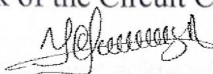
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Except for all conflicting terms and conditions that are hereby changed to conform to this SECOND MODIFICATION, the Agreement is hereby reaffirmed in its entirety.

IN WITNESS WHEREOF, the COUNTY and the CONTRACTOR have caused this SECOND MODIFICATION to be executed below by their duly authorized representatives.

ATTEST: Cindy Stuart
Clerk of the Circuit Court

COUNTY: Hillsborough County, Florida

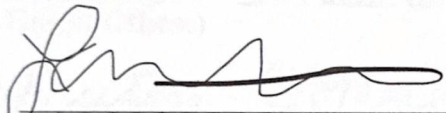
BY: 
Deputy Clerk

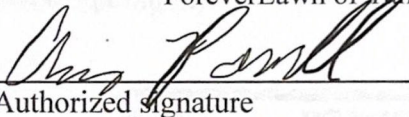
BY: Ken Hagan
Chair, Board of County Commissioners



ATTEST:

CONTRACTOR: Abilacy Holdings, LLC, d/b/a
ForeverLawn of Tampa Bay



By: 
Authorized signature

1st Witness to signature
Lauren Aten
Printed name of 1st Witness


Chris Powell
(Printed name of signer)
President
Printed title of signer

2nd Witness to signature
Cameron Gilmore
Printed name of 2nd Witness

235 W. Brandon Blvd #110
(Business address of CONTRACTOR)

(813) 436-9222
(Phone number of signer)

08/24/23
Date

BOCC Staff	Approval	Date
Department Fiscal	Denise Armstrong <small>Digitally signed by Denise Armstrong Date: 2023.08.15 09:34:32 -04'00'</small>	
Department Director	Rick Valdez <small>Digitally signed by Rick Valdez Date: 2023.08.15 09:56:46 -04'00'</small>	
Procurement Services		8/22/2023
County Attorney: Approved as to Form and Legal Sufficiency	Charlotte V. Diggs	8/14/2023

ACKNOWLEDGEMENT FOR CORPORATION

For an acknowledgment in a representative capacity:

STATE OF FLORIDA

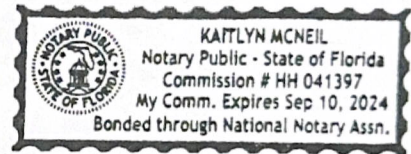
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or

online notarization, this 24th day of August 2023, by Chris Powell as
(Name of Person)

President for Foreverlawn of Tampa Bay
(Title of Officer) (Name of Corporation)

Kaitlyn McNeil
(Signature of Notary Public - State of Florida)



(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known or Produced Identification

Type of Identification Produced _____

HH 041397

(Commission Number)

9/10/2024

(Commission Expiration Date)