

**RESOLUTION NO. 16-1369**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A CONTRACT AMENDMENT TO ASSIGN CONTRACT 2012-02BG BETWEEN THE TOWN OF MIAMI LAKES AND THE BRICKMAN GROUP LTD, LLC FOR TREE TRIMMING SERVICES TO BRIGHTVIEW TREE CARE SERVICES, INC.; APPROVING A CONTRACT AMENDMENT TO ASSIGN CONTRACT 2012-05RBG BETWEEN THE TOWN OF MIAMI LAKES AND THE BRICKMAN GROUP LTD, LLC FOR GROUNDS MAINTENANCE SERVICES TO BRIGHTVIEW LANDSCAPE SERVICES, INC.; AUTHORIZING TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT AMENDMENTS AND ASSIGNMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 14, 2012, the Town Council of the Town of Miami Lakes (the “Town”) approved Resolution No. 12-963 awarding contracts for tree trimming services; and

**WHEREAS**, The Brickman Group Ltd, LLC was among the entities to be awarded a contract pursuant to Resolution No. 12-963; and

**WHEREAS**, on March 21, 2012, The Brickman Group Ltd, LLC and the Town entered into Contract 2012-02BG (“Contract 2012-02BG”); and

**WHEREAS**, on March 1, 2016, The Brickman Group Ltd, LLC changed its name with the State of Florida Division of Corporations to Brightview Tree Care Services, Inc.; and

**WHEREAS**, the Town and Brightview Tree Care Services, Inc. have agreed to assignment of Contract 2012-02BG to Brightview Tree Care Services, Inc., subject to the terms and conditions of Contract 2012-02BG; and

**WHEREAS**, the Town Council desires to approve an amendment to Contract 2012-02BG, as set forth in the Contract Amendment attached hereto as **Exhibit A**, (“Contract 2012-02BG Amendment”) and finds that it is in the best interest of the Town for the Town to approve the Contract 2012-02BG Amendment; and

**WHEREAS**, on May 8, 2012, the Town Council approved Resolution No. 12-986 awarding contracts for grounds maintenance services for pocket parks and rights of way; and

**WHEREAS**, The Brickman Group Ltd, LLC was among the entities to be awarded a contract pursuant to Resolution No. 12-986; and

**WHEREAS**, on November 7, 2012, The Brickman Group Ltd, LLC and the Town entered into Contract 2012-05RBG (“Contract 2012-05RBG”); and

**WHEREAS**, in 2014, The Brickman Group Ltd, LLC purchased ValleyCrest Companies, LLC and assigned Contract 2012-05RBG to ValleyCrest Landscape Maintenance, Inc., a subsidiary of ValleyCrest Companies, LLC; and

**WHEREAS**, on February 16, 2016, ValleyCrest Landscape Maintenance, Inc. changed its name with the State of Florida Division of Corporations to Brightview Landscape Services, Inc.; and

**WHEREAS**, the Town and Brightview Landscape Services, Inc. have agreed to assignment of Contract 2012-05RBG to Brightview Landscape Services, Inc., subject to the terms and conditions of Contract 2012-05RBG; and

**WHEREAS**, the Town Council desires to approve an amendment to Contract 2012-05RBG, as set forth in the Contract Amendment attached hereto as **Exhibit B**, (“Contract 2012-05RBG Amendment”) and finds that it is in the best interest of the Town for the Town to approve the Contract 2012-05RBG Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval of Contract Amendments.** The Contract Amendments pertaining to Contracts 2012-02BG and 2012-05RBG, which are attached hereto as Exhibits A and B, respectively, are hereby approved. The assignment of Contract 2012-02BG to Brightview Tree Care Services, Inc. is hereby approved. The assignment of Contract 2012-05RBG to Brightview Landscape Services, Inc. is hereby approved. Subject to approval by the Town Attorney as to form and legality, the Town Manager is authorized to approve non-material changes to the Contract Amendments attached hereto as Exhibits A and B.

**Section 3. Authorization of Town Officials.** The Town Manager and the Town Attorney are authorized to take all action necessary to implement the assignments and the terms and conditions of the Contract Amendments attached hereto as Exhibits A and B.

**Section 4. Execution of Contract Amendments.** The Town Manager is authorized to execute the Contract Amendments attached hereto as Exhibits A and B on behalf of the Town and to execute any required agreements and/or documents to implement the assignment and the terms and conditions of the Contract Amendments, subject to the approval as to form and legality by the Town Attorney.

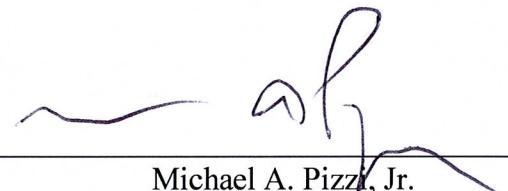
**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 5<sup>th</sup> day of April, 2016.

The foregoing resolution was moved by Mayor Pizzi. The motion was seconded by Councilman Nestro and upon being put to a vote, the vote was as follows:

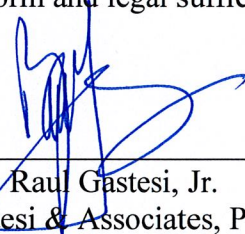
Mayor Michael A. Pizzi, Jr.	<u>yes</u>
Vice Mayor Tim Daubert	<u>absent</u>
Councilmember Manny Cid	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

  
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Michael A. Pizzi, Jr.  
MAYOR

Attest:

  
\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY