

**THE FOLLOWING RESOLUTION WAS INTRODUCED BY COUNCIL MEMBER
_____ AND SECONDED FOR INTRODUCTION BY COUNCIL MEMBER
_____**

RESOLUTION NO. 23-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE
AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO AMEND
THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF MANDEVILLE
AND THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT, OFFICE OF ENGINEERING (DOTD) FOR MOWING AND
LITTER PICKUP FOR THE FISCAL YEAR ENDING JUNE 30, 2024 AND
PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City desires to amend the Professional Services Agreement with the State of Louisiana Department of Transportation and Development Office of Engineering, (“Consultant”), through which Consultant provides maintenance including mowing and litter pick up services to the City, which has been in effect since June 22, 2023; and

WHEREAS, the June 22, 2023 Professional Services Agreement (“Agreement”) is attached to the Resolution, and all terms set forth therein are to be renewed with the exception of those terms that have been set forth in Amendment No. 1 to the Agreement, which is also attached hereto; and

WHEREAS, during the course of the project, additional state funds have become available for maintenance of the DOTD right-of-way statewide; and

WHEREAS, the Amendment requests one (1) additional maintenance cycle completed in Fiscal Year 2024 from four (4) to five (5) cycles to remove litter and mow vegetation on certain state right-of-ways within the jurisdiction of the City of Mandeville;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes and empowers the Mayor of the City to amend the June 22, 2023 Maintenance Agreement between the City of Mandeville and the State of Louisiana Department of Transportation and Development for mowing and litter pickup services as set forth in Amendment No. 1 to address the additional cycle in accordance with the agreement attached hereto and made a part hereof as if set out in full.

With the above resolution having been properly introduced and duly seconded, the vote was as follows:

AYES: 0
NAYS: 0
ABSTENTIONS: 0
ABSENT: 0

and the resolution was declared adopted this 26nd day of October, 2023.

Kristine Scherer
Clerk of Council

Jason Zuckerman
Council Chairman

AMENDMENT NO. 1

CONTRACT NO. 4400002069

**MAINTENANCE AGREEMENT
INCLUDING MOWING AND LITTER PICKUP**

STATE PROJECT NO.

THROUGH FISCAL YEAR ENDING 2024

BETWEEN

MANDEVILLE

AND

**STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
OFFICE OF ENGINEERING**

This Amendment (Amendment No. 1) to the referenced Contract No. 4400002069 (“referenced contract”) between the Department of Transportation and Development, State of Louisiana (“DOTD”), and Mandeville (“Municipality”) is entered into on this 3rd day of October, 2023.

Whereas additional state funds (“funds”) have become available for maintenance of DOTD right-of-way statewide;

Whereas DOTD proposes to make some of the funds available to Municipality to offset in part one (1) additional maintenance cycle completed by Municipality during Fiscal Year 2024;

Whereas Municipality has accepted the offer to make supplemental funding available to Municipality and has agreed to perform one additional maintenance cycle to remove litter and mow vegetation on certain state right-of-way within the jurisdiction of Municipality;

Therefore, the parties agree to amend Article II of the referenced contract to increase the stipulated minimum number of maintenance cycles in Fiscal Year 2024 from 4 to 5.

Further, the parties agree that all provisions of the referenced contract shall remain in full force and effect to the extent not inconsistent with this amendment and that the provisions of the referenced contract and this amendment to the referenced contract notwithstanding, the parties:

Amendment No 1.
Maintenance Agreement
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A. Affirm their respective rights and obligations under the provisions of the referenced contract as amended or supplemented; and

B. Confirm that, by approving and entering into this agreement, DOTD and Municipality do not intend to extinguish in whole or in part, to novate, or to otherwise modify or alter, the rights and obligations of the parties under the provisions of the referenced contract as amended and supplemented except to the extent expressly modified, amended, or extinguished by the express provisions of this Amendment No. 1 to the referenced contract.

THUS DONE AND SIGNED at _____, Louisiana, on this _____ day of _____, 2023

Municipality

Printed Name of Representative

(Address)

(Phone)

(Fax)

(Taxpayer I.D.)

WITNESSES:

Signature

Printed Name

Signature

Printed Name

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THUS DONE AND SIGNED at _____, Louisiana, on this ____ day of
_____, 2023

DOTD

Printed Name of Representative

WITNESSES:

Signature

Printed Name

Signature

Printed Name