

**ANNUAL CONTRACT FOR
TREE AND PALM TRIMMING, MAINTENANCE AND REMOVAL SERVICES - PARKS**

REQUEST FOR COMPETITIVE SEALED PROPOSAL ("RFCSP") NO.: 18-075; 6100010337

This Agreement is entered into by and between the City of San Antonio, Texas, a home-rule municipal corporation (City), by and through its Director of Finance or said Director's designee, and Burkett Arbor Care, LLC (Contractor), both of which may be referred to herein collectively as the "Parties".

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

1.0 CONTRACT DOCUMENTS

The terms and conditions for performance and payment of compensation for this Agreement are set forth in the following contract documents, true and correct copies of which are attached hereto and fully incorporated herein for all purposes, and shall be interpreted in the order of priority as appears below:

- 1.1 This Integration Agreement;
- 1.2 City's RFCSP No.: 18-075; 6100010337, including all attachments and addenda thereto;
- 1.3 Contractor's proposal in response to City's RFCSP No18-075; 6100010337.

2.0 PRICING AND ESTIMATED QUANTITIES

City's RFCSP provided estimated annual quantities for the scope of work contained therein. However, Contractor's pricing, when multiplied by these estimated annual quantities, would cause the contract to exceed City's budgeted amount of \$165,000.00 for the for the City's fiscal year 2019 (a period beginning on October 1 and ending on September 30 of the following year). Therefore, in order to proceed with award of this agreement, Contractor and City both acknowledge and agree that the actual quantities of work that shall be performed under this contract shall be reduced, so that the total cost of the contract for the City's fiscal year 2019, shall not exceed \$165,000.00. Should additional funds become available and be appropriated in fiscal year 2019, or in subsequent years during the contract period, the quantity of work performed may be increased, so long as the quantity does not exceed the budgeted amount for the applicable period. Parties further acknowledge and agree that the originally estimated annual quantity can only be increased to the extent allowed by Texas Government Code §252.048.

3.0 ENTIRE AGREEMENT

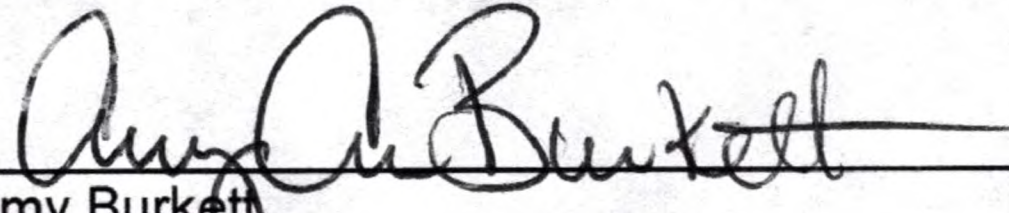
This Agreement, together with its attachments and exhibits, if any, constitutes the final and entire agreement between the parties hereto and contains all of the terms and conditions agreed upon. No other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto, unless the same are in writing, dated subsequent to the date hereto, and duly executed by the parties.

EXECUTED and **AGREED** to as of the dates indicated below. This Agreement may be executed in multiple copies, each of which shall constitute an original.

CITY OF SAN ANTONIO

BURKETT ARBOR CARE, LLC

Norbert Dziuk
Procurement Operations Lead
Date: _____



Amy Burkett
President
Date: 9/18/2018

Approved as to Form:

Assistant City Attorney