



Board of Public Works and Safety

Agenda Item

Cover Sheet

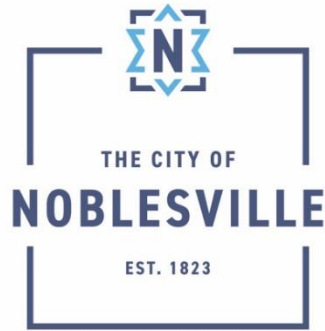
MEETING DATE: March 26, 2024

- Consent Agenda Item
- New Item for Discussion
- Previously Discussed Item
- Miscellaneous

ITEM #: 15

INITIATED BY: Deon Ochoa

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets



TO: BOARD OF PUBLIC WORKS AND SAFETY

FROM: DEON OCHOA, CITY CONSTRUCTION MANAGER

SUBJECT: SUPPLEMENTAL AGREEMENT WITH TRI-STATE FORESTRY (EN-375-01)

DATE: MARCH 26, 2024

On August 29, 2023, The City of Noblesville accepted an on-call agreement with Tri-State Forestry in the amount of \$150,000.00. This agreement has been used for several projects and emergency services. Tri-State has also assisted the Street Department tree division in getting caught up on local jobs. We are asking that the Board approve an additional \$150,000.00 for this agreement, in order to continue assisting the street department tree division, and for various projects happening around the city.

I recommend the Board of Public Works and Safety approve the Supplemental agreement with Tri- State Forestry.

In advance, I greatly appreciate your consideration of this request.



AMENDMENT NO. 1 TO SERVICES AGREEMENT

1. Background Data:

- a. Effective Date of Services Agreement: March 26, 2024
- b. City: City of Noblesville, Indiana, a municipal corporation
- c. Contractor: Tri-State Forestry
- d. Project: On-Call Agreement

2. Nature of Amendment

- Modifications to Payment to Contractor
- Modifications to other terms and conditions of the Agreement

3. Description of Modifications

Attachment 1, "Modifications"

City and Contractor hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this, or previous Amendments remain in effect.

Signature Page Follows

Approved by the Board of Public Works and Safety of the City of Noblesville this _____ day of _____, 2024.

CITY:

Jack Martin, President

John Ditslear, Member

Laurie Dyer, Member

Robert J. Elmer, Member

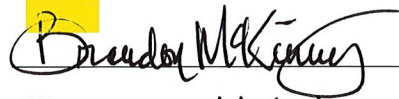
Rick L. Taylor, Member

Attest:

Evelyn L. Lees, Clerk
City of Noblesville, Indiana

CONTRACTOR:

By:



Printed:

Brandon McKinney

Title:

Estimator

Date Signed:

3/18/2024

Modifications

1. The Term of the Agreement is extended. Section III. Term is modified to read as follows:

SECTION III. TERM

- 3.1 The Term of this Agreement shall begin upon execution and terminate **December 31, 2025** (“Termination Date”) and shall automatically renew for one year term unless the City gives Contractor notice not to renew the Contract by **December 31, 2025**, or unless terminated in accordance with this Agreement. The parties may also amend the term by written agreement.
2. City shall pay Contractor the following additional or modified compensation. Section IV. Compensation and Appendix D, Paragraph A are modified to read as follows:

SECTION IV. COMPENSATION

- 4.1 Contractor proposes to furnish all labor, materials and supplies in accordance with the conditions of this Agreement necessary to complete the work as defined in Section 2.1. Compensation shall not exceed **One hundred fifty thousand dollars and zero cents (\$150,000.00)**

Appendix D, Paragraph A is modified as follows:

A. Amount of Payment

1. The Contractor shall be compensated for services to be performed under this Contract a fee total not to exceed **\$150,000.00** unless approved in writing by the City.
 2. The Contractor shall be compensated for services an amount equal to the cumulative hours charged to the Project by each class of Contractor’s employees, plus direct expenses. Rates will be calculated using labor rate multiplier based on current wage rate, overhead rate, 15% profit and FCCM. Progress payments with this method are computed using a provisional overhead rate based upon the most recently audited rate that is accepted by INDOT. Final compensation is determined by actual audited and accepted overhead rates for the billing periods, which are determined subsequent to the close of the Contractor’s fiscal years. Progress payment adjustments are to be made upon issuance of accepted overhead rates and a final audit is required when the work is completed. Overtime rates will only be paid if the employee works over 40 hours on this project. The total obligation under this portion of the Contract shall not exceed **\$150,000.00**, unless approved in writing by the City.



FINANCE & ACCOUNTING

Funding Verification/Encumbrance Request Form

Date to be submitted to BoW/Park Board: 3/26/24 (put N/A if not submitting to BoW/Park Board)

Vendor name: Tri State Forestry

Vendor Address: 15170 River Road Noblesville, IN 46062

Brief description of purchase: On-Call Agreement (EN-375-01)

Source of Funding:

- Current Year Operational Budget
- Subsequent Year Operational Budget¹
- Funding not yet finalized (attach explanation)²
- Loan or debt proceeds
- Non-Appropriated Fund³

Fund #	250
Department #	026
Project # (NA if no project #)	023.2102 023.2102
Expense Object #	Amount
#1	390.100 \$20,000.00 \$15,200.00
#2	
#3	

- 1) This option may only be selected AFTER the adoption of the subsequent year budget. OFA will create a PO after the start of the next year. If contract details change in between form submission and the start of the year, contact OFA Staff.
- 2) This option may only be selected in unusual circumstances. An additional FVF will need to be submitted to OFA once funding source has been determined. OFA will not create a PO until this follow-up form has been submitted.
- 3) These funds are not appropriated through the annual budget process. They include but are not limited to grant funds and impact fee funds.

Are you requesting that a Purchase Order (PO) be created for this expenditure?

- Yes Select for all purchases/contracts that will not be paid immediately
- No Select ONLY if department plans to initiate payment immediately

The Department certifies that sufficient appropriation authority exists in the stated fund and expense series to obligate the expense for future payment.

Department Director

[Signature]
(Signature)

ALISON KRUSKA 3/18/24
(Printed Name) (Date)

Please email completed form to OFAbudget@noblesville.in.us

FOR OFFICE OF FINANCE AND ACCOUNTING USE ONLY

OFA Action Taken

- Purchase Order Created
- Reviewed Availability of funds (Contract/Purchase of over \$50k or paid with debt proceeds only)

PO # (if applicable): 240154

OFA Signature Caitlin Moss

- No Action Taken (Department should still include this form in purchase/contract approval submission)

Comments: _____

Initials: HT Date: 3-20-24

**PURCHASE ORDER
CITY OF NOBLESVILLE
16 SOUTH 10TH STREET STE 270**

**INDIANA RETAIL TAX EXEMPT
CERTIFICATE NO. 0031216070010**

**FEDERAL EXCISE TAX EXEMPT
356001141**

**NOBLESVILLE IN 46060
PHONE: 317-776-6328
FAX: 317-776-6369**

PURCHASE ORDER NO. 240154

**THIS NUMBER MUST APPEAR ON INVOICES, A/P
VOUCHER, DELIVERY MEMO, PACKING SLIPS,
SHIPPING LABELS AND ANY CORRESPONDENCE.**

SHIP TO:

TO

**VENDOR # 1350
TRI STATE FORESTRY SERVICE INC
15170 RIVER RD
NOBLESVILLE IN 46062**

ATTN:

DATE 03/20/2024		DEPARTMENT ENGINEERING		SHIP TO ARRIVE BY		
APPROPRIATION NUMBER	QUANTITY	UNIT	DESCRIPTION	PROJECT #	UNIT PRICE	AMOUNT
250026390.100	1.0		ON CALL AGREEMENT (EN-375-01)	023.2102	15200.00	15200.00

SHIP VIA	TOTAL 15200.00
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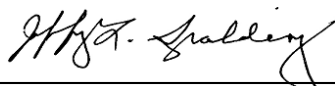
SHIPPING INSTRUCTIONS

- * SHIP PREPAID
- * C.O.D. SHIPMENTS CANNOT BE ACCEPTED
- * PURCHASE ORDER NUMBER MUST APPEAR ON ALL SHIPPING LABELS.
- * THIS ORDER ISSUED IN COMPLIANCE WITH CHAPTER 99, ACTS 1945 AND ACTS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO.

PAYMENT

- * A/P VOUCHER CANNOT BE APPROVED FOR PAYMENT UNLESS THE P.O. NUMBER IS MADE A PART OF THE VOUCHER AND EVERY INVOICE AND VOUCHER HAS THE PROPER SWORN AFFIDAVIT ATTACHED.
- * I HEREBY CERTIFY THAT THERE IS AN UNOBLIGATED BALANCE IN THIS APPROPRIATION SUFFICIENT TO PAY FOR THE ABOVE ORDER.

ORDERED BY _____



TITLE _____

CONTROLLER

COPY