C-17-0578

### AMENDMENT TO CONTRACT Annual Supply Tires, Tubes and Tire Repair Services Bid No. 13-175 City of Lincoln and Lancaster County Extension Bauer Built Tire & Service

This Amendment is hereby entered into by and between Bauer Built Tire & Service, 7800 N. 56<sup>th</sup> St., Lincoln, NE 68529 (hereinafter "Contractor") and the City of Lincoln and Lancaster County (hereinafter "Owners"), for the purpose of amending the Contract dated July 25, 2013 executed under City Executive Order No. 86307, and County Contract C-13-0378, dated August 6, 2013 for Annual Supply - Tires, Tubes and Tire Repair Services, Bid No. 13-175 which is made a part of this amendment by this reference.

WHEREAS, the original term of the Contract is August 6, 2013 through August 5, 2014, with the option to renew for three (3) additional one (1) year terms upon written mutual consent by all parties; and

WHEREAS, the Contract was amended by City Executive Order No. 87428, executed by the City on August 18, 2014, and by County Contract C-14-0382 executed by the County Board on July 29, 2014, to renew the contract for an additional one (1) year term from August 6, 2014 through August 5, 2015;

WHEREAS, the Contract was amended by City Executive Order No. 88557, executed by the City on August 26, 2015, and by County Contract C-15-0459 executed by the County Board on September 8, 2015, to renew the contract for an additional one (1) year term from August 6, 2015 through August 5, 2016;

WHEREAS, the Contract was amended by City Executive Order No. 89768, executed by the City on September 7, 2016, and by County Contract C-16-0504 executed by the County Board on August 30, 2016, to renew the contract for an additional one (1) year term from August 6, 2016 through July 31, 2017;

WHEREAS, the parties hereby extend the Contract for an additional ninety (90) day term beginning August 1, 2017 through October 31, 2017; and

WHEREAS, the expenditures for the City of Lincoln for the term of this renewal shall not exceed \$12,000.00 without approval by the City of Lincoln; and

WHEREAS, the expenditures for Lancaster County for the term of this renewal shall not exceed \$1,000.00 without approval by the Lancaster County Board; and

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants contained in the Contract under City E.O. 86307 and County Contract C-13-0378, all amendments thereto, and as stated herein, the parties agree as follows:

- 1) The parties hereby extend the Contract for an additional ninety (90) day term beginning August 1, 2017 through October 31, 2017.
- 2) The expenditures for the City of Lincoln for the term of this renewal shall not exceed \$12,000.00 without approval by the City of Lincoln.

- 3) The expenditures for Lancaster County for the term of this renewal shall not exceed \$1,000.00 without approval by the Lancaster County Board.
- 4) All other terms of the Contract, not in conflict with this Amendment, shall remain in force and effect.

The Parties do hereby agree to all the terms and conditions of this Amendment. This Amendment shall be binding upon the parties, their heirs, administrators, executors, legal and personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the Parties do hereby execute this Amendment upon completion of signatures on:

Vendor Signature Page City of Lincoln Signature Page Lancaster County Signature Page

# Vendor Signature Page

#### AMENDMENT TO CONTRACT Annual Supply Tires, Tubes and Tire Repair Services Bid No. 13-175 City of Lincoln and Lancaster County Extension Bauer Built Tire & Service

### Please sign, date and return within 5 days of receipt.

Mail to: City/County Purchasing Attn: Brianne Crooks 440 So. 8th St., Ste. 200 Lincoln, NE 68508 Or email to: BCrooks@lincoln.ne.gov

Company Name:	Baver Built Time
By: (Please Sign)	Jorem Shutty
By: (Please Print)	Jeremy Shotts
Title:	Sales
Company Address:	7800 N 56th St Lincoln NE 68529
Company Phone & Fax:	(402) 464-7800 Fex 402 464-7880
E-Mail Address:	jeremy shutts & baverbuilt. com
Date:	7-10-17
Contact Person for Orders or Service	Jeremy Shutts
Contact Phone Number:	(715) 279-1853

# **City of Lincoln Signature Page**

### AMENDMENT TO CONTRACT Annual Supply Tires, Tubes and Tire Repair Services Bid No. 13-175 City of Lincoln and Lancaster County Extension Bauer Built Tire & Service

#### **EXECUTION BY THE CITY OF LINCOLN, NEBRASKA**

ATTEST:

City Clerk

CITY OF LINCOLN, NEBRASKA

Chris Beutler, Mayor

Approved by Executive Order No.\_\_\_\_\_

dated \_\_\_\_\_

C-17-0578

### Lancaster County Signature Page

AMENDMENT TO CONTRACT Annual Supply Tires, Tubes and Tire Repair Services Bid No. 13-175 City of Lincoln and Lancaster County Extension Bauer Built Tire & Service

#### **EXECUTION BY LANCASTER COUNTY, NEBRASKA**

Contract Approved as to Form:

The Board of County Commissioners of Lancaster, Nebraska

Deputy Lancaster County Attorney

dated \_\_\_\_\_



# **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY) 02/22/2017

· · · · ·	THIS CERTIFICATE IS ISSUED AS							VEILEILUIT
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.								
	IMPORTANT: If the certificate holder i and conditions of the policy, certain pol in lieu of such endorsement(s).	s an Ilcies	ADDI may	TIONAL INSURED, the pol require an endorsement.	icy(ies) must be e A statement on th	ndorsed. If SUE is certificate d	BROGATION IS WAIVED, su oes not confer rights to the	bject to the terms certificate holder
	DUCER				CONTACT			
FEDERATED MUTUAL INSURANCE COMPANY				NAME: CLIENT CONTACT CENTER				
HOME OFFICE: P.O. BOX 328			(A/C, No, Ext): 888-333-4949 (A/C, No): 507-446-4664					
UN	ATONNA, MN 55060				E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM			
					INSURER(S) AFFORDING COVERAGE			NAIC #
INSL	JRED				INSURER A: FEDERATED MUTUAL INSURANCE COMPANY 1393			
	UER BUILT INC, BAUER BUILT TIRE			325-098-2	INSURER B:			
PO	BOX 248				INSURER C:		·····	
DU	RAND, WI 54736-0248				INSURER D:			
					INSURER E:			
00	VERAGES CER	TIELO	ATC	NUMBER: 109	INSURER F:			
							REVISION NUMBER: 5	
(	THIS IS TO CERTIFY THAT THE POLICIE INDICATED. NOTWITHSTANDING ANY RE CERTIFICATE MAY BE ISSUED OR MAY PER AND CONDITIONS OF SUCH POLICIES. LIMI	QUIRI RTAIN	EMEN I, THE HOWN	I, TERM OR CONDITION O INSURANCE AFFORDED BY MAY HAVE BEEN REDUCED	OF ANY CONTRAC THE POLICIES DES BY PAID CLAIMS.	Τ ΛΟ ΛΤΙΕΡ Γ	OCHRENT WITH DECDECT '	
INSP	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
							MED EXP (Any one person)	EXCLUDED
A		Y	N	9053527	03/01/2017	03/01/2018	PERSONAL & ADV INJURY	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$2,000,000
	JECT LOC					:	PRODUCTS - COMP/OP AGG	\$2,000,000
	OTHER:							
							COMBINED SINGLE LIMIT	\$1,000,000
	X ANY AUTO		I N	9053527	03/01/2017	03/01/2018	BODILY INJURY (Per person)	
А	AUTOS AUTOS	N					BODILY INJURY (Per accident)	
	HIRED AUTOS AUTOS						PROPERTY DAMAGE (Per accident)	
	X UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	\$2,000,000
А	EXCESS LIAB CLAIMS-MADE	N	N	9053530	03/01/2017	03/01/2018	AGGREGATE	\$2,000,000
	DED RETENTION							\$2,000,000
	WORKERS COMPENSATION						X PER STATUTE OTH-	
	AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE		N 9260161	9260161	03/01/2017	03/01/2018	E.L. EACH ACCIDENT	t500.000
А	OFFICER/MEMBER EXCLUDED?	NIA						\$500,000
	If yes, describe under					E.L. DISEASE - EA EMPLOYEE	\$500,000	
	DESCRIPTION OF OPERATIONS below						EL DISEASE - POLICY LIMIT	\$500,000
			I					
SEE	RIPTION OF OPERATIONS / LOCATIONS / VEHICLE ATTACHED PAGE	5 (A16	cn ACC	okd 101, Additional Remarks Sched	ule, it more space is req	uired)		
CERTIFICATE HOLDER C/					CANCELLATION			
	-098-2			109 5				
				SHOULD ANY OF	THE ABOVE D	ESCRIBED POLICIES BE CA	NCELLED BEFORE	

325-098-2 CITY OF LINCOLN AND/OR LANCASTER COUNTY AND/OR CITY OF LINCOLN/LANCASTER COUNTY PUBLIC BLDG COMMISSION, 555 S 10TH ST LINCOLN, NE 68508-2803	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
Lincola, nº 0000-2003	AUTHORIZED REPRESENTATIVE

The ACORD name and logo are registered marks of ACORD

© 1988-2014 ACORD CORPORATION. All rights reserved.



AGENCY CUSTOMER ID: 325-098-2

LOC #:

ADDITIONAL REMARKS SCHEDULE

Page <u>1</u> of <u>1</u>

		NAMED INSURED		
		BAUER BUILT INC, BAUER BUILT TIRE	ĺ	
POLICY NUMBER		PO BOX 248		
SEE CERTIFICATE # 109.5		DURAND, WI 54736-0248		
CARRIER				
	NAIC CODE		1	
SEE CERTIFICATE # 109.5		EFFECTIVE DATE: SEE CERTIFICATE # 109.5		
ADDITIONAL REMARKS				
THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACO	RD FORM,		٦	

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

CITY OF LINCOLN AND/OR LANCASTER COUNTY AND/OR CITY OF LINCOLN/LANCASTER COUNTY PUBLIC BUILDING COMMISSION ARE LISTED AS ADDITIONALLY INSURED. GARAGEKEEPERS COVERAGE IS PROVIDED ON A LEGAL LIABILITY BASIS WITH A LIMIT OF \$320,000.

INSURANCE PROVIDED BY THE GENERAL LIABLITY COVERAGE IS PRIMARY AND NONCONTRIBUTORY OVER OTHER INSURANCE. FOR REASONS OTHER THAN NON-PAYMENT OF PREMIUM, 30 DAYS NOTICE WILL BE PROVIDED TO THE CERTIFICATE-HOLDER IN THE EVENT THAT THE ISSUING COMPANY CANCELS THE POLICY BEFORE THE EXPIRATION DATE OF THE POLICY. WORKERS COMPENSATION CONTAINS A WAIVER OF SUBROGATION IN FAVOR OF THE CERTIFICATE HOLDER.

#### THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# PRIMARY AND NONCONTRIBUTORY -OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the Other Insurance Condition and supersedes any provision to the contrary:

#### Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and
- (2) You have agreed in writing in a contral or agreement that this insurance would I primary and would not seek contribution from any other insurance available to it additional insured.

© Insurance Services Office, Inc., 2012 Page 1 of 1 Policy Number: \$053527 Transaction Effective Date: 03-01-2017

#### THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

#### SCHEDULE

Name Of Additional Insured Person(s) Or Organizations:	Location(s) Of Covered Operations
CTTY OF LINCOLN & OR LANCASTER CTY & OR CTTY OF LINCOLN LANCASTER CTY PUBLIC BLDG COMM 555 & 10TH ST LINCOLN NE 68508	ANY COVERAGE PROVIDED BY THIS ENDORSEMENT IS LIMITED TO TIRE SERVICE / MAINTENANCE WORK PERFORMED BY THE NAME INSURED AT THE CERTIFICATE HOLDER'S PREMISES.
~~~~~	

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A. Section II Who is An insured is smeaded to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:
  - Your acts or omissions; or
  - The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

BAUER BUILT INC PO BOX 248 DURAND WI 54736  With respect to the insurance afforded to the additional insureds, the following addition exclusions apply:

This insurance does not apply to "bodily injury" -"property damage" occurring after:

- All work, including materials, parts equipment lumished in connection with surwork, on the project (other than servic maintenance or repairs) to be performed by on behall of the additional insured(s) at the location of the covered operations has becompleted; or
- 2. That portion of "your work" out of which it injury or damage arises has been put to i intended use by any person or organizati other than another contractor or subcontract engaged in performing operations for principal as a part of the same project.

© Insurance Services Office, Inc., 2012 Page 1 of : Policy Number: 5053527 Transaction Effective Date: 03-01-2017 C. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1. Required by the contract or agreement; or
- Available under the applicable Limita Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase to applicable Limits of Insurance shown in the Declarations.

Page 2 of 2 CG 20 10 04 13 © Insurance Services Office, Inc., 2012 Policy Number: 9053527 Transaction Effective Date: 93-01-2017 POLICY NUMBER: 9053527

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - COMPLETED OPERATIONS

This andersement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

#### SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operation
CITY OF LINCOLN & OR LANCASTER CTY & OR CITY OF LINCOLN LANCASTOR CTY PUBLIC BLDG COMM 559 5 10TH ST LINCOLN NE 58508	COVERAGE IS LIMITED TO TIRE SERVICE / MAINTENANCE WORK PERFORMED BY THE NAME INSURED AT THE CERTIFICATE HOLDER'S PREMISES.
Information required to complete this Schedule, if not show	above, will be shown in the Declarations.

A. Section II - Who is An insured is amonded to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damags" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

- The insurance allorded to such additional insured only applies to the extent permitted by law; and
- If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

BAUER BUILT INC PO BOX 248 DURAND WI 54736 B. With respect to the insurance afforded to the additional insureds. the following is added Section III - Limits Of Insurance:

If coverage provided to the additional insured required by a contract or sgreement, the most v will pay on behalf of the additional insured is th amount of insurance:

- 1. Required by the contract or agreement; or
- Available under the applicable Limits Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase like applicat Limits of Insurance shown in the Declarations.

© Insurance Services Office, Inc., 2012 Page 1 of 1 Policy Number: 9053527 Transaction Effective Date: 03-01-2017

#### WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY

#### WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

This endorsement, effective on 03-01-2016 at 12:01 A.M. standard time, forms a part of

Policy No. 9260181

Issued to BAUER BUILT INC

Issued by FEDERATED MUTUAL INSURANCE COMPANY

Endorsement No. 1

Authorized Representative

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enour right against the person or organization named in the Schedule. (This agreement applies only to the exten you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

CITY OF LINCOLN & OR LANCASTER CTY & OR CITY OF LINCOLN LANCASTOR CTY PUBLIC BLDG COMM 555 S 10TH ST LINCOLN NE 68508

Additional Reference:

COVERAGE IS LIMITED TO TIRE SERVICE / MAINTENANCE WORK PERFORMED BY THE NAMED INSURED AT THE CERTIFICATE HOLDER'S PREMISES IN THE STATE OF NE.

Copyright 1983 National Council on Compensation Insurance,

WC 00 03 13 (04-84)

issue Date: 03-01-2017