



City Council Staff Report

Date: December 1, 2010 CONSENT CALENDAR

Subject: AMENDMENT #3 TO AGREEMENT NO. 5300, CONTRACT SERVICES AGREEMENT WITH MERCHANTS LANDSCAPE SERVICES FOR ADDITIONAL LANDSCAPE MAINTENANCE.

From: City Manager

Initiated By: Director of Public Works/City Engineer

SUMMARY

Approval of this amendment will authorize Merchants Landscape Services, ("Contractor") to 1) Maintain eight additional areas recently constructed and deduct the Convention Center & North Parking Lots for a total increased amount of \$4,957.81 per year, as well as 2) Authorizing staff to direct Merchants for repair & replacement services on emergency, "as needed" basis for a total of up to \$5,000 per year and 3) Amending Section 1.8 to allow the Contract Officer to approve an additional annual amount of up to \$25,000 for added maintenance areas, going forward through the end of the contract.

RECOMMENDATION:

- 1) Approve Amendment No. 3 to Agreement No. 5300 in the amount of \$4,957.81 per year, as well as authorize up to \$5,000 per year for emergency "as needed" services for a total annual contract amount of up to \$1,222,724.33.
- 2) Amend Section 1.8 of the Contract Services Agreement to allow Contract Officer, to increase the contract amount for added maintenance areas up to \$25,000 annually, going forward through the end of the contract.
- 3) Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

In June 2006 City Council approved Agreement No. 5300 with Merchants Landscape Services ("Contractor") for the maintenance of parkways citywide. The original amount of this contract was \$573,728 per year. This Agreement had a 3-year term ending in June 2009 with two additional 2-year options renewable at the discretion of the City Manager and the mutual consent of Contractor. The initial 2-year option was exercised such that the Agreement expiration date is now June 2011. In June of 2007 City Council approved Amendment No. 1 to this agreement adding maintenance of all Parks to this contract at an additional cost of \$602,875 per year. In March 2008 City Council approved Amendment No. 2 to this Agreement for the planting of 135 tree wells downtown at a one time cost of \$82,948.95. The work under Amendment No. 2 has been completed.

Staff is requesting that Section 1.8 of the contract be amended to allow the Contract Officer to approve up to an additional annual amount of \$25,000 for added maintenance areas, going forward through the end of the contract.

Total Current Annual Amount \$ 1,212,766.52

This Amendment #3 proposes to add/remove the maintenance for the following areas at the annual costs stated below:

Smoke Tree Commons	\$ 8,919.00	
Warm Sands Medians	\$ 5,337.00	
Sunrise Median @Enclave	\$ 7,184.00	
County Building	\$ 22,821.00	
New ABOP Center	\$ 4,269.00	
N/S Riverside Dr.	\$ 989.64	
Sunquitz Plaza	\$ 7,686.00	
Vista Chino Median E/O Gene Autry	\$ 8,028.72	
Emergency "as needed"	\$ 5,000.00	
Cost of Additional Areas		\$ 70,234.36

Convention Center & N. Parking Lots \$ -60,276.55
(maintenance to be assumed by Convention Center)

Savings for Deleted Area \$ -60,276.55

TOTAL NET INCREASE \$ 9,957.81

NEW ANNUAL CONTRACT TOTAL \$ 1,222,724.33

FISCAL IMPACT:

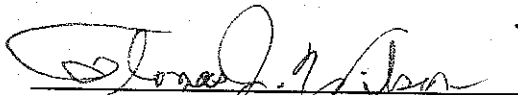
Sufficient funds are available in Parks Maintenance account No. 001-2451-43240 for Fiscal Year 2010/11 and will similarly be budgeted for the subsequent two fiscal years should the second 2-year extension be exercised.

Submitted

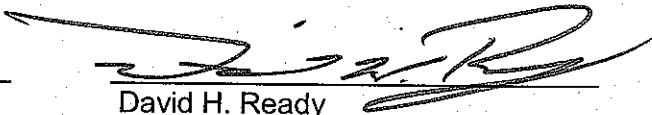


David J. Barakian
Director of Public Works/City Engineer

Approved



Thomas J. Wilson
Assistant City Manager



David H. Ready
City Manager

Attachments:

1. Amendment No. 3

AMENDMENT NO. 3 TO CONTRACT SERVICES AGREEMENT NO. 5300
WITH MERCHANTS LANDSCAPE SERVICES, INC. FOR
PARKS, PARKWAYS AND LANDSCAPE DISTRICT LANDSCAPE MAINTENANCE SERVICES

The following articles of Agreement No. 5300 are hereby amended as follows:

THIS THIRD AMENDMENT TO THE CONTRACT SERVICES AGREEMENT (herein "Third Amendment"), made and entered into on this _____ day of _____, 2010, by the City of Palm Springs (herein "City"), a charter city organized and existing in the County of Riverside, under the by virtue of the laws of the State of California, and Merchants Landscape Services, Inc. (herein "Contractor"), amends that certain Contract Services Agreement dated June 30, 2006 (herein "Agreement") by and between the same parties.

SECTION 1.8 "Additional Services" - Allow the Contract Officer to approve up to an additional annual amount of up to \$25,000 for added maintenance areas, going forward through the end of the contract.

SECTION 2.1 "Contract Sum" - The Contract Sum is increased by \$9,957.81 for a total annual cost of \$1,222,724.33 which includes an increase of \$65,234.36 per year for eight additional landscape maintenance areas, and a deduction for removing the Convention Center and their North Parking Lots at \$-60,276.55 and up to \$5,000 per year for "as needed" repair and replacement emergency services.

Agreement Number: 5300
Original:
City Council Approval: June 30, 2006
Contract Amount: \$ 573,728.00 (annually)

Amendment #1:
City Council Approval: June 20, 2007
Amount of Amendment #1: \$ 602,874.00 (annually)

Amendment #2:
City Council Approval: March 19, 2008
Amount of Amendment #2: \$ 82,948.95 (one time cost only)

Other Annual Increases:
Director of Parks & Rec Approval: February 28, 2008
Indian @ Palermo Maintenance \$ 4,728.00
maintenance began 12/01/07

Other Annual Changes (Decreases):
Approved by Council: March 5, 2008
Dissolution of District 6B \$(1,750.00)
Decrease of District 7 Costs \$(7,466.00)

Approved by Council: February 13, 2008
Asst Drctr of Parks & Rec Approval: July 28, 2009
Decrease of District 8 Costs \$(4,870.00)

3.9% CPI Increase-2008/2009 FY:
Parkways \$ 21,826.04
Parks \$ 23,512.09
Indian@Palermo \$ 184.39

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This Amendment #3 - \$9,957.81 Annually:

Eight Additional Landscape Maintenance Areas

Smoke Tree Commons	\$	8,919.00
Warm Sands Medians	\$	5,337.00
Sunrise Median @Enclave	\$	7,184.00
County Building	\$	22,821.00
New ABOP Center	\$	4,269.00
N/S Riverside Dr.	\$	989.64
Sunquitz Plaza Medians	\$	7,686.00
Escena Medians (V.C. east of GAT)	\$	8,028.72

Annual "as needed" R&R services \$ 5,000.00

Remove Convention Center & Lots \$ - 60,276.55

TOTAL Amount of This A#3 \$ 9,957.81

Total Annual Amended Contract \$1,222,724.33

Account Number for this A#3 001-2451-43240

Except as specifically amended by this Amendment No. 3, all terms and provisions of Agreement No. 5300 remain in full force and effect.

SIGNATURES ON NEXT PAGE

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IN WITNESS WHEREOF, the parties have executed this Amendment as of the dates stated below.

"City"
CITY OF PALM SPRINGS

Date: _____ By: _____
David H. Ready, City Manager

ATTEST:

By: _____
City Clerk

"Contractor"
Merchants Landscape Services, Inc.
1639 East Edinger Avenue, Suite C
Santa Ana, CA 92705

Date: _____ By: _____
Mark Brower, President