



City of Emeryville

CALIFORNIA

MAINTENANCE SERVICES CONTRACT

3RD AMENDMENT

THIS THIRD AMENDMENT TO THE MAINTENANCE SERVICES CONTRACT (“Amendment”) is effective as of _____ by and between **THE CITY OF EMERYVILLE**, a municipal corporation, (“City”) and **WEST COAST ARBORISTS INC** (“Contractor”), individually referred to as a “Party” and collectively as the “Parties”.

WITNESSETH THAT

WHEREAS, the City and Contractor entered into a Maintenance Services Contract dated March 26, 2020 (“Contract”) for the purpose of retaining the services of Contractor to provide the City and Contractor entered into a Maintenance Services Contract to provide on-going tree trimming, tree removal, stump removal, program to plant trees in, replace diseased and/or damaged trees, and provide cyclical pruning maintenance to enhance and improve the City’s appearance and quality of life; and; and

WHEREAS, The City Manager to Execute a Third Amendment to West Coast Arborist Services Inc. Maintenance Contract of \$660,687 to Add Additional Tree Trimming and removal Maintenance for City of Emeryville For A Total Increased Annual Amount of \$75,000.00, And A Total Not To Exceed Contract Amount of \$735,871.00

WHEREAS, the City and Contractor desire to amend the Contract; and

WHEREAS, the public interest will be served by this Amendment.

NOW, THEREFORE, the Parties hereto do mutually agree as follows:

1. AMENDMENT

The Parties agree to amend the Contract as checked below:

1.1 Exhibit A

Exhibit A of the Contract is hereby amended in its entirety and replaced



WCA Exhibit
with **Exhibit A-** A_2024-02-07-10-48;

OR

FOR CITY USE ONLY			
Contract No.		CIP No.	
Resolution No.		Project No.	

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- Exhibit A of the Contract is hereby amended to include the provisions of **Exhibit A-Revision Number**, attached hereto and incorporated herein by this reference.

1.2 Termination Date

- The Parties desire to extend the termination date. **Section 1.5** of the Contract is hereby amended to extend the termination date to **JUNE 30, 2024**.

1.3 Total Compensation Amount

- The Parties desire to increase the Total Compensation Amount as set forth in **Section 1.3.C** of the Contract by **SEVENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed **SEVEN HUNDRED THIRTY FIVE THOUSAND DOLLARS AND EIGHT HUNDRED AND SEVENTY ONE DOLLARS AND NO CENTS (\$735,871.00)**.

2. CONTINUING EFFECT OF CONTRACT

Except as amended by this Amendment, all other provisions of the Contract remain in full force and effect and shall govern the actions of the Parties under this Amendment. From and after the date of this Amendment, whenever the term “Contract” appears in the Contract, it shall mean the Contract as amended by this Amendment.

3. ADEQUATE CONSIDERATION

The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

4. SEVERABILITY

If any portion of this Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

5. WAIVER

The City’s failure to enforce any provision of this Amendment or the waiver in a particular instance shall not be construed as a general waiver of any future breach or default.

SIGNATURES ON FOLLOWING PAGE

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**6. SIGNATURE PAGE TO MAINTENANCE SERVICES CONTRACT
THIRD AMENDMENT**

IN WITNESS WHEREOF the City and the Contractor have executed this Contract,
which shall become effective as of the date first written above.

Approved As To Form:

DocuSigned by:
John Kennedy

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City Attorney

Dated: **CITY OF EMERYVILLE**

City Manager

Dated: **WEST COAST ARBORIST, INC**

02/16/2024

DocuSigned by:
Patrick Mahoney

324C79EBEE1E4FC... (Signature)
Patrick Mahoney, President

<i>Attach: W-9 Form</i>	<i>Attach: Business License Certificate</i>
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