

RESOLUTION NO. 17-76

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Maintenance Contract With New Image Landscape Company, Increasing The Contract Amount By \$15,000 To An Amount Not To Exceed \$163,018.03 For City-Wide Landscape Maintenance For Fiscal Year 2016/17.**

**WHEREAS**, the City contracts out the maintenance of landscaping at all City facilities, various City parks, median islands and greenways throughout the City; and

**WHEREAS**, on June 7, 2016, the City Council authorized the City Manager to enter into a maintenance contract with New Image Landscape Company in an amount not to exceed \$148,018.03 for city-wide landscape maintenance for Fiscal Year (FY) 2016/17; and

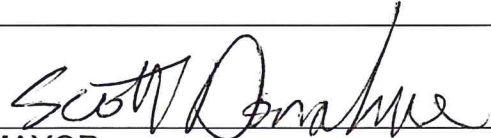
**WHEREAS**, due to higher than anticipated irrigation repair and weed abatement requests there is a need to increase the total contract value by \$15,000 to an amount not to exceed \$163,018.03; and

**WHEREAS**, there are sufficient funds in the FY 2016/17 operating budget for landscape maintenance and the Housing Asset Fund 298 to fund the cost of this First Amendment; now, therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby authorizes the City Manager to enter into a First Amendment to the Maintenance Contract with New Image Landscape Company, increasing the contract amount by \$15,000.00, to an amount not to exceed \$163,018.03 for City-Wide Landscape Maintenance for FY 2016/17.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 6, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
CITY CLERK

  
CITY ATTORNEY

### FIRST AMENDMENT TO MAINTENANCE CONTRACT

This First Amendment To Maintenance Contract ("First Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between CITY OF EMERYVILLE, a municipal corporation ("City") and NEW IMAGE LANDSCAPE COMPANY, ("Contractor");

#### WITNESSETH THAT:

WHEREAS, at the June 7, 2016 City Council meeting, the City Council of the City of Emeryville approved a Maintenance Contract (the "Contract") for Fiscal Year 2016/2017 with New Image Landscape Company of Fremont, CA for City Wide Landscape Maintenance, in an amount not to exceed \$148,018.03; and

WHEREAS, an allowance in an amount not to exceed \$40,000 was included in the Total Compensation for Extra Work as described in the Bid Documents should it be needed; and

WHEREAS, due to higher than anticipated Extra Work performed during Fiscal Year 2016/2017, it is necessary to increase the Total Compensation of the Contract by \$15,000 to an amount not to exceed \$163,018.03 for Fiscal Year 2016/17; and

WHEREAS, the public interest will be served by this First Amendment;

NOW, THEREFORE BE IT RESOLVED, the parties mutually agree as follows:

1. Section A. 3. PRICE subsection C is hereby amended in its entirety to read as follows:

The total amount to be paid under this Contract for all of the work set forth in Section 2 above is **ONE HUNDRED SIXTY-THREE THOUSAND AND EIGHTEEN DOLLARS AND THREE CENTS (\$163,018.03)** ("Total Compensation"). An allowance in an amount not to exceed **\$55,000** is included in the Total Compensation for Extra Work as described in the Bid Documents should it be needed. The Contractor shall not perform any Extra Work unless approved in writing by the City.

2. All other terms and conditions of the original Contract will be unchanged as a result of this First Amendment.

FOR CITY USE ONLY			
Contract #:	11126-0111-PW01	CIP #:	
Reso. #:	12-09	EPW #:	

IN WITNESS WHEREOF the City and the Contractor have executed this First Amendment effective as of the date the City Manager executes this First Amendment on behalf of the City.

APPROVED AS TO FORM:

  
CITY ATTORNEY

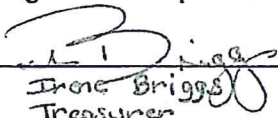
DATED: \_\_\_\_\_, 2017

CITY OF EMERYVILLE:

\_\_\_\_\_  
Carolyn Lehr, CITY MANAGER

New Image Landscape Company

By: \_\_\_\_\_

  
Irene Briggs  
Treasurer

Title: \_\_\_\_\_

5/16/17