



## AGENDA REPORT

**Meeting Date:** December 20, 2016

**Item Number:** D-18

**To:** Honorable Mayor & City Council

**From:** Chad Lynn, Assistant Director of Public Works  
Logan Phillippo, Management Analyst *LP*

**Subject:** AMENDMENT NO. 10 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND LANDCARE USA, LLC (FORMERLY TRUGREEN LANDCARE LLC) FOR LANDSCAPE MAINTENANCE SERVICES; AND  
  
APPROVAL OF A CORRESPONDING CHANGE PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$456,953 FOR THESE SERVICES

**Attachments:** 1. Amendment No. 10

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### **RECOMMENDATION**

Staff recommends that City Council move to approve Amendment No. 10 to an Agreement between the City of Beverly Hills and LandCare USA, LLC (Formerly TruGreen Landcare LLC) for Landscape Maintenance Services and a corresponding change purchase order in the not-to-exceed amount of \$456,953 for these services.

### **INTRODUCTION**

In July 2004, the City entered into the current agreement with LandCare USA, (formerly known as TruGreen Landcare) to provide landscape maintenance services throughout the City. During this contract period, LandCare USA has provided an acceptable level of service at an economical price point. The current agreement is set to terminate on December 31, 2016. Staff recommends this agreement be extended through June 30, 2017, while the City issues a request for proposals (RFP) and executes a new agreement for these services.

The current not-to-exceed consideration is \$450,200 annually. Amendment No. 10 will increase the consideration for Fiscal Year 2016-17 by \$6,753 to \$456,953.

### **DISCUSSION**

The series of amendments related to this agreement consist primarily of extensions to the contract term.

Amendment No. 1 extended the termination date two years to June 30, 2009, and increased the consideration by \$10,200 annually for additional services related to maintenance of planters at Beverly Canon Gardens.

Amendments No. 2 through 7 extended the term of the contract at various intervals between September 30, 2009, and December 31, 2011, while the City considered outsourcing all landscape maintenance work in order to meet budget reduction goals. Through an evaluation process, it was determined that a combination of City parks maintenance workers and contractual services effectively met required service levels and budget reduction goals and the City agreed to retain in-house parks maintenance workers.

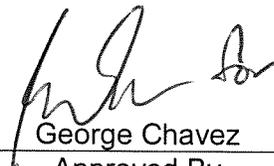
Following this evaluation period, the City extended the term of the Contract with Amendment No. 8 for five years through December 31, 2016, with no increases to the consideration.

Amendment No. 9 increased the consideration by \$20,000.00 annually for additional services related to water conservation.

As the parks maintenance function has recently transitioned from the Community Services Department to the Public Works Department, additional time is needed to seek proposals for a new agreement which is anticipated to be executed this spring with a start date of July 1, 2017. To maintain services levels through this six-month period, an additional \$6,753 will be required, representing a 3% cost increase for services provided between January 1, 2017, and June 30, 2017, the remaining half of the fiscal year (a 1.5% increase to the total not-to-exceed annual consideration).

### **FISCAL IMPACT**

No additional appropriations are necessary at this time. Funding for the additional \$6,753 has been earmarked as part of the Fiscal Year 2016-2017 Parks Maintenance & Operations Budget 001-06910.

  
George Chavez  
Approved By

# **Attachment 1**

AMENDMENT NO. 10 TO AN AGREEMENT BETWEEN THE  
CITY OF BEVERLY HILLS AND LANDCARE USA, LLC  
(FORMERLY TRUGREEN LANDCARE LLC) FOR LANDSCAPE  
MAINTENANCE SERVICES

NAME OF CONTRACTOR: LandCare USA, LLC

RESPONSIBLE PRINCIPAL OF CONTRACTOR: Ralph Navarro, Operations Manager

CONTRACTOR'S ADDRESS: 1323 West 130<sup>th</sup> Street  
Gardena, CA 90247

CITY'S ADDRESS: City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attention: Nancy Hunt-Coffey  
Director of Community Services

COMMENCEMENT DATE: July 1, 2004

TERMINATION DATE: June 30, 2017

CONSIDERATION: Original Agreement: Not to exceed  
\$420,000 per year, as more particularly  
described in Exhibit B-1

Amendment Nos. 1-8: Not to exceed  
\$430,200 per year

Amendment No. 9: Additional \$20,000. Not  
to exceed \$450,200 (July 1, 2015-  
December 31, 2016)

Amendment No. 10: Additional \$6,753. Not  
to exceed \$456,953 for FY16/17

AMENDMENT NO. 10 TO AN AGREEMENT BETWEEN THE  
CITY OF BEVERLY HILLS AND LANDCARE USA, LLC  
(FORMERLY TRUGREEN LANDCARE LLC) FOR LANDSCAPE  
MAINTENANCE SERVICES

This Amendment No. 10 is to that certain Agreement dated July 10, 2004 and identified as Contract No. 206-04, as amended by Amendment No. 1, dated June 13, 2008 and identified as Contract No. 204-08; Amendment No. 2, dated July 21, 2009 and identified as Contract No. 310-09; Amendment No. 3, dated October 12, 2009 and identified as Contract No. 401-09; Amendment No. 4, dated June 22, 2010 and identified as Contract No. 228-10; Amendment No. 5, dated December 21, 2010 and identified as Contract No. 541-10; Amendment No. 6, dated March 1, 2011 and identified as Contract No. 66-11; Amendment No. 7, dated June 7, 2011 and identified as Contract No. 186-11; and Amendment No. 8, dated December 19, 2011 and identified as Contract No. 504-11; and Amendment No. 9, dated July 21, 2016 and identified as Contract No. 374-15 (the "Agreement"), copies of which are on file in the office of the City Clerk, between the City of Beverly Hills, a municipal corporation ("City") and LandCare USA, LLC (formerly TruGreen LandCare LLC) ("Contractor"), for landscape maintenance services.

R E C I T A L S

- A. City entered into a written Agreement, dated July 10, 2004, for landscaping maintenance services with Trugreen Landcare, which has been previously amended.
- B. Trugreen Landcare has changed its name to LandCare USA, LLC.
- C. City desires to extend the Termination Date, and increase the Consideration by 3% for services provided effective January 1, 2017 and thereafter.

NOW, THEREFORE, the parties hereto do amend the Agreement as follows:

Section 1. The Termination Date shall be amended as set forth on the cover sheet of this Amendment No. 10.

Section 2. The Consideration shall be amended as set forth on the cover sheet of this Amendment No. 10.

Section 3. Exhibit B-1, "Rates" shall be amended as attached hereto and incorporated herein.

Section 4. All references to Contractor, CONTRACTOR and VENDOR shall mean LandCare USA LLC.

Section 5. Except as amended by specifically amended by Section 3 and 4 of Amendment No. 8, Section 3 of Amendment No. 9 and this Amendment No. 10, all terms and conditions set forth in the Agreement shall remain in full force and effect.

EXECUTED the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, at Beverly Hills, California.

CITY OF BEVERLY HILLS  
A Municipal Corporation

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of  
Beverly Hills, California

ATTEST:

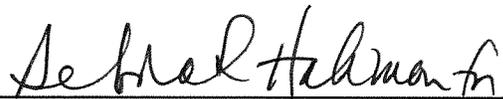
\_\_\_\_\_  
BYRON POPE  
City Clerk

[Signatures continue]

VENDOR: LANDCARE USA LLC

  
\_\_\_\_\_  
JIM BALLARD  
Vice President & Secretary

APPROVED AS TO FORM

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MAHDI ALUZRI  
City Manager

  
\_\_\_\_\_  
GEORGE CHAVEZ  
Assistant City Manager/Director of Public Works

  
\_\_\_\_\_  
CHAD LYNN  
Assistant Director of Public Works/Parking & Facilities Operations

  
\_\_\_\_\_  
SHARON L'HEUREUX DRESSEL  
Interim Risk Manager

## EXHIBIT B-1

### RATES

City shall compensate Contractor in the following not to exceed amounts pursuant to the rates set forth in Exhibit A:

- (a) For services performed July 1, 2004 through June 30, 2008: \$420,000 per year;
- (b) For services performed July 2008 through June 30, 2015: \$430,200 per year;
- (c) For services commencing July 1, 2015: \$450,200 per year;
- (d) For services commencing July 1, 2016: \$456,953 per year.