

RESOLUTION NO. 2019-83

A RESOLUTION OF THE CITY OF MARINA APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN CITY OF MARINA AND NEW IMAGE LANDSCAPE COMPANY OF FREMONT, CALIFORNIA, TO EXTEND THE AGREEMENT FOR ONE YEAR, INCREASE THE COMPENSATION TO THE CONTRACTOR BY \$960.00 ANNUALLY AND AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, at the regular meeting of June 5, 2018, the City Council adopted Resolution 2018-58, awarding the Landscape Maintenance Services Contract to New Image Landscape Company of Fremont, California. The awarded contract period was for one year with the option for extending the contract by amendment, and;

WHEREAS, the scope of work for the landscape maintenance services includes three Landscape Maintenance Districts, one Community Facility District and the Marina Branch Library. The contract expired on June 30, 2019, and;

WHEREAS, to continue with the ongoing maintenance, staff recommends extending the Agreement with New Image Landscape Company for one year in conformance with section A2.20 of the contract specifications which allows the contract to be extended per written approval by the Contractor and the City of Marina. The proposed Amendment No. 1 would increase the total contract amount by \$960.00 to a total annual amount of \$25,680.00 (“**EXHIBIT A**”). This action, if approved, would be effective July 1, 2019, and;

WHEREAS, should the City Council approve this request, the total compensation payable to New Image Landscape Company under the Agreement would be increased by \$960.00 to a total amount of \$25,680.00 annually. The Districts’ current account balances with approved budgets will allow for the contract increase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. Approve Amendment No. 1 to the Agreement between City of Marina and New Image Landscape Company of Fremont, California, to extend the amended contract one year and increase the compensation payable to the Contractor by \$960.00 annually, and;
2. Authorize the City Manager to execute Amendment No. 1 on behalf of the City subject to final review and approval by City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 7th day of August 2019, by the following vote:

AYES: COUNCIL MEMBERS: Berkley, O’Connell, Morton

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Urrutia, Delgado

ABSTAIN: COUNCIL MEMBERS: None

Gail Morton, Mayor Pro-Tem

ATTEST:

Anita Sharp, Deputy City Clerk

**AMENDMENT NO. 1
TO AGREEMENT FOR LANDSCAPE MAINTENANCE DISTRICTS
LANDSCAPE MAINTENANCE SERVICES PROJECT**

This Amendment No. 1 ("Amendment No. 1") to the Agreement for Landscape Maintenance Districts Landscape Maintenance Services Project by and between the City of Marina, a California charter city, hereinafter referred to as "City," and New Image Landscape Company, of Fremont, California, hereinafter referred to as "Contractor" is made and entered into as of the _____ day of _____ 2019.

In consideration of the mutual promises contained herein, City and Contractor agree that the Terms and Conditions set forth herein are incorporated into the Agreement for Landscape Maintenance Services between City and Contractor dated August 2, 2018 (the "Agreement"). Only the provisions of the numbered sections of said Agreement which are being modified hereby are included in this Amendment No. 1, and all other terms and conditions of said Agreement shall remain unchanged.

2. The Third Section of the Agreement is replaced in its entirety to read as follows:

"THIRD: That said Contractor, from and after the date of Amendment No. 1, agrees to receive and accept the following price as full compensation for furnishing all materials and for doing all the work embraced and contemplated in the Proposal adopted by the City of Marina, a true copy thereof hereto attached, also, for all loss or damage arising out of the nature of said work, or from the action of the elements or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until the acceptance thereof by the City of Marina and for all risk connected with the work, and for well and faithfully completing the work, and the whole thereof, in the manner and according to the said Plans and Specifications and the provisions of this Agreement, and the requirements of the Engineer under them, to wit: The price as set forth in the Proposal of said Contractor for the work to be constructed and completed under this Agreement, which process shall be considered as though repeated herein.

Twenty Five Thousand Six Hundred Eighty
(\$ 25,680.00)
Payable at the rate of
Two Thousand One Hundred Forty per Month
(\$2,140.00)

Unless otherwise provided, the term of this Agreement shall begin on the date of its full execution and shall expire on June 30, 2020, unless extended by amendment or terminated earlier as provided in the City of Marina Specifications for the Landscape Maintenance Services.

All other aspects of the Agreement will remain unchanged.

EXHIBIT A

IN WITNESS WHEREOF, Contractor and the City by their duly authorized representatives, have executed this Amendment No. 1 on the date first set forth above at Marina, California.

CITY OF MARINA

CONTRACTOR

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

July 29, 2019

Item No. **8g(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 7, 2019

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2019-,
APPROVING AMENDMENT NO. 1 TO AGREEMENT BETWEEN
CITY OF MARINA AND NEW IMAGE LANDSCAPE COMPANY OF
FREMONT, CALIFORNIA, TO EXTEND THE AGREEMENT FOR
ONE YEAR, INCREASE THE COMPENSATION TO THE
CONTRACTOR BY \$960.00 ANNUALLY AND AUTHORIZE THE CITY
MANAGER TO EXECUTE AMENDMENT NO. 1 ON BEHALF OF THE
CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY
ATTORNEY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2019-__, approving Amendment No. 1 to the Agreement between City of Marina and New Image Landscape Company of Fremont, California, to extend the amended contract one year and increase the compensation payable to the Contractor by \$960.00 annually, and;
2. Authorize the City Manager to execute Amendment No. 1 on behalf of the City subject to final review and approval by City Attorney.

BACKGROUND:

At the regular meeting of June 5, 2018, the City Council adopted Resolution 2018-58, awarding the Landscape Maintenance Services Contract to New Image Landscape Company of Fremont, California. The awarded contract period was for one year with the option for extending the contract by amendment.

ANALYSIS:

The scope of work for the landscape maintenance services includes three Landscape Maintenance Districts, one Community Facility District and the Marina Branch Library. The contract expired on June 30, 2019.

To continue with the ongoing maintenance, staff recommends extending the Agreement with New Image Landscape Company for one year in conformance with section A2.20 of the contract specifications which allows the contract to be extended per written approval by the Contractor and the City of Marina. The proposed Amendment No. 1 would increase the total contract amount by \$960.00 to a total annual amount of \$25,680.00 (“**EXHIBIT A**”). This action, if approved, would be effective July 1, 2019.

FISCAL IMPACT:

Should the City Council approve this request, the total compensation payable to New Image Landscape Company under the Agreement would be increased by \$960.00 to a total amount of \$25,680.00 annually. The Districts' current account balances with approved budgets will allow for the contract increase.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne Long
City Manager
City of Marina