

Project Name/No.: Landscape Maintenance/Package D

Contract No.: 21220063 (A3)

Dept./Contract Rep: PW-LMAD/ A.Gilgren

Approved: 09/20/2022

**AMENDMENT NO. 3 TO AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES
WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PACKAGE D – SAN
ANTONIO WITHIN THE CITY OF YORBA LINDA**

THIS AMENDMENT is made and entered into this 20th day of September, 2022, by and between the City of Yorba Linda, 4845 Casa Loma Avenue, Yorba Linda, California 92886, a municipal corporation of the State of California (hereinafter referred to as “City”), and Merchants Landscape Services, Inc. (hereinafter referred to as “Contractor”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, the City and the Contractor entered into an Agreement for landscape maintenance within Landscape Maintenance Assessment District Package D – San Antonio within the City of Yorba Linda dated July 1, 2019 (Agreement); and

WHEREAS, the Agreement allows to renew the agreement for up to two (2) additional one-year term extensions; and

WHEREAS, the City and Contractor entered into Amendment No.1 to the original agreement dated July 1, 2022, to extend the agreement for one (1) additional month and increase the agreement sum to provide additional compensation for services rendered by Contractor during the extended term; and

WHEREAS, the City and Contractor entered into Amendment No.2 to the original agreement dated August 1, 2022, to extend the agreement for one (2) additional months and to increase the agreement sum to provide additional compensation for services rendered by Contractor during the extended term; and

WHEREAS, the Contractor requests an increase in unit costs based on the Consumer Price Index (CPI) pursuant to the extension of term of contract clause in Section 3.1.2.1 of the Agreement; and

WHEREAS, the City and Contractor agree to a CPI based increase of six and eight-tenths percent (6.8%) based on the percentage change in the CPI for the preceding year for unit costs; and

WHEREAS, the City intends to extend the agreement for nine (9) additional months pursuant to the extension clause in Section 3.1.2.1 Extension of Term of Contract of the Agreement; and

WHEREAS, the City intends to delineate the contract compensation increase amount for the extension term based upon the City’s fiscal year as described in the additional compensation table, attached hereto as “Exhibit A-1” and incorporated herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the Parties agree to extend and amend the Agreement as follows:

1. The term specified in Section 3.1.2, Term, shall be extended for an additional nine-month period from October 1, 2022 to June 30, 2023.

2. The total compensation for services as specified in Section 3.3.1, Compensation, pursuant to this Amendment No. 2 shall be increased by an amount of **Four Hundred Eighty-Six Thousand Four Hundred Fifteen Dollars (\$486,415)** for work performed for the additional term period through June 30, 2023, thereby increasing the total not to exceed Agreement amount to **Two Million Four Hundred Sixty-Six Thousand Eight Hundred Ninety-Five Dollars (\$2,466,895)**.
3. Except as amended pursuant to this Amendment No. 3, all provisions of the Agreement shall remain in full force and effect, and shall govern the services provided under this Amendment No. 3.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed and entered into this Amendment to the Agreement.

CITY OF YORBA LINDA

Dated: _____

By: _____
MARK A. PULONE
CITY MANAGER

ATTEST:


Marcia Brown
City Clerk

**MERCHANTS LANDSCAPE
SERVICES, INC.**

Dianna Honeywell
Finance Director

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

By: MARK BROWLER
(Print)


(Signature)

Todd Litfin
City Attorney

Title: PRESIDENT

Dated: 9/2/22

EXHIBT "A-1"

Compensation Table for Amendment No. 3

<u>FY 22/23 Amendment No.</u>	<u>TERM</u>	<u>AMOUNT</u>
*Amendment NO.1	July 1 st , 2022 – July 31 st , 2022 (1-Month)	\$50,605
*Amendment NO.2	August 1 st , 2022 - September 30 th , 2022 (2-Months)	\$108,092
Amendment NO.3 (Current)	October 1st, 2022 - June 30th, 2023 (9-Months)	\$486,415
Not- to-Exceed Amendment FY2022-2023 Compensation=		<u>\$645,415</u>

*Compensation for first three months of Fiscal Year 2022/2023 provided for in Amendments No.1 & No.2 are listed in the table above for reference and tabulation purposes only.