

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director *SL*

BY: Jessica Sandifer, Program Manager

DATE: June 2, 2016 (CC Meeting of June 15, 2016)

SUBJECT: Consider Amendment No. 7 to Agreement with Venco Western, Inc., to Increase Contingency for Maintenance Services at the City's Parks

BACKGROUND

On July 1, 2013, the City entered into an Agreement with Venco Western, Inc. (Venco) to provide landscape maintenance services for the City's parks. Since the inception of the Agreement, it has been amended five other times. The majority of the amendments pertain to the turf conversion project in both the landscape maintenance districts and City parks. Venco's contract total to date is \$1,631,965.

DISCUSSION

The term of Venco's current Agreement expires on September 30, 2017. However, the contingency funding has been depleted due to various repairs and minor improvement projects. This is primarily due to various maintenance items resulting from the turf conversion projects that were initiated by staff. For instance, prior to the adoption of the Drought Action Plan, staff had already initiated several projects with in-house staff to remove turf and install drought tolerant plant material. In addition, several volunteer projects to install drought tolerant plant material were also completed during the course of the current fiscal year. A portion of the work required modifications to the existing irrigation system, which was completed by Venco under the contingency funding.

Staff is requesting an additional \$25,000 contingency in order to complete various park repairs prior to the end of the Agreement term. Staff will return in September to extend Venco's agreement for one additional term and will include additional contingency at that time. The addition of the \$25,000 contingency will bring Venco's contract amount total to \$1,656,965.

Scope of Services	Amount	Contingency	10/1/16 - 9/30/17	TOTAL
Initial 15-month Maintenance Service per Agreement	\$ 406,005	\$ 25,000		\$ 431,005
Second year of Maintenance Service per Agreement	\$ 324,804	\$ 25,000		\$ 349,804
Amendment No. 1 Tierra Rejada Refurbishment	\$ 33,216			\$ 33,216
Amendment No. 2 Extend Term of Agrmnt	\$ -	\$ -		\$ -
Amendment No. 3 Park Turf Conversion	\$ 123,169	\$ 18,476		\$ 141,645
Amendment No. 4 LMD Extend Services	\$ 324,804	\$ 25,000		\$ 349,804
Amendment No. 4 LMD Turf Converson	\$ 140,217	\$ 14,022		\$ 154,239
Amendment No. 5 Reduction of services	\$ (2,748)	\$ 2,748		\$ -
Amendment No. 6 Park Planting	\$ 175,000	\$ -		\$ 175,000
Amendment No. 6 Reduce Contingency	-	\$ (2,748)		\$ (2,748)
Sub-Total	\$ 1,524,467	\$ 110,246	\$ -	\$ 1,631,965
Amendment No. 7 Increase Contingency		\$ 25,000		\$ 25,000
TOTAL	\$ 1,524,467	\$ 135,246		\$ 1,656,965

FISCAL IMPACT

There is no fiscal impact to the FY 2015/16 or FY 2016/17 budgets and staff is not requesting additional appropriation. Funding for the additional projects has already been budgeted within the parks maintenance budgets.

STAFF RECOMMENDATION

Approve Amendment No. 7 to increase Venco's Contingency by \$25,000, and authorize the City Manager to execute Amendment No. 7, subject to final language approval by the City Manager.

Attachment:

Amendment No. 7

**AMENDMENT NO. 7
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
VENCO WESTERN, INC. FOR LANDSCAPE MAINTENANCE SERVICES**

This Amendment No. 7 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Venco Western, Inc., a corporation ("Contractor"), for landscape maintenance services at City Parks ("Agreement"), is made and entered into the _____ day of _____, 2016.

RECITALS

WHEREAS, on June 27, 2013, the City and Contractor entered into an Agreement to have the Contractor perform landscape maintenance services at City Parks with compensation for said services not to exceed four hundred thirty-one thousand five dollars (\$431,005), which includes a contingency of twenty-five thousand dollars (\$25,000), for the initial fifteen (15) month term of the agreement and three hundred forty-nine thousand eight hundred four dollars (\$349,804), which includes a twenty-five thousand dollar (\$25,000) contingency, annually thereafter, for a total contract value of seven hundred eighty thousand eight hundred nine dollars (\$780,809); and

WHEREAS, on March 18, 2014, the City and Contractor amended the Agreement and entered into and approved Amendment No. 1 to increase the compensation by thirty-three thousand two hundred sixteen dollars (\$33,216) for landscape refurbishment services on Tierra Rejada Road, for a total contract value of eight hundred fourteen thousand twenty-five dollars (\$814,025); and

WHEREAS, on August 26, 2014, the City and Contractor amended the Agreement and entered into and approved Amendment No. 2 to extend the term for one (1) additional year expiring on September 30, 2015, and provide the compensation for services to be performed by Contractor for the additional extension period as provided in the Agreement; and

WHEREAS, on July 27, 2015, the City and Contractor amended the Agreement and entered into and approved Amendment No. 3 to increase the compensation by one hundred forty-one thousand six hundred forty-five dollars (\$141,645), which includes an eighteen thousand four hundred seventy-six dollar (\$18,476) contingency, for turf conversion projects at City parks, for a total contract value of nine hundred fifty-five thousand six hundred seventy dollars (\$955,670); and

WHEREAS, on September 4, 2015, the City and Contractor amended the Agreement and entered into and approved Amendment No. 4 to increase the compensation by one hundred fifty-four thousand two hundred thirty-nine dollars (\$154,239), which includes a fourteen thousand twenty-two dollar (\$14,022) contingency, for services to be performed by Contractor for turf conversion projects in the City's Landscape Maintenance Districts (LMD) as outlined in Exhibit J and also extended the Agreement for one additional year, to expire on September 30, 2016, and provide the additional compensation of three hundred forty-nine thousand eight hundred

four dollars (\$349,804), which includes a twenty-five thousand dollar (\$25,000) contingency, for services to be performed by Contractor for the additional extension period as provided in the Agreement for a total contract value of one million four hundred fifty-nine thousand seven hundred thirteen dollars (\$1,459,713); and

WHEREAS, on December 15, 2015, the City and Contractor amended the Agreement and entered into and approved Amendment No. 5 to reduce the monthly landscape maintenance service cost from twenty-seven thousand sixty-seven dollars (\$27,067) to twenty-six thousand one hundred eighty-three dollars (\$26,183) and add a Walnut Acres Park monthly service cost of six hundred fifty-five dollars (\$655), for a new monthly total of twenty-six thousand eight hundred thirty-eight dollars (\$26,838), resulting in a total annual reduction in maintenance costs of two thousand seven hundred forty-eight (\$2,748), as outlined in Exhibit K, and increased the contingency amount from twenty-five thousand dollars (\$25,000) to twenty-seven thousand seven hundred forty-eight dollars (\$27,748), for a total contract value of one million four hundred fifty-nine thousand seven hundred thirteen dollars (\$1,459,713); and

WHEREAS, on April 14, 2016, City and Contractor amended the Agreement and entered into and approved Amendment No. 6 for additional services related to planting plants and modifying irrigation at various parks for a not-to-exceed amount of one hundred seventy-five thousand dollars (\$175,000), based on the per plant pricing listed in Exhibit L and reduced the contingency from twenty-seven thousand seven hundred forty-eight dollars (\$27,748) by a value of two thousand seven hundred forty-eight dollars (\$2,748), for a total contract value of one million six hundred thirty-one thousand nine hundred sixty-five dollars (\$1,631,965); and

WHEREAS the City and Contractor desire to amend the Agreement to increase the contingency from one hundred ten thousand two hundred forty-six dollars (\$110,246) by a value of twenty-five thousand dollars (\$25,000) for a total contingency value of one hundred thirty-five thousand two hundred forty-six dollars (\$135,246) and a total contract value of one million six hundred fifty-six thousand nine hundred sixty-five dollars (\$1,656,965) and document said agreement to amend by jointly approving Amendment No. 7 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 1, SCOPE OF SERVICES, is amended by replacing the first three paragraphs in their entirety as follows:

“City does hereby retain Contractor in a contractual capacity to provide landscape maintenance services, plus additional repair and installation services, related to City parks and miscellaneous City properties, as set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, and L, which exhibits are attached and incorporated herein by this reference as though set forth in full and hereinafter referred to as the “Proposal”. Where said Scope of Services is modified by this Agreement, or in the event there is a conflict between the provisions of said Scope of Services and this Agreement, the language contained in this Agreement shall take precedence.

Contractor shall perform the tasks described and set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, and L, all of which are attached hereto and incorporated herein by this reference as though set forth in full. Contractor shall complete the tasks according to the schedule of performance which is also set forth in Exhibits A, B, E, F, and L.

Compensation for the services to be performed by Contractor shall be in accordance with Exhibits D, H, I, J, K, and L. Compensation shall not exceed the rates shown on Exhibits D, H, I, J, K, and L or the total contract value of one million six hundred fifty-six thousand nine hundred sixty-five dollars (\$1,656,965). Approval of additional related maintenance, repair, and installation services during the term of this Agreement to be paid out of the contingency funding shall require a written Work Order executed by both parties. Payment by City to Contractor shall be as described in this Agreement.”

II. Section 2, PAYMENT, is amended by replacing paragraph one in its entirety as follows:

“The City agrees to pay Contractor monthly, in accordance with the terms as set forth in Exhibits D, H, I, J, K, and L based upon actual time spent on the above tasks. This amount shall not exceed total contract value one million six hundred fifty-six thousand nine hundred sixty-five dollars (\$1,656,965), during the Agreement Term.

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III. Remaining Provisions:

Except as revised by this Amendment No. 7, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK

VENCO WESTERN, INC.

Steven Kueny, City Manager

Linda Burr, President

Attest:

Maureen Benson, City Clerk