



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 18, 2014

ITEM NUMBER:

SUBJECT: LANDSCAPE AND TURF MAINTENANCE CONTRACT AMENDMENT – MIDORI GARDENS, INC.

DATE: NOVEMBER 7, 2014

FROM: PUBLIC SERVICES DEPARTMENT – MAINTENANCE SERVICES DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: BRUCE HARTLEY (714) 754-5123

RECOMMENDATION

1. Approve an Amendment to the contract with Midori Gardens, Inc. to extend the term from June 30, 2014 to February 28, 2015 for the landscape maintenance of parks, facilities and sports fields in the amount of \$37,051.67 per month.
2. Authorize the Chief Executive Officer and the City Clerk to execute the Amendment to the Performance Services Agreement.

BACKGROUND

On September 19, 2006, the City Council awarded a contract for landscape maintenance to Midori Gardens, Inc. in an annual amount of \$305,076.64. The contract was for an initial term of two (2) years, with four optional one (1) year renewals ending in September 2012. The contract was amended on three occasions; once to approve the optional renewals, and two subsequent amendments to extend the term to June 30, 2014. The contractor is currently working on a month-to-month basis.

ANALYSIS

Midori Gardens, Inc. has been performing satisfactorily for the duration of the contract. The previous amendments were entered into to allow time for the City to complete the Request for Proposal process during the outsourcing feasibility studies for all park and landscape maintenance services. It was anticipated that at such time as the outsourcing was implemented, the existing contract would have been terminated.

With the completion of the feasibility studies and the determination to continue with a hybrid of in-house and contract services for park and landscape maintenance, the intention was to re-advertise the work prior to the end of the amended term. The specifications were not completed prior to June 30, 2014. The contractor has continued to provide the service on a month-to-month basis. The preparation of the specifications is currently underway. The park and landscape maintenance contract is anticipated to be advertised in November 2014 and brought to City Council for award in February 2015.

ALTERNATIVES CONSIDERED

The Council could extend the contract for a longer term, continuing service with the existing landscape contractor.

FISCAL REVIEW

The contract cost for landscape maintenance services is included in the Public Services Department FY 2014-15 Operating Budget.

LEGAL REVIEW

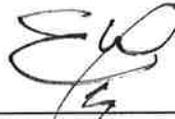
The City Attorney's office has reviewed and approved the attached Amendment to the Performance Services Agreement as to form.

CONCLUSION

The current contract with Midori Gardens, Inc. has reached the maximum term allowed in the current agreement. An amendment to the contract will allow for the completion of the formal bid process to identify the lowest responsible bid and establish a new multi-year agreement. It is anticipated the bid process will be complete and a request to award a new contract will be brought to the City Council in February 2015.



STEVE DUNIVENT
Interim Finance Director



ERNESTO MUNOZ
Public Services Director



KIMBERLY WILSON
Purchasing Supervisor



BRUCE HARTLEY
Maintenance Services Manager

Attachments: 1. Amendment to the Performance Services Agreement

C: Midori Gardens, Inc.
3231 South Main Street
Santa Ana, CA 92707

FOURTH AMENDMENT TO PERFORMANCE SERVICES AGREEMENT
FOR LANDSCAPE AND TURF MAINTENANCE

THIS FOURTH AMENDMENT, is made and entered into this November ____, 2014, by and between the CITY OF COSTA MESA, a California municipal corporation ("City") and MIDORI GARDENS, a California Corporation ("Contractor"). The abovementioned parties being hereinafter collectively referred to as the "Parties".

Recitals

- A. City entered into an Agreement with Contractor on October 17, 2006, to perform landscape and turf maintenance of parks, facilities and sports fields; and
- B. The parties have exercised the maximum number of extensions authorized under the Agreement; and
- C. The term of the Agreement expired on June 30, 2014; and
- D. The City desires to issue a new Request for Proposals for the services currently provided by Contractor; and
- E. The Contractor has continued to provide services subject to the Agreement upon the understanding and agreement that the term of the Contract was extended on a month to month basis; and
- F. The Parties now desire to execute this written amendment to the Agreement extending the term of the Agreement so that Contractor continues to provide services under the Agreement and the City has time to issue a new Request for Proposals; and
- G. The Parties desire to extend the term of the Agreement herein from July 1, 2014 through February 28, 2015.

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in the Agreement, the Parties hereby amend the Agreement as follows:

- 1. Paragraph 4.1 of the Agreement is hereby amended to extend the term of the Agreement until February 28, 2015.
- 2. Paragraph 2.1 of the Agreement is hereby amended to include the following:

Commencing July 1, 2014, the City agrees to pay Contractor the additional amounts below unless the Agreement is sooner terminated. The amount owed shall be paid according to the schedule below and shall not exceed \$296,413.36.

Monthly Period	Monthly Payment Amount
July 1, 2014 thru July 31, 2014	\$37,051.67
August 1, 2014 thru August 31, 2014	\$37,051.67
September 1, 2014 thru September 30, 2014	\$37,051.67
October 1, 2014 thru October 31, 2014	\$37,051.67

November 1, 2014 thru November 30, 2014	\$37,051.67
December 1, 2014 thru December 31, 2014	\$37,051.67
January 1, 2015 thru January 31, 2015	\$37,051.67
February 1, 2015 thru February 28, 2015	\$37,051.67
TOTAL	\$296,413.36

3. All other provisions of the Agreement shall remain in full force and effect. This Amendment with the Agreement shall be construed together and shall constitute one Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

Customer:
CITY OF COSTA MESA,
A Municipal Corporation

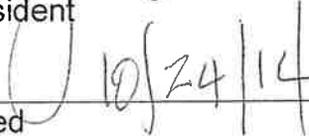
Contractor:
MIDORI GARDENS,
A California Corporation

Tom Hatch, Chief Executive Officer



President

Dated



Dated

Approved as to Form:

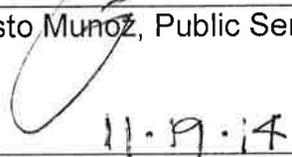
Approved:

Thomas P. Duarte, City Attorney



Ernesto Munoz, Public Services Director

Dated



Dated