

**AMENDMENT NUMBER FIVE TO
MAINTENANCE SERVICES AGREEMENT
WITH
WEST COAST ARBORISTS, INC.**

This Amendment Number Five ("Amendment") is dated the 26th day of March, 2024 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City") and WEST COAST ARBORISTS, INC., a California corporation ("Contractor").

WHEREAS, City and Consultant entered into a Maintenance Services Agreement dated October 1, 2019, for Contractor to provide tree maintenance services (the "Agreement"), by piggybacking onto the Encinitas Contract; and

WHEREAS, on November 30, 2021, City and Contractor entered into Amendment Number One which extended the term for two (2) years through November 20, 2023; and

WHEREAS, on February 17, 2021, City and Contractor entered into Amendment Number Two to increase Contractor's maximum annual compensation to \$628,679.04; and

WHEREAS, on February 21, 2023, City and Contractor entered into Amendment Number Three to increase Contractor's maximum compensation by \$150,000.00 for a total compensation not to exceed \$778,679.04; and

WHEREAS, on October 10, 2023, City and Contractor entered into Amendment Number Four which extended the term for one (1) year through November 30, 2024; and

WHEREAS, consistent with section 5.3 of the Agreement, Contractor has requested a price increase based on an increase in the Consumer Price Index, in an amount not to exceed two percent (2%); and

WHEREAS, City has agreed to waive the requirement that the request to increase prices be made 60 days prior to the anniversary date.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Retroactive to November 30, 2023, Contractor shall be paid in accordance with the amended fee schedule set forth in Exhibit "A," attached hereto and incorporated herein.
2. Section 4.4 shall be amended to reflect that Contractor's annual compensation shall not exceed Seven Hundred Ninety-Four Thousand Two Hundred Fifty-Two Dollars and Sixty-Two Cents (\$794,252.62).

3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended.
4. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
5. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts 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.

CONSULTANT



Patrick Mahoney
President

Date: 04/01/24

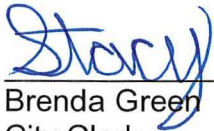
CITY OF COSTA MESA



Lori Ann Farrell Harrison
City Manager

Date: 4/22/2024

ATTEST:




for

Brenda Green
City Clerk



Date: 4/22/2024

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

Date: 4/26/24


APPROVED AS TO INSURANCE:



Ruth Wang
Risk Management

Date: 4/8/24

APPROVED AS TO CONTENT:



Robert Ryan
Maintenance Services Manager

Date: 4/9/24

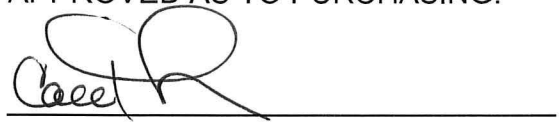
DEPARTMENTAL APPROVAL:



Raja Sethuraman
Public Works Director

Date: 4-15-24

APPROVED AS TO PURCHASING:



Carol Molina
Finance Director

Date: April 8, 2024

EXHIBIT A
AMENDED FEE SCHEDULE



November 06, 2023

CITY OF COSTA MESA
ATTN: JIM ORTIZ
P.O. BOX 1200
COSTA MESA, CA 92628-1200

RE: Tree Maintenance Services performed by WCA, Inc.

Dear Mr. Ortiz,

At West Coast Arborists, Inc., we are dedicated to providing you with the highest quality tree care services, along with a commitment to integrity and exceptional customer service. We want to take a moment to express our appreciation for your ongoing support and dedication to maintaining a thriving urban forest.

As we approach the end of the current agreement, which is set to fully expire on November 30, 2023, we value the business relationship we have built with you and your staff. Therefore, we would like to propose an extension of our Agreement for an **additional twelve (12) months through November 30, 2024**.

Over the past four years, since the contract originated in 2019, we have experienced significant cost increases in various areas of our operations. These increases include labor, fuel, recycling, and insurance premiums. In line with the terms of our agreement, we kindly **request the maximum allowable cost adjustment of 2.00%**. It is important to note that the Consumer Price Index (CPI) for the region, as published by the Department of Labor's Bureau of Labor Statistics, indicates a 3.2% increase from the previous calendar year.

As part of this extension, we will update the City's existing tree inventory at no additional cost to the City.

Before the start of contract year 2024-2025, we would like to engage in a conversation about either implementing a new contract through a piggyback approach, or extending the current contract with an adjusted cost that accurately reflects the prevailing industry rates.

We look forward to continuing our successful business partnership with the City of Costa Mesa. Should you have any questions or require additional information, please do not hesitate to email me at vgonzalez@wcainc.com or call me at **(800) 521-3714**.

Sincerely,

Victor M. Gonzalez
Vice President, Business Development

West Coast Arborists, Inc.

2200 E. Via Burton · Anaheim, California 92806 · 714.991.1900 · 800.521.3714 · Fax 714.956.3745



Schedule of Compensation for Year 2023 - 2024

Tree Maintenance Services performed by WCA, Inc.

Item	Description	Unit	Proposed Prices
1	Grid Pruning	Each	\$64.50
2	Svc Rqst Pruning 0-6 DSH	Each	\$64.50
3	Svc Rqst Pruning 7-12 DSH	Each	\$85.30
4	Svc Rqst Pruning 13-18 DSH	Each	\$106.15
5	Svc Rqst Pruning 19-24 DSH	Each	\$147.75
6	Svc Rqst Pruning 25-30 DSH	Each	\$241.40
7	Svc Rqst Pruning 31-36 DSH	Each	\$314.20
8	Svc Rqst Pruning 36+ DSH	Each	\$418.25
9	Crown Raise/Clearance Prune	Each	\$26.00
10	Date Palm Pruning	Each	\$156.05
11	Date Palm Trunk Cleaning	Foot	\$20.80
12	Palm Pruning	Each	\$64.50
13	Palm Trunk Cleaning	Foot	\$12.50
14	Tree & Stump Removal 0-6 DSH	Inch	\$20.80
15	Tree & Stump Removal 7-30 DSH	Inch	\$31.20
16	Tree & Stump Removal 31+ DSH	Inch	\$41.60
17	Stump Grinding	Inch	\$15.60
18	Plant 15 Gallon Tree	Each	\$150.85
19	Plant 24" Box Tree	Each	\$249.70
20	Plant 36" Box Tree	Each	\$858.35
21	Plant 48" Box Tree	Each	\$1,508.60
22	Plant 60" Box Tree	Each	\$2,496.95
23	Tree Watering	Man Hour	\$72.85
24	Root Barrier Installation	Foot	\$20.80
25	Root Pruning	Foot	\$15.60
26	Lumber Milling	Foot	\$8.30
27	GPS Tree Inventory	Each	\$3.10
28	Tree Spraying - ground level	Inch	\$2.10
29	Tree Spraying - aerial	Inch	\$4.20
30	Insecticide Trunk Banding	Inch	\$5.20
31	PGR Trunk Banding	Inch	\$2.10
32	PGR Soil Application	Inch	\$4.20
33	Insecticide/Fungicide Soil Application	Inch	\$2.10
34	Fertilizer Drenching	Inch	\$2.10



Schedule of Compensation for Year 2023 - 2024

Tree Maintenance Services performed by WCA, Inc.

Item	Description	Unit	Proposed Prices
35	Insecticide/Miticide Trunk Injection	Inch	\$4.20
36	Fungicide Trunk Injection	Inch	\$3.65
37	Insecticide & Fungicide Trunk Injection	Inch	\$8.30
38	Ground Penetrating Radar	Hour	\$832.30
39	Arborist Services	Man Hour	\$145.65
40	Crew Rental - per man	Man Hour	\$72.85
41	Emergency Response (3mn@\$312.15/hr)	Man Hour	\$104.05
42	Specialty Equipment Rental	Day	\$1,248.50

The rates incorporate a 2.0% cost adjustment on the line items for the contract year 2023-24, starting on 12/1/23, and valid for twelve (12) months through November 30, 2024. It is important to note that the cost adjustment cannot exceed 2% in accordance with the Agreement.