

**AMENDMENT NUMBER ONE TO
MAINTENANCE SERVICES AGREEMENT
WITH
BRIGHTVIEW LANDSCAPE SERVICES, INC.**

This Amendment Number One ("Amendment") is dated June 6, 2024, ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City") and BRIGHTVIEW LANDSCAPING SERVICES, INC. a California Corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement on April 19, 2022 for Contractor to provide landscape maintenance services; and

WHEREAS, Section 2.1 of the Agreement, including Exhibit "C", provides that Contractor's total compensation shall not exceed Two Million Three Hundred Sixty-Four Thousand Sixty Dollars and Sixty Cents (\$2,364,060.60) annually; and

WHEREAS, Section 2.1 of the Agreement allows Contractor to request in writing a price increase based on an increase in the Consumer Price Index for all Urban Consumers in the Los Angeles-Long Beach-Anaheim ("CPI) area determined upon the April index of the present year and the April index of the preceding year. The request by Contractor shall be made by June 1 of the year in which the CPI increase is sought; and

WHEREAS, Contractor has submitted a written request for a 3.9% CPI increase based upon the April 2024 index; and

WHEREAS, City and Contractor now desire to approve the CPI rate adjustment by increasing the not to exceed compensation by \$92,198.36 for a total annual not to exceed amount of Two Million Four Hundred Fifty Six Thousand Two Hundred Fifty Eight Dollars and Ninety-Six Cents (\$2,456,258.96); and

WHEREAS, City and Contractor intend and desire that this Amendment Number One be retroactive to the Effective Date.

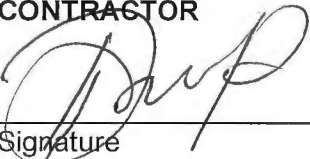
NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The foregoing recitals in this Amendment are hereby declared to be true and correct and are incorporated as if fully set forth herein.
2. This Amendment shall be retroactive to the Effective Date.
3. Section 2.1 of the Agreement, including Exhibit "C" is amended to provide that commencing on the Effective Date, Contractor shall be authorized to raise its rate pursuant to the April CPI index of 3.9% in the amount of \$92,198.36, for a total annual compensation not to exceed Two Million Four Hundred Fifty Six Thousand Two Hundred Fifty Eight Dollars and Ninety-Six Cents (\$2,456,258.96).

4. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended.
5. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
6. 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.

CONTRACTOR

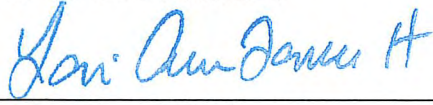


 Signature

Date: 2-3-25

DIEGO BARRERA - BRANCH MANAGER

CITY OF COSTA MESA



 Lori Ann Farrell Harrison
 City Manager

Date: 2/20/2025

ATTEST:

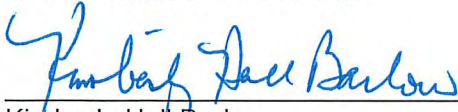


 Brenda Green
 City Clerk



Date: 2/21/2025

APPROVED AS TO FORM:



 Kimberly Hall Barlow
 City Attorney

Date: 2/19/25


APPROVED AS TO INSURANCE:



Ruth Wang
Risk Management

Date: 2/6/25

APPROVED AS TO CONTENT:

for 

Robert Ryan
Project Manager

Date: 2-13-25

DEPARTMENTAL APPROVAL:



Raja Sethuraman
Public Works Director

Date: 2-13-25

PURCHASING APPROVAL:



Carol Molina
Finance Director

Date: February 6, 2025