TO: Mayor and City Council

FROM: Robert Murdoch, Interim Director
Public Works Department

SUBJECT: CONTRACT AMENDMENT NO. 26 WITH CREATIVE OUTDOOR ENVIRONMENTS, INC.

RECOMMENDATION

It is recommended that a resolution be adopted authorizing the City Manager to execute Contract Amendment No. 26 in the amount of $68,426.00 and ratify the new total contract amount of $330,303.75 (which includes prior Contract Amendments 18 through 25 totaling $10,606.94) for Creative Outdoor Environments for maintenance of newly landscaped areas of the Stockton Consolidated Landscape Maintenance Assessment District. It is further recommended that the resolution authorize the City Manager to take appropriate actions to carry out the purpose and intent of this Resolution.

Summary

Project PUR05-139 (Project) is for regular and on-going maintenance of landscaping in various zones of the Stockton Consolidated Landscape Maintenance Assessment District 96-2. Creative Outdoor Environments is maintaining Bid Items/Grounds Maintenance Areas A, D and F (Attachment A). The Project provides for adding newly landscaped areas at the same cost per square foot as is being charged for maintaining existing areas. Within Areas A, D, & F, additional landscaping has been completed and now needs to be maintained. Contract Amendment No. 26, in the amount of $68,426.00 will fund this additional maintenance. This amendment will bring the contract total for Creative Outdoor Environments to $330,303.75 (which includes prior Contract Amendments 18 through 25 totaling $10,606.94). Funds for this amendment are from annual landscape maintenance assessments paid by property owners within the Landscape District. Therefore, there will be no impact to the General Fund.

DISCUSSION

Background

Project PUR05-139 is for regular and on-going maintenance of landscaping in various zones of the Stockton Consolidated Landscape Maintenance Assessment District 96-2. On February 21, 2006, Council approved specifications for PUR05-139 and awarded contracts to Creative Outdoor Environments, Inc., East Bay Construction, and Greenline Landscaping and Maintenance to perform maintenance services. Maintenance services
include mowing, edging, shrub and ground cover trimming, weekly trash and litter pick-up, minor tree trimming, and checking the operation of the irrigation system.

Creative Outdoor Environments is maintaining Weber/Sperry and Blossom Ranch subdivisions (Bid Item A); parts of the Spanos Park subdivision east of Thornton Road (Bid Item D); and Little John Creek area landscaping (Bid Item F). The locations of the areas are shown on Attachment A.

The initial term of Creative Outdoor Environment’s contract was from February 21, 2006 to December 21, 2007. The original contract amount was $172,358.00. On April 10, 2007, by Resolution No. 07-0125, the City Council approved Contract Amendment 10 and all previously approved Contract Amendments 1 through 9 which increased the contract amount to $208,521.92. On March 25, 2008, by Resolution No, 08-0106, the City Council approved Contract Amendment 17, and previously approved Contract Amendments 11 through 16 which increased the contract amount to $251,270.81.

The contract provides for up to three one-year extensions with the City Manager’s approval. The City Manager approved the first one-year extension for calendar year 2008 work on November 15, 2007. The second extension for calendar year 2009 work was approved on January 20, 2009.

The contract also provides that should additional landscaped areas be completed during the initial contract term or any extension, the City may consider amending the contract to allow the Contractor to maintain the newly completed landscaping provided the contractor is willing to maintain the new areas at the same cost per square foot per month as they are maintaining the existing areas. The intent of this provision is to streamline procuring maintenance services when new landscaping is completed next to an area that is already under contract for maintenance. Procuring services for the new areas by contract amendment at a unit cost obtained through competitive bidding eliminates having to go through the time and expense to solicit bids for the newly completed areas.

Present Situation

Subsequent to original approval of the maintenance contract, additional subdivisions and the associated landscaping were completed. These subdivisions and landscaping are adjacent to all areas that Creative Outdoor Environment is currently maintaining. Contract Amendment No. 26, in the amount of $68,426.00 will fund this additional maintenance and will bring the contract total for Creative Outdoor Environments to $330,303.75 (which includes prior Contract Amendments 18 through 25 totaling $10,606.94).

Contract amendments 18 through 25 have generally been for irrigation repairs, wind
March 3, 2009

CONTRACT AMENDMENT NO. 26 WITH CREATIVE OUTDOOR ENVIRONMENTS, INC.
(Page 3)

damage such as installing new trees stakes and ties, and vandalism repairs such as replanting trees and tree stakes that have been broken and repairing broken sprinklers. The total of Contract Amendments 18 through 25 is $10,606.94.

Funds for this work will come from annual landscape maintenance assessments paid by property owners within the Landscape District. Therefore, there will be no impact to the General Fund.

FINANCIAL SUMMARY

The $68,426 costs for Contract Amendment No. 26 are divided as follows:

Bid Item A/Grounds Maintenance Project Area A – Weber Sperry Area
072-6929-590 – Zone A-7, Hunter Ridge - $9,947

Bid Item D/Grounds Maintenance Project Area D – Spanos Park Area
072-6916-590 - Zone C-2, North Stockton Projects $40,274

Bid Item F/Grounds Maintenance Project Area F – Little John Creek Area
072-6926-590 - Zone E-3, Seabreeze $18,205

PREPARED BY:  David Kroll, Assessment District Maintenance Coordinator

Respectfully submitted,

ROBERT MURDOCH
INTERIM PUBLIC WORKS DIRECTOR

APPROVED:

J. GORDON PALMER, JR.
CITY MANAGER

RM:DK

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CONTRACT AMENDMENT NO. 26 WITH CREATIVE OUTDOOR ENVIRONMENTS, INC.
NOTE:
In case of discrepancy between the areas of work described in the special provisions and the areas of work shown on this exhibit, the areas described in the special provisions shall prevail.
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING CONTRACT AMENDMENT NO. 26 WITH CREATIVE OUTDOOR ENVIRONMENTS, INC., FOR MAINTENANCE OF ADDITIONAL LANDSCAPED AREAS FOR BID ITEMS A, D, AND F, PROJECT NO. PUR 05-139

On February 21, 2006, by Resolution 06-0069, the City of Stockton, a municipal corporation, hereinafter referred to as "CITY," and Creative Outdoor Environments, Inc., hereinafter referred to as "CONTRACTOR," entered into an agreement for maintenance of Bid Items A, D and F in the amount of $172,358.00, for PUR 05-139; and

On April 10, 2007, by Resolution No. 07-0125, the City Council approved Contract Amendment 10 and all previously approved Contract Amendments 1 through 9; and

On March 25, 2008, by Resolution No. 08-0106, the City Council approved Contract Amendment 17 and all previously approved Contract Amendments 11 through 16; and

During the contract term, additional landscaping adjacent to existing contract areas has been completed which requires maintenance; and

The contract provides that should additional landscaped areas be completed during the initial contract term or any extension, the City can amend the contract to allow the Contractor to maintain the newly completed landscaping provided the contractor is willing to maintain the new areas at the same cost per square foot per month as the existing areas that are being maintained; and

CONTRACTOR is willing to maintain the additional areas described in Contract Amendment No. 26 at the same cost per square foot per month as the existing areas; and

Contract Amendment No. 26, in the amount of $68,426.00, has been prepared, and a new total contract amount of $330,303.75 is recommended for approval; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. That the City Manager is hereby authorized and directed to execute said Contract Amendment No. 26, on behalf of the City of Stockton.
2. That the new total contract amount of $330,303.75, which also includes previously-approved Contract Amendments 18 through 25 totaling $10,606.94, is hereby approved.

3. That the City Manager is authorized to take such other actions as are appropriate to carry out the intent of this Resolution.

PASSED, APPROVED and ADOPTED

ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
CITY OF STOCKTON

Contract Amendment No. 26

Creative Outdoor Environments, Inc.
Project No. PUR05-139, Reso. 06-0089

Original Contract Price $172,358.00
CA No. 1 through 9 $32,854.47
CA No. 10 $3,329.45
Revised Contract Price $208,521.92 Approved by Reso. 07-0125
CA No. 11 through 25 $28,762.30
CA No. 17 $13,986.50 Approved by Reso. 08-0106
CA No. 18 $15.00
CA No. 19 $1,810.00
CA No. 20 $737.00
CA No. 21 $2,262.60
CA No. 22 $2,257.00
CA No. 23 $486.00
CA No. 24 $1,829.50
CA No. 25 $1,135.84
CA No. 26 $66,426.00
Revised Contract Price $330,303.75

TO CREATIVE OUTDOOR ENVIRONMENTS, INC. You are hereby directed to make the herein described changes from the plans and specifications or do the following describes work not included in the plans and specifications of this contract.

All labor and materials to maintain additional completed landscaping in Bid Item A, Weber/Sperry; Bid Item D, Spanos Park; and Bid Item F, Little John Creek, in accordance with the specifications from January 1, 2009, to December 31, 2009. Contractor to be paid for actual work time is performed.

072-2929-500-20-25 $3,947.00
072-6916-590-20-25 $28,000.00
072-6916-500-40-98 $15,274.00
072-6926-590-20-25 $18,205.00

The additional compensation, if any, included in this change order constitutes full compensation, including all mark ups, profit, surcharges, taxes and overhead costs, for the change in work as specified.

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown above.

By reason of this proposed change, 2 days extension of time will be allowed

Accepted Date 1/2/2009

Creative Outdoor Environments

(Contractor)

Total cost of change not to exceed $ 68,426.00

Increase/Decrease

Approval/Recommendation

Director of Public Works

Approved: 200

City Manager

Approved - City Council Resolution No.

Available Funding Verified

Account Analyst

APPROVED AS TO FORM

OFFICE OF CITY ATTORNEY

By

DEPUTY CITY ATTORNEY
NOTE:
In case of discrepancy between the areas of work described in the special provisions and the areas of work shown on this exhibit, the areas described in the special provisions shall prevail.