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 MAR - 3 2009

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. 08-0089

| Original Contract Price | $172,358.00 |
| CA No. 1 through 9      | $32,234.47  |
| CA No. 10               | $3,329.45   |
| Revised Contract Price  | $200,521.92 |
| CA No. 11 through 16    | $26,782.39  |
| CA No. 17               | $13,986.50  |
| CA No. 18               | $215.00     |
| CA No. 19               | $1,610.00   |
| CA No. 20               | $737.00     |
| CA No. 21               | $2,202.60   |
| CA No. 22               | $2,257.00   |
| CA No. 23               | $490.00     |
| CA No. 24               | $1,829.50   |
| CA No. 25               | $1,135.64   |
| CA No. 26               | $68,426.00  |
| 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 described 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 time work is performed.

072-2829-590.20-25      $9,947.00
072-2916-590.20-25      $25,009.00
072-2916-590.40-36      $16,274.00
072-2926-590.20-25      $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, 90 days extension of time will be allowed.

Accepted Date 12/2/09

Creative Outdoor Environments

(Contractor)

By, [Signature]

Ttila, [Position]

Note: This change order is not effective until approved by the City Manager or, if under Council approved limits, Department Director.

**EXHIBIT A**
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.