

**Fourth Amendment to Contract
Between
City of Chula Vista And
Terracare Associates, LLC,
To Provide Open Space
Landscape Maintenance Services**

RECITALS

WHEREAS the City of Chula Vista (City) and Blue Skies Landscape Maintenance, Inc. (Blue Skies) entered into a contract to provide landscape maintenance services effective October 1, 2014 (Contract) for the following Open Space Districts (combined “The Districts”): D14, D15, D20 Zone 2, D20 Zone 3, D20 Zone 4, D20 Zone 5, D20 Zone 6, D24, Village 6 McMillin, and Village 6 OR; and

WHEREAS Blue Skies was acquired by Terracare Associates, LLC, a Colorado limited liability company (Contractor) on July 1, 2017; and

WHEREAS Blue Skies and Contractor entered into an assignment agreement by which Contractor agreed to, among other things, perform and fulfill all the terms, covenants, conditions, and obligations required to be performed and fulfilled by Blue Skies under the Contract; and

WHEREAS the term of the Contract was from October 1, 2014 to June 30, 2015 with the option to extend the Contract for three (3) one-year periods effective July 1, 2015 and the contract has been extended for three one-year periods (from July 1, 2015 to June 30, 2016, from July 1, 2016 to June 30, 2017, and from July 1, 2017 to June 30, 2018 respectively); and

WHEREAS the most recent amendment to the Original Contract entitled “Second Amendment”, executed by the City on June 22, 2017, was actually the third amendment to the Contract; and

WHEREAS on June 13, 2018, Contractor submitted an offer to City to extend the Contract for an additional one-year period from July 1, 2018 through June 30, 2019; and

WHEREAS City desires to extend the Contract for an additional one-year from July 1, 2018 to June 30, 2019 to align the bid and expiration dates for all open space contracts to streamline its contract management processes; and

WHEREAS, except as to D15 and D24 as provided herein, this amendment would apply a 3% cost adjustment based on the 2017 San Diego Consumer Price Index for Wage Earners (“CPI-W”) to the prices paid to Contractor for Fiscal Year 2017/2018 (July 1, 2017 to June 30, 2018); and

WHEREAS D15 is excluded from the 3% CPI-W cost adjustment but is rather retained in service scope and contract price to \$19,311.96 for Fiscal Year 2018-2019 in order to match expenditure to available revenue; and

WHEREAS D24 is excluded from the 3% CPI-W cost adjustment but is rather reduced in service scope and contract price to \$16,750 for Fiscal Year 2018-2019 in order to match expenditure to available revenue.

NOW, THEREFORE, City and Contractor, based on mutual consideration, the receipt and sufficiency of which is hereby acknowledged, agree to amend the Original Contract, as amended, as follows (the "Fourth Amendment"):

1. Term. City and Contractor agree to renew the Contract for an additional one (1) year period from July 1, 2018 to June 30, 2019.
2. Price Adjustment. City agrees to adjust the unit prices from the prior amendment by 3%, except for D15 and D24, such that the total costs for the Districts for 2018/2019 are those reflected in the table below:

<u>District</u>	<u>Yearly Price</u>	<u>Monthly Price</u>
D14	\$149,246.63	\$12,437.21
D15	\$19,311.96	\$1,609.33
D20 Zone 2	\$12,411.59	\$1,034.29
D20 Zone 3	\$23,546.83	\$1,962.23
D20 Zone 4	\$60,772.46	\$5,064.37
D20 Zone 5	\$369,419.58	\$30,784.96
D20 Zone 6	\$101,960.04	\$8,496.67
D24	\$16,750.00	\$1,395.83
Village 6 McMillin	\$217,977.97	\$18,164.83
Village 6 OR	\$167,923.04	\$13,993.58
Total	<u>\$1,139,320.10</u>	<u>\$94,943.30</u>

3. Performance Bond. Contractor shall provide a new valid performance bond in the amount of \$284,830 by no later than June 30, 2018.
4. No Other Changes. This Fourth Amendment incorporates only the changes identified above. No other changes to the Contract or its prior amendments are contemplated or intended by this Fourth Amendment. The remainder of the Contract and its prior amendments shall remain unchanged and continue in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Fourth Amendment to the Contract, indicating that they have read and understood same, and indicate their full and complete consent to its terms:

TERRACARE ASSOCIATES, LLC

By: _____
Brett Horan, Branch Manager

Date: _____

THE CITY OF CHULA VISTA

By: _____
Gary Halbert, City Manager

Date: _____

Approved as to Form:

By: _____
Glen R. Googins, City Attorney

Date: _____