

**AMENDMENT NO. 3 TO NON-PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF SAN LEANDRO AND
DEL CONTE'S LANDSCAPE, INC.
FOR
CITYWIDE LANDSCAPE MAINTENANCE**

This **Amendment No. 3** ("Amendment") is made by and between the City of San Leandro ("City") and Del Conte's Landscaping, Inc. ("Contractor") (together sometimes referred to as the "Parties") as of July 1, 2019, and amends that certain Non-Professional Services Agreement ("Agreement") dated March 1, 2016, between the Parties.

WHEREAS, City and Contractor have executed the Agreement, pursuant to which Contractor has provided certain services to City with regard to landscape maintenance at City facilities; and

WHEREAS, the Parties desire to amend the Agreement to extend the term for one year, increase the annual service price by 3.87% and modify the Insurance Requirements as specified in Section 4 of the Agreement.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Section 1.1 of the Agreement entitled "Term of Services" is hereby amended to extend the term from July 1, 2019, to June 30, 2020; and

2. Section 2 of the Agreement entitled "Compensation" is hereby amended to pay Contractor a sum not to exceed \$13,796 per month for a total of \$165,552 for fiscal year 2019-2020; and

3. Section 4 of the Agreement entitled "Insurance Requirements" is hereby amended to read:

4.2.1 General Requirements. Contractor, at its own cost and expense, shall maintain commercial general liability insurance for the term of this Agreement in an amount not less than **\$2,000,000** and automobile liability insurance for the term of this Agreement in an amount not less than \$1,000,000 per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.4 Submittal of Proof of Insurance Coverage. All certificates of insurance and original endorsements effecting coverage required in this Section 4 must be

electronically submitted through the City's online insurance document management program, PINS Advantage. Contractor shall comply with all requirements provided by City related to the PINS Advantage program.

4.5 Remedies. (Renumbered – as originally stated)

4. Exhibit B of the Agreement entitled "Compensation Schedule & Reimbursable Expenses" is hereby amended as attached; and

5. All other terms shall remain in full force and effect.

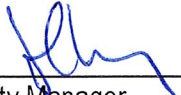
This Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

SIGNATURES ON FOLLOWING PAGE


The Parties have executed this Amendment as of the date first written above. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF SAN LEANDRO

DEL CONTE'S LANDSCAPING, INC.



Jeff Kay, City Manager



Tom Del Conte, President CEO

Attest:

1000019329

Contractor DIR Registration Number



Leticia I. Miguel, City Clerk

Approved as to Fiscal Authority:



David Baum, Finance Director

010-62-001-5340; 147-42-142-5340; 597-57-003-5340
Account Numbers

Approved as to Form:



Richard D. Pio Roda, City Attorney

(2018)

Exhibit B
Compensation Schedule Reimbursable Expenses

Monthly Price	Annual Amount	Location/Description of Area	Special Instructions[1]
\$ 680.53	\$ 8,166.38	SL Hospital/Senior Center Shared Parking Lot and the Senior Center grounds and parking lot	The parking lots and the grounds are designed with bio-swales and shall be maintained using <i>Bay Friendly Guidelines</i> . Grasses are to be trimmed and <u>all trimmings removed</u> in November and again in May (if needed). Trash pick-up in the bio-swale is once per week. Leaf litter and trash on remainder of grounds picked up once per week. Pops shall contain perennials be trimmed 2x per year, as needed. All landscaping (outside of the bio-swales) maintained on a monthly basis and dead-headed and/or hand-trimmed as may be necessary to maintain a healthy plant environment. Grape vines along the southern fence trimmed once per year in Nov/Dec. Maintenance of plant material (ivy) growing on the north fence line is also included.
\$ 277.54	\$ 3,330.44	E. 14 th Street and 139 th Former Comcast Building Western terminus of Marina Blvd	Pricing for SL Hospital Portion is \$467.81 for FY2018-19 Maintenance work to be provided once per month.
\$ 166.52	\$ 1,998.26	Fire Station #9 450 Estudillo Avenue	Maintenance work to be provided once per month.
\$ 138.77	\$ 1,665.22	Fire Station #10 2194 Williams Street	Maintenance work to be provided once per month.
\$ 138.77	\$ 1,665.22	Fire Station #11 14903 Catalina Street	Maintenance work to be provided once per month.
\$ 138.77	\$ 1,665.22	Fire Station #12 1065 143rd Street	Maintenance work to be provided once per month.
\$ 83.26	\$ 999.13	Fire Station #13 637 Fargo Avenue	Maintenance work to be provided once per month.
\$ 83.26	\$ 999.13	Old Fire Station #10- 2101 Marine Blvd.	Maintenance work to be provided once per month.

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Monthly Price	Annual Amount	Location/Description of Area	Special Instructions[1]
\$ 180.97	\$ 2,171.58	Manor Branch Library 241 Manor Blvd.	Maintenance work to be provided twice per month March-October and once per month all other months. Includes exterior courtyard at rear of building and sweeping out Dumpster.
\$ 180.97	\$ 2,171.58	Mulford Branch Library 13699 Aurora Dr.	Maintenance work to be provided once per month.
\$ 180.97	\$ 2,171.58	South Branch Library 14799 E. 14 th St	Maintenance work to be provided once per month. Bottlebrush to be trimmed as needed.
\$ 3,469.21	\$ 41,630.51	Shoreline Area Maintenance	Maintenance work to be provided twice per month April-October and once per month November-March. Debris pickup in landscaped areas only. Trees to be trimmed as needed. (See Shoreline Area Landscape Maps #1-4).
\$ 2,359.06	\$ 28,308.75	Civic Center 835-999 E. 14 th Street	All turf and paved areas, including sidewalks, between Root Park and Peralta Avenue, between E. 14 th Street and Lafayette, includes parking lots (north and south) and landscaping. These areas are clean-up, mowing, turf edging, blowing, maintenance of shrubs, and includes weeding the large pots in the plaza (and trimming perennials back 1/year). Work must be done on Monday (mowing/edging/blowing) and Thursday (blowing, clean-up) of each week. During leaf drop months, leaves should be picked up twice per week.
\$ 555.07	\$ 6,660.88	Marina Community Center 15301 Wicks Blvd.	Maintenance work to be provided once per week. Includes all exterior landscaping (including the courtyard) and all paved areas.
\$ 416.31	\$ 4,995.66	Victoria Circle Both sides of Bancroft Ave	Maintenance work to be provided once per week.

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Compensation Schedule Reimbursable Expenses

Monthly Price	Annual Amount	Location/Description of Area	Special Instructions[1]
\$ 3,663.49	\$ 43,961.82	Heron Bay Western terminus of Lewelling Blvd./Bayfront Drive	Maintenance of lawn area and shrubs around information kiosk to be provided once per week. (See Heron Bay Maps # 1-4).
\$ 277.54	\$ 3,330.44	Casa Peralta & History Museum 384 W. Estudillo Avenue	Maintenance of entire exterior/courtyard area to be provided once per week March-October and twice a month Nov.-Feb. Landscaping maintenance and trees on W. Estudillo in front of the Museum, west to San Leandro Blvd., on both sides of the street to be provided twice a month.
\$ 888.12	\$ 10,657.41	Main Library 300 Estudillo Avenue	Maintenance of entire exterior/courtyard area, including pots, on a weekly basis.
\$ 138.20	1,658.42	2139 Leure Ave	Mow lawn twice a month. Trim plants as needed but no less than quarterly.
\$ 13,796	\$ 165,552	Total [2]	

[1] Landscaped areas shall be maintained in accordance with the Operational Standards, with noted exceptions listed under Special Instructions.

[2] Monthly total is rounded and then multiplied by 12 for an annual total.