



Jensen Landscape Services, Inc.
Amendment #9

AMENDMENT NO. 9 TO THE AGREEMENT
WITH
JENSEN LANDSCAPE SERVICES, INC.
FOR
MCCARTHY RANCH LANDSCAPE MAINTENANCE SERVICE

This Amendment is entered into this 18th day of May, 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **Jensen Landscape Services, Inc.** a California corporation (hereafter referred to as "CONTRACTOR").

RECITALS

- A. WHEREAS, the parties entered into an agreement entitled "McCarthy Ranch Landscape Maintenance Services" on August 30, 2010 ("Agreement") for an initial contract amount of Sixty-Two Thousand Eight Hundred and Seventy Nine dollars (\$62,879.00). This is a three year contract with two one year renewal options; and
- B. WHEREAS, the parties entered into Amendment No. 1 to the Agreement on November 3, 2010 to increase the total contract amount by Twenty-Six Thousand Nine Hundred Thirty-Two Dollars (\$26,932.00), a one time increase for tree pruning on the west side of North McCarthy Blvd.; and
- C. WHEREAS, the parties entered into Amendment No. 2 to the Agreement on June 8, 2011 to increase the total contract amount by Twenty-One Thousand Twenty-Six Dollars (\$21,026.00), a one time increase for tree pruning on the east side of North McCarthy Blvd.; and
- D. WHEREAS, the parties entered into Amendment No. 3 to the Agreement on January 5, 2012 to adjust the pesticide usage reporting to a standardized format supplied by the City of Milpitas at no additional cost to the City; and
- E. WHEREAS, the parties entered into Amendment No. 4 to the Agreement on July 16, 2012 to increase the total contract amount by One Thousand Three Hundred Dollars (\$1,300.00), a one time increase for irrigation repairs and plant replacement; and
- F. WHEREAS, the parties entered into Amendment No. 5 to the Agreement on July 16, 2012 to increase the total contract amount by Five Thousand Dollars (\$5,000.00), a one time increase for irrigation repairs and plant replacement; and
- G. WHEREAS, the parties entered into Amendment No. 6 to the Agreement on March 22, 2013 to increase the total contract amount by Five Thousand

Dollars (\$5,000.00), a one time increase for irrigation repairs and plant replacement; and

- H. WHEREAS, the parties entered into Amendment No. 7 to the Agreement on April 30, 2013 to adjust the pesticide usage reporting to the standardized format provided by the California Regional Water Quality Control Board at no additional cost to the City; and
- I. WHEREAS, the Agreement including Amendments Nos. 1 through 7 outlined above authorized payment from City to Contractor totaling Two Hundred Forty-Seven Thousand Eight Hundred Ninety-Five Dollars (\$247,895.00), however, Contractor has so far provided services totaling Two Hundred Forty-Eight Thousand Seven Hundred Thirty-Seven Dollars and Twenty-Five Cents (\$248,737.25); and
- J. WHEREAS, the parties entered into Amendment No. 8 to the Agreement on August 21, 2013 to further amend the Agreement to authorize the additional payment for services provided by Contractor to City exceeding the previous amendments, increase the total amount of the Agreement by Three Thousand Five Hundred Fifty Dollars (\$3,550.00) for irrigation repairs along McCarthy Blvd. in accordance with Addendum No. 1 attached to Amendment No. 8, and increase the total contract amount for the remaining two years of the Agreement; to Seventy-Two Thousand Eight Hundred and Seventy-Nine dollars (72,879.00) per year for a total compensation amount of Four Hundred and Seven Thousand Six hundred and Eight-One dollars (\$407,681.00); and
- K. WHEREAS, the parties now wish to extend the term of the contract by ninety (90) days to November 30, 2015 and increase the compensation to the contract for that period by Eighteen Thousand Two Hundred Nineteen dollars and Seventy-Five cents (\$18,219.75).

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to further amend the Agreement as follows:

- 1. City agrees to pay Contractor for all services under the amended Agreement as follows:
 - A. 8/30/2015 to 11/30/2015: \$18,219.75
- 2. CONTRACTOR agrees to continue to maintain and pay for all insurance policies as stated in "Exhibit A – Insurance Requirements General" throughout the term of the Agreement and shall provide the City with renewal certificates and endorsements of the insurance policy.
- 3. All other provisions of the amended Agreement not amended by this Amendment No. 9 shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

JENSEN LANDSCAPE SERVICES, INC.

Chris Schroeder, Purchasing Agent

Name Authorized Representative

Approved As To Content:

Title of Authorized Representative

Steve Erickson, Project Manager

Approved As To Form:

Michael J. Ogaz, City Attorney