

**AMENDMENT NUMBER FIVE
TO MAINTENANCE SERVICES AGREEMENT
WITH
BRIGHTVIEW LANDSCAPE SERVICES, INC.**

This Amendment Number Five ("Amendment") is made and entered into as of the 30th day of June, 2021 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and BRIGHTVIEW LANDSCAPE SERVICES, INC., a California corporation ("Contractor").

WHEREAS, City and Marina Landscape Maintenance, Inc. entered into an agreement on October 31, 2016 for Marina Landscape Maintenance, Inc. to provide park and landscape maintenance services on City property (the "Agreement"); and

WHEREAS, Contractor acquired the maintenance division of Marina Landscape Maintenance, Inc. in January 2017, resulting in the assignment of the Agreement to Contractor, and City consented to the assignment of the Agreement; and

WHEREAS, on February 20, 2018, City and Contractor amended the Agreement to reflect the assignment, to amend the Scope of Services, and to increase Consultant's maximum annual compensation; and

WHEREAS, on August 20, 2018, City and Contractor amended the Agreement to increase Contractor's maximum annual compensation; and

WHEREAS, on October 16, 2018, City and Contractor amended the Scope of Services and increased Contractor's maximum annual compensation; and

WHEREAS, Section 4.1 of the Agreement provides for a term ending June 30, 2020, with the option to extend the term for two (2) additional one (1) year periods; and

WHEREAS, on June 30, 2020, City and Contractor extended the term through June 30, 2021; and

WHEREAS, City and Contractor now desire to extend the term for one (1) additional year, through June 30, 2022.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The term of the Agreement shall be extended through June 30, 2022.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

Don Am Jones H

City Manager

Date:

07/20/21

CONTRACTOR

Po Chen

Signature

Date:

6/21/21

Po Chen, Vice President

Name and Title

ATTEST:

Brenda Green 7/26/2021

City Clerk



APPROVED AS TO FORM:

Ymbly Heerbernd

City Attorney

Date:

7/20/21

APPROVED AS TO INSURANCE:

R.V.

Risk Management

Date:

7/15/21

APPROVED AS TO CONTENT:



Project Manager

Date: 7/15/2021

DEPARTMENTAL APPROVAL:



Public Services Director

Date: 7-16-21

APPROVED AS TO PURCHASING:



Finance Director

Date: 7/1/2021