

**AMENDMENT NUMBER TWO
TO MAINTENANCE SERVICES AGREEMENT
WITH
WEST COAST ARBORISTS, INC.**

THIS AMENDMENT NUMBER TWO ("Amendment") is made and entered into this 17th day of February, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and WEST COAST ARBORISTS, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into a Maintenance Services Agreement dated October 1, 2019 for Contractor to provide tree maintenance services (the "Agreement"), by piggybacking onto the Encinitas Contract; and

WHEREAS, the Agreement provides for an initial term through November 30, 2021, with the option for the City to extend the term for one (1) successive two (2) year period, contingent upon an extension to the Encinitas Contract; and

WHEREAS, the Encinitas Contract was extended for a period of three (3) years, through January 8, 2025; and

WHEREAS, on November 30, 2021, City and Contractor extended the term for two (2) years, through November 30, 2023; and

WHEREAS, pursuant to the Agreement, Contractor may request to increase prices based on an increase in the Consumer Price Index for All Urban Consumers for the Los Angeles–Long Beach–Anaheim area (CPI) following the initial term by requesting in writing at least 60 days prior to the anniversary date of the Agreement. The Agreement provides that adjustments will be determined using the June index for the current year and the June index for the preceding year, and that no increase in Contractor's prices shall exceed two percent (2%); and

WHEREAS, in December 2021, Contractor requested to increase prices based on CPI; and

WHEREAS, the June 2020 to June 2021 increase in CPI was four percent (4%); and

WHEREAS, City has agreed to waive the requirement that the request to increase prices be made 60 days prior to the anniversary date and approve an increase of two percent (2%); and

WHEREAS, City and Contractor desire to set forth Contractor's increased prices and increase Contractor's maximum annual compensation accordingly.

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

1. Commencing on the Effective Date, Contractor shall be paid in accordance with the amended fee schedule set forth in Exhibit "A," attached hereto and incorporated herein.

2. Section 4.4 shall be amended to reflect that Contractor's annual compensation shall not exceed Six Hundred Twenty-Eight Thousand Six Hundred Seventy-Nine Dollars and Four Cents (\$628,679.04.)
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement shall remain in full force and effect.
5. 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

Gloria Ann Jones H

City Manager

Date: 3/8/2022

CONTRACTOR

Patrick Mahoney

Signature

Date: 2/17/22

Patrick Mahoney, President
Name and Title

ATTEST:

Brenda Green 3/8/2022

City Clerk



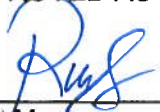
APPROVED AS TO FORM:

Forbes Hill Barlow

City Attorney

Date: 3/8/22

APPROVED AS TO INSURANCE:



Risk Management

Date: 3/3/22

APPROVED AS TO CONTENT:



Project Manager

Date: March 2, 2022

DEPARTMENTAL APPROVAL:



Public Services Director

Date: 3-3-22

APPROVED AS TO PURCHASING:



Finance Director

Date: February 24, 2022

EXHIBIT A
AMENDED FEE SCHEDULE



Schedule of Compensation for Year 2022

Tree Maintenance Services performed by WCA, Inc.

Item	Description	Unit	Proposed Prices
1	Grid Pruning	Each	\$63.25
2	Svc Rqst Pruning 0-6 DSH	Each	\$63.25
3	Svc Rqst Pruning 7-12 DSH	Each	\$83.65
4	Svc Rqst Pruning 13-18 DSH	Each	\$104.05
5	Svc Rqst Pruning 19-24 DSH	Each	\$144.85
6	Svc Rqst Pruning 25-30 DSH	Each	\$236.65
7	Svc Rqst Pruning 31-36 DSH	Each	\$308.05
8	Svc Rqst Pruning 36+ DSH	Each	\$410.05
9	Crown Raise/Clearance Prune	Each	\$25.50
10	Date Palm Pruning	Each	\$153.00
11	Date Palm Trunk Cleaning	Foot	\$20.40
12	Palm Pruning	Each	\$63.25
13	Palm Trunk Cleaning	Foot	\$12.25
14	Tree & Stump Removal 0-6 DSH	Inch	\$20.40
15	Tree & Stump Removal 7-30 DSH	Inch	\$30.60
16	Tree & Stump Removal 31+ DSH	Inch	\$40.80
17	Stump Grinding	Inch	\$12.25
18	Plant 15 Gallon Tree	Each	\$147.90
19	Plant 24" Box Tree	Each	\$244.80
20	Plant 36" Box Tree	Each	\$841.50
21	Plant 48" Box Tree	Each	\$1,479.00
22	Plant 60" Box Tree	Each	\$2,448.00
23	Tree Watering	Man Hour	\$71.40
24	Root Barrier Installation	Foot	\$20.40
25	Root Pruning	Foot	\$15.30
26	Lumber Milling	Foot	\$8.15
27	GPS Tree Inventory	Each	\$3.05
28	Tree Spraying - ground level	Inch	\$2.05
29	Tree Spraying - aerial	Inch	\$4.10
30	Insecticide Trunk Banding	Inch	\$5.10
31	PGR Trunk Banding	Inch	\$2.05
32	PGR Soil Application	Inch	\$4.10
33	Insecticide/Fungicide Soil Application	Inch	\$2.05
34	Fertilizer Drenching	Inch	\$2.05



Schedule of Compensation for Year 2022

Tree Maintenance Services performed by WCA, Inc.

Item	Description	Unit	Proposed Prices
35	Insecticide/Miticide Trunk Injection	Inch	\$4.10
36	Fungicide Trunk Injection	Inch	\$3.60
37	Insecticide & Fungicide Trunk Injection	Inch	\$8.15
38	Ground Penetrating Radar	Hour	\$816.00
39	Arborist Services	Man Hour	\$142.80
40	Crew Rental - per worker	Man Hour	\$71.40
41	Emergency Response (3 workers @ \$306/hr)	Man Hour	\$102.00
42	Specialty Equipment Rental	Day	\$1,224.00

The proposed rates reflect a cost increase of 2% based on the allowable maximum cost increase per the Agreement with Costa Mesa. Rates effective 11/30/21 through 11/30/22.