



Legislation Details (With Text)

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Title: CONSIDER APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT FOR CONTRACT SERVICES WITH SWAYZER CORPORATION TO PROVIDE MEDIAN LANDSCAPING MAINTENANCE SERVICES

Sponsors:

Indexes:

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Attachments: 1. Amendment 1 to Swayzer Agreement

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, June 20, 2023

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT FOR CONTRACT SERVICES WITH SWAYZER CORPORATION TO PROVIDE MEDIAN LANDSCAPING MAINTENANCE SERVICES

I. SUMMARY

Due to the above average rainfall, medians were minimally maintained which then caused overgrown weeds. At its May 2, 2023, meeting, Council awarded a short-term contract to Swayzer Corporation to provide median landscaping services for a 60-day term and a contract amount of \$60,000.

Staff is now requesting City Council to approve an amendment to the contract, extending the term 31 days and increasing the contract sum by \$40,000 for a total amount of \$100,000.

II. RECOMMENDATION

1. APPROVE Amendment No. 1 to Agreement for Contract Services between the City of Carson and Swayzer Corporation to provide median landscaping maintenance services for an additional \$40,000 resulting in a total amount not-to-exceed \$100,000 (Exhibit 1).
2. AUTHORIZE Mayor to execute Amendment No. 1 following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate, and consistent with the requirements of applicable law.

IV. BACKGROUND

The City's medians experienced high levels of overgrowth due to lapse of the previous median maintenance contract and the high levels of rainfall experienced this year. As a result of the overgrowth, residents expressed concerns for safety and aesthetic quality. To immediately address the concerns of the community, staff contacted a local contractor to assist city crews with the urgent need to improve the condition of the medians. On May 2, 2023, the City Council awarded a short-term contract to Swayzer Corporation to provide median landscape services ("Services") for a 60-day term ending on June 30, 2023, and a total contract amount of \$60,000, and the parties entered into a contract for the same ("Agreement"). During the time the short-term agreement was executed, staff released RFP 23-014 for permanent landscaped median maintenance. It was recognized, during the bidding process that to deliver the appropriate levels of service to the medians, multiple vendors would need to be hired. However, since the potential of hiring multiple vendors was not stated in the RFP, the City Attorney Office directed staff to reject all bids.

The City's maintenance services are subject to the State bidding laws known as the Uniform Public Construction Cost Accounting Act ("UPCCAA") adopted by the City and as set forth in Section 2612 of its Municipal Code. Under UPCCAA, maintenance work of \$60,000 or less has no bidding requirement attached to it.

As allowed under UPCCAA, City did not go out to bid for procurement of the Services under the Agreement. At the time the Agreement was executed, City staff believed there would be no need to extend the Agreement nor add to the not to exceed contract sum of \$60,000, as staff had plans to go out to bid by issuing an RFP for maintenance services on a City-wide basis, and the Services were intended only to serve as a stop-gap measure

until the new contract was awarded.

Despite earnest efforts, City staff has experienced unexpected delays in issuing a revised RFP. Now the City needs to continue with the current maintenance service levels beyond June 30, 2023. Under UPCCAA, City has the option of awarding a separate contract for maintenance services to a contractor other than Swayzer Corporation for \$60,000 or less, or to award that separate contract to Swayzer Corporation, without regard to any concerns that impermissible splitting may have occurred because City staff sincerely believed that the Agreement would sufficiently serve its intended purpose as a stop-gap measure until a new City-wide contract was awarded, and there was no attempt to evade State bidding requirements.

To provide adequate time for staff to procure a larger, city-wide landscape median contractor, staff is proposing to amend the contract, extending the term 31 days to end on July 31, 2023, and increase the contract by \$40,000 for a total contract amount not to exceed \$100,000. This amendment will enable median landscape services to continue uninterrupted while the formal procurement process and formal contract award and execution are being completed.

V. FISCAL IMPACT

None. The \$40,000 requested for this Amendment No. 1 is budgeted in the FY 2023-24 General Fund account no. 101-80-840-108-6004.

VI. EXHIBITS

1. Swayzer Corporation Amendment No. 1 (pgs. 3 - 32)

Prepared by: Arlington Rodgers, Jr., Public Works Director