

**AMENDMENT NO. 4
TO AGREEMENT FOR CONTRACTOR SERVICES
Excel Landscape, Inc.**

Landscape Maintenance Services

This Amendment No. 4 to Agreement for Contractor Services ("Amendment No. 4") is made, and entered into as of July 1, 2018 by and between the City of Lake Elsinore, a municipal corporation ("City), and Excel Landscape, Inc., a California corporation ("Contractor").

A. The City and Contractor have entered into that certain Agreement for Contractor Services dated as of August 1, 2016, (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. The Original Agreement provided for compensation to Contractor in an amount not to exceed Seven Hundred Forty-Eight Thousand Seven Hundred Ninety-One Dollars (\$748,791) for Fiscal Year 2016/2017.

C. Amendment No. 1 provided for an additional Two Hundred Seventy-Nine Thousand Dollars (\$279,000) for extra services, bringing the total contract amount to One Million Twenty-Four Thousand Seventy Hundred Ninety-One Dollars (\$1,024,791) for those services in FY2016/2017.

D. Amendment No. 2 extended the Original Agreement an additional 12 months and adjusted the compensation award to Nine Hundred Seventy-Four Thousand Two Hundred Twenty-Three Dollars (\$974,223) for Fiscal Year 2017-2018.

E. Amendment No. 3 dated 1/23/2018 amended the Scope of Service and increased the compensation for such services as set forth in Amendment No. 3, in an amount up to One Hundred Seventy-Three Thousand Six Hundred Thirty-Six Dollars (\$173,636) for a not to exceed amount of One Million Two Hundred Ten Thousand Three Hundred Thirteen Dollars (\$1,210,313).

F. The parties now desire to use the second extension option offered in the Original Agreement and extend the term for an additional 12months through FY18-19.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Contractor agree as follows:

1. Section 2.c., Term, is hereby amended and restated in its entirety as follows:

Unless earlier terminated as provided elsewhere in this Agreement, this Agreement shall continue in full force and effect for a period of (1) year, commencing on July 1, 2018 and ending on June 30, 2019. The City may, at its sole discretion, extend the term of this Agreement on a 12-month basis not to exceed one (1) additional twelve (12) month renewal term, by giving written notice thereof to Contractor not less than thirty (30) days before the end of the contract term. such notice to be exercised by the City Manager.

2. Section 3, Compensation, is hereby amended and restated in its entirety as follows:

Compensation to be paid to Contractor shall be in accordance with fees set forth in the Contractor's Proposal Exhibit A1 to Amendment No. 4. In no event shall Contractor's compensation exceed One Million Two Hundred Nine Thousand Four Hundred Forty Eight Dollars (\$1,209,448) for Fiscal Year 2018-2019 without additional written authorization from the City. Notwithstanding any provision of Contractor's Proposal to the contrary, out of pocket expenses shall be reimbursed at cost without an inflator or administrative charge. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

3. Except for the changes specifically set forth herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be executed on the respective dates set forth below.

"CITY"

CITY OF LAKE ELSINORE, a municipal corporation

DocuSigned by:

Grant Yates

Grant Yates, City Manager

Date: 7/5/2018 | 4:57 PM PDT

"CONTRACTOR"

EXCEL LANDSCAPE, INC., a California corporation

DocuSigned by:

Jose Alfaro

Jose Alfaro, Owner

Date: 7/5/2018 | 4:48 PM PDT

ATTEST:

DocuSigned by:

Susan M. Domen

City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Barbara Leibold

City Attorney

EXHIBIT A1

Excel Contract Price Breakdown

EXCEL CONTRACT PRICING BREAKDOWN FY2018-19

ANNUAL MAINTENANCE

#1	PARKS	\$736,790.08
#1	FACILITIES	<u>\$7,476</u>
		\$744,266.08
#2	LLMD	\$170,349.80
#2	#1 ZONE 2	\$2,241.60
#2	#1 ZONE 3	\$4,483.20
#2	#1 ZONE 8	\$2,241.60
#2	#1 ZONE 11	\$4,483.20
#2	#1 ZONE 15	\$4,483.20
#2	#1 ZONE 20	\$4,483.20
#2	FACILITIES	\$11,208
#2	FIRE	<u>\$11,208</u>
		\$215,181.80

ANNUAL REPAIRS AND EXTRA WORK

#1	PARKS	\$185,000
#1	FACILITIES	\$500
		\$185,500.00
#2	LLMD	\$55,000
#2	#1 ZONE 2	\$1,500
#2	#1 ZONE 3	\$1,500
#2	#1 ZONE 8	\$500
#2	#1 ZONE 11	\$1,500
#2	#1 ZONE 15	\$2,000
#2	#1 ZONE 20	\$1,500
#2	FACILITIES	\$500
#2	FIRE	\$500
		\$64,500.00

Grand total	\$1,209,447.88
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