



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: MAY 20, 2025**

**FROM: PUBLIC WORKS DEPARTMENT** **WARDS: 1, 3, 5, 6, 7**

**SUBJECT: FIFTH AMENDMENT TO SERVICES AGREEMENT WITH INLAND EMPIRE LANDSCAPE, INC., OF SAN BERNARDINO, CALIFORNIA, FOR LANDSCAPE AND GENERAL OUTSIDE MAINTENANCE SERVICES FOR NORTH QUADRANT PARKWAYS AND MEDIANS, TO INCREASE THE FY2024/25 AMOUNT BY \$165,000 FOR UNANTICIPATED VANDALISM REPAIRS FOR AN ANNUAL AMOUNT OF \$875,000; AND INCREASE FY2025/26 CHANGE ORDER AUTHORITY UP TO 25% FOR AN ANNUAL AMOUNT OF \$887,500, FOR A TOTAL CONTRACT COMPENSATION AMOUNT OF \$5,152,149.40**

## **ISSUE:**

Approve a Fifth Amendment to the Services Agreement with Inland Empire Landscape, Inc., of San Bernardino, California, for Landscape and General Outside Maintenance Services for North Quadrant Parkways and Medians, to increase the FY24/25 annual amount by \$165,000 for unanticipated vandalism repairs, for an annual amount of \$875,000, and increase the FY25/26 change order authority up to 25% for an annual amount of \$887,500, for a total contract compensation amount of \$5,152,149.40.

## **RECOMMENDATIONS:**

That the City Council:

1. Approve a Fifth Amendment to the Services Agreement with Inland Empire Landscape, Inc., of San Bernardino, CA, for Landscape and General Outside Maintenance Services for North Quadrant Parkways and Medians, to increase the FY24/25 annual amount by \$165,000 for unanticipated vandalism repairs, for an annual amount of \$875,000, and increase the FY25/26 change order authority up to 25% for an annual amount of \$887,500, for a total contract compensation amount of \$5,152,149.40; and
2. Authorize the City Manager, or designee, to execute the Fifth Amendment, including making minor, non-substantive changes.

## **BACKGROUND:**

On March 7, 2019, the City issued a Request for Proposal (RFP 1907) for landscape and general outside maintenance services in the “north quadrant” which encompasses nearly 94 total acres of parkways and medians within the City limits and north of State Route 91. The proposal from Inland Empire Landscape, Inc. (IEL), was deemed responsive and determined to be the most qualified. On June 18, 2019, the City Council approved an Agreement with Inland Empire Landscape, Inc., through June 30, 2022, plus two additional two-year extensions. The initial term’s total contract amount is \$1,905,686.00.

On May 4, 2022, a First Amendment to the Service Agreement was executed to extend the term from July 1, 2022, through June 30, 2024, and increased the term amount to \$1,369,130.40.

On June 21, 2022, the City Council authorized a Second Amendment to the Services Agreement increasing the change order authority amount to \$114,833, to keep pace with increasing costs due to rising vandalism and theft.

On September 27, 2022, a Third Amendment to the Service Agreement was executed to replace the compensation schedule to correct a numerical typographical error.

On July 29, 2024, a Fourth Amendment to the Service Agreement was executed to extend the term from July 1, 2024, through June 30, 2026, and approved annual amount of \$710,000 per year for a total term amount of \$1,420,000.

## **DISCUSSION:**

Over the past three years, the City has experienced an increase in vandalism and theft at multiple locations. Escalating theft and vandalism have continued to outpace the current change order authority, straining the Public Works Department’s ability to keep up with repairs and resulting in a slow-down of work toward the end of each fiscal year in order to remain within the contract dollar amount. A slow-down causes landscape maintenance to fall behind and it becomes challenging for the contractor to catch up on maintenance when the next fiscal year starts.

Increased vandalism and theft have led to a significant rise in irrigation-related repairs within the North Quadrant Maintenance area during FY24/25, particularly in the vicinities of the following:

- Van Buren Boulevard between Arlington Avenue and Central Avenue – repeated vandalism including theft of irrigation wire and controllers, and damage to sprinklers, drip hosing, pipes, and nozzles
- Jurupa Avenue between Tyler Street and Van Buren Boulevard – stolen and damaged wiring, irrigation controllers and backflows
- The area around Central Avenue and Van Buren Boulevard – wire theft and burned irrigation components
- The Magnolia grade separation between Merrill Avenue and Jurupa Avenue – daily vandalism to irrigation infrastructure
- The Streeter Avenue underpass at Dewey Avenue – irrigation damage/vandalism and stolen backflows

Staff have filed police reports to document vandalism and theft and work closely with the contractor to implement creative methods of protecting landscape areas, including use of plastic valves and high security backflow enclosures. Unfortunately, though these measures may make theft and vandalism more difficult, they are not preventing it.

The Fourth Amendment to the Service Agreement provides an annual spend amount of \$710,000 for fiscal years 24/25 and 25/26. Unfortunately, the total cost of approximately \$165,000 for vandalism, theft, plant replacements and irrigation repair costs exceeds the allowable change order authority of 10%. An increase to change order authority for the FY24/25 contract enables the Public Works contractor to provide routine landscape maintenance services and ensures as-needed repairs through fiscal year end. Additionally, an increase to the change order authority to the 25/26 fiscal year allows the continuation of landscape services and provides for future as-needed repairs for vandalism and/or theft.

The following tables summarizes recent vandalism costs and the future change order authority to combat any repair needs from possible vandalism.

Description	Amount
Vandalism costs July 2024 - January 2025	\$164,514
Requested increase to the change order authority for FY25/26	25%

Purchasing Resolution 24101 Section 1104 “Change Orders” states that “Modifications to a Purchase Order shall be made only by Change Order. Subject to availability of funds, Change Orders may be utilized for purposes of... (2) modifying unit pricing. This section goes on to state that “Unless otherwise specifically authorized by the Awarding Entity, Change Orders which cumulatively exceed the following will require Awarding Entity approval...(c) “10% of the original contract price for Contracts and/or Purchase Orders previously approved by the Awarded Entity and the total Change Order amount will not exceed \$150,000”.

The Purchasing Manager concurs that the recommended action to approve the change order is in compliance with Purchasing Resolution 24101.

### **STRATEGIC PLAN ALIGNMENT:**

This item contributes to **Strategic Priority 6 – Infrastructure, Mobility & Connectivity**, and Goal 6.2 – Maintain, protect and improve assets and infrastructure within the City’s built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

This item aligns with the Cross-Cutting Threads as follows:

1. **Community Trust** – Maintenance of the City’s landscaped areas benefit residents, businesses and visitors.
2. **Equity** – Approval of this change order authority benefits all who use the public rights of way throughout the city’s north quadrant.

3. **Fiscal Responsibility** – Reliable irrigation to City-owned landscapes supports Public Works' efforts to maintain plant material and trees.
4. **Innovation** – Public Works is continuing to explore alternative products to deter vandalism.
5. **Sustainability & Resiliency** – Ensuring proper irrigation controllers is just one of the steps Public Works takes to sustainably and efficiently manage our water resources and green space within the city.

### **FISCAL IMPACT:**

The total FY 2024/25 impact action is to increase the annual contract amount is not to exceed \$165,000 and the increase in the change order authority for FY 2025/26 is not to exceed \$177,500. Sufficient funding for both fiscal years 2024/25 and 2025/26 is available in the General Fund, Urban Forestry & Landscape, Landscape Maintenance account 4110110-421203.

Funds will be spent on actual vandalism repair costs only, which may not reach this adjusted change order cap.

FY24/25 Current Agreement Annual Amount	\$710,000
FY24/25 Increase to Agreement due to Vandalism	\$165,000
<b>Total FY24/25 Spend Amount</b>	<b>\$875,000</b>

FY25/26 Current Agreement Annual Amount	\$710,000
25% total change order authority	\$177,500
<b>Estimated FY25/26 Fiscal Amount</b>	<b>\$887,500</b>

Prepared by: Robert Filiar, Urban Forester Manager  
 Prepared by: Gilbert Hernandez, Public Works Director  
 Certified as to  
 availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
 Approved by: Kris Martinez, Assistant City Manager  
 Approved as to form: Rebecca McKee-Reimbold, Interim City Attorney

Attachment: Fifth Amendment