

**FIFTH AMENDMENT TO AGREEMENT FOR  
LANDSCAPE MAINTENANCE SERVICES FOR DOWNTOWN AREA**

**BRIGHTVIEW LANDSCAPE SERVICES, INC.**

This FIFTH AMENDMENT TO AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR DOWNTOWN AREA ("Fifth Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the CITY OF RIVERSIDE, a California charter city and municipal corporation ("City"), and BRIGHTVIEW LANDSCAPE SERVICES, INC., a California corporation formerly known as ValleyCrest Landscape Maintenance, Inc. ("Contractor"), with reference to the following facts:

**RECITALS**

WHEREAS, on July 28, 2015, City and ValleyCrest Landscape Maintenance, Inc. entered into an Agreement for Landscape Maintenance Services for the Downtown Area ("Agreement"), wherein Contractor agreed to provide landscape services for the Downtown Area; and

WHEREAS, on November 7, 2016, City and BrightView Landscape Services, Inc. entered into a First Amendment to Agreement for Landscape Maintenance Services for the Downtown Area ("First Amendment"), wherein the parties agreed to amend the name of Contractor for the Agreement from ValleyCrest Landscape Maintenance, Inc. to BrightView Landscape Services, Inc.; and

WHEREAS, on June 7, 2018, City and BrightView Landscape Services, Inc. entered into a Second Amendment to Agreement for Landscape Maintenance Services for the Downtown Area ("Second Amendment"), wherein the parties agreed to extend the term of the Agreement for one (1) additional year, from July 1, 2018 to June 30, 2019; and

WHEREAS, on May 2, 2019, City and BrightView Landscape Services, Inc. entered into a Third Amendment to Agreement for Landscape Maintenance Services for the Downtown Area ("Third Amendment"), wherein the parties agreed to extend the term of the Agreement for one (1) additional year, from July 1, 2019 to June 30, 2020; and

WHEREAS, on March 10, 2020, City and BrightView Landscape Services, Inc. entered into a Fourth Amendment to Agreement for Landscape Maintenance Services for the Downtown Area ("Fourth Amendment"), wherein the parties agreed to extend the term of the Agreement for one (1) additional year, from July 1, 2020 to June 30, 2021; and

WHEREAS, the parties desire to extend the term of the Agreement for one (1) additional year, from July 1, 2021, to June 30, 2022; and

NOW THEREFORE in consideration of the foregoing recitals, which are incorporated herein by this reference, City and Contractor mutually agree as follows:

1. Section 2 of the Agreement is hereby amended to extend the term for one (1) additional year, from July 1, 2021, to June 30, 2022.

2. Section 3 of the Agreement is hereby amended to increase the compensation in the amount of not to exceed Two Hundred Two Thousand One Hundred Fifty-Three Dollars (\$202,153).

3. All terms and conditions of the Agreement and its subsequent amendments not inconsistent herewith shall remain in full force and effect and are hereby incorporated by reference into this Fifth Amendment as though set forth in full herein.

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to be executed the day and year first above written.

CITY OF RIVERSIDE, a California charter city and municipal corporation

BRIGHTVIEW LANDSCAPE SERVICES, INC., a California corporation

By: \_\_\_\_\_  
City Manager

By: Frank Annino  
Name: Frank Annino  
Its: Senior Vice President  
Nov 19, 2020

ATTEST:

By: \_\_\_\_\_  
City Clerk

By: [Signature]  
Name: Nick Patterson  
Its: Vice President/General Manager  
11/19/20

Certified as to Availability of Funds:

By: [Signature]  
Chief Financial Officer

APPROVED AS TO FORM:

By: [Signature]  
Ruthann M. Salera  
Deputy City Attorney