

**STAFF REPORT FOR CALENDAR ITEM NO.: 8.2
FOR THE MEETING OF: October 12, 2023**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorizing the Executive Director to execute an amendment to the agreement for Landscape maintenance services with Gachina Landscape Management (“Contractor”) to extend the agreement for one year for additional compensation of up to \$330,957.

EXPLANATION:

The TJPA issued a Request for Proposals (RFP) for Landscape maintenance services on April 27, 2020. Following a competitive procurement process, the Contractor was awarded a contract on September 10, 2020, in the amount of \$911,297, for a three-year base term, with two options to extend for one year each at pre-negotiated pricing.

Under the agreement, the Contractor is permitted to subcontract portions of the services to be performed. The Contractor proposes to replace an existing subcontractor (Davey Tree Experts) with a different subcontractor (Bartlett Tree Experts), for arborist work. After reviewing the request and performing due diligence, TJPA finds this change acceptable.

The Contractor has performed regular landscaping maintenance tasks following industry best practices and the standards established in the Transbay Roof Park Maintenance Manual. Regular tasks include mowing, edging, pruning, pest and weed control, soil testing, fertilizing, and irrigating. Maintenance work varies by plant needs and seasons, and crews adjust schedules as seasonal needs require.

Furthermore, the Contractor has executed satisfactorily for fiscal years ending June 30, 2021, 2022, and 2023. Therefore, staff recommends exercising the option to extend the Agreement for an additional year of Landscape maintenance services at the pre-negotiated price of \$330,957, in the form attached.

RECOMMENDATION:

Authorize the Executive Director to execute an amendment to the Agreement for Landscape maintenance services with the Contractor to extend the agreement an additional one year for additional compensation of up to \$330,957.

ENCLOSURES:

1. Resolution
2. Amendment

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Joint Powers Authority (TJPA) requires the services of a Landscape maintenance firm to provide landscape maintenance services to Salesforce Park in support of the Transbay Program; and

WHEREAS, On April 27, 2020, the TJPA issued Request for Proposals 20-04 for Landscape maintenance services; and

WHEREAS, On September 10, 2020, following a competitive procurement process, the TJPA awarded a contract to Gachina Landscape Management for an amount not to exceed \$911,297 for a base term not to exceed three years, with two options to extend for one year each at pre-negotiated pricing by mutual agreement of the parties; and

WHEREAS, Continuity of landscape maintenance support is essential to TJPA's Salesforce Park; now, therefore, be it

RESOLVED, That the Board authorizes the Executive Director to execute an amendment to the agreement for Landscape maintenance services with Gachina Landscape Management in the form presented to extend the agreement for an additional one year for additional compensation of up to \$330,957.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting on October 12, 2023.

Secretary, Transbay Joint Powers Authority

Amendment No. 01
Professional Services Agreement between
the Transbay Joint Powers Authority and
Gachina Landscape Management

THIS Amendment No. 1 to the Professional Services Agreement for Landscape maintenance services dated September 10, 2020 (the “Agreement”) is entered into as of the ___ day of October 2023 in San Francisco, California, by and between **Gachina Landscape Management** (“Contractor”) and the **Transbay Joint Powers Authority** (“TJPA”).

Recitals

- A. The TJPA and Contractor desire to extend the term of the Agreement without changing the scope or deliverables under the Agreement.
- B. The Agreement has two (2) options to extend the term of the Agreement for one (1) year each, and the price for each additional option year was negotiated at the time of the Agreement negotiations.
- C. On October 12, 2023, the TJPA Board of Directors adopted Resolution No. _____, authorizing the exercise of the first option and the extension of the Agreement for one (1) year at the pre-negotiated price.

Terms and Conditions

Now, therefore, the TJPA and Contractor agree to amend the following sections of the Agreement in their entirety to read as follows:

Section 2. Term of the Agreement, is hereby modified as follows:

Subject to Section 1, the term of this Agreement shall be for ~~three (3)~~ **four (4)** years from the Effective Date of the Agreement, as described in Section 3, “Effective Date of Agreement,” provided that (i) the TJPA shall have the right to extend this Agreement for ~~two (2)~~ **one (1)** additional one (1) year terms by providing to the Contractor written notice of such extension on or before the expiration date of this Agreement, and (ii) any such extension shall be subject to and conditioned upon the written agreement of the Contractor and the approval of such extension by the TJPA.

Section 5a. Compensation, is hereby modified as follows:

All work under this Agreement shall be compensated on an hourly basis, subject to any maximum price set forth in a particular NTP. In no event shall the total compensation under this Agreement exceed One Million Two Hundred Forty Two Thousand Two Hundred Fifty Four Dollars (\$1,242,254) ~~Nine Hundred Eleven Thousand Two Hundred Ninety Seven Dollars (\$911,297)~~. The breakdown of the Contractor’s fees appears in Appendix B, Fees.

Section 32. Subcontracting, is hereby modified as follows:

The Contractor is permitted to subcontract portions of the services to be performed under this Agreement as follows:

~~Davey Tree Expert Company~~
1400 Mission Road
Colma, CA 94014
Barlett Tree Experts
1599 Custer Avenue
San Francisco, CA 94124

The Contractor will be permitted to subcontract additional portions of the work under this Agreement subject to the prior written approval of the TJPA Executive Director. Subcontractors shall be solely responsible to the Contractor throughout the performance of the Services under this Agreement. Assignment by the Contractor of work to subcontractors shall not relieve the Contractor of any obligation to the TJPA for the work performed. The TJPA shall be provided with a copy of each subcontract promptly upon execution.

The Agreement is amended only to the extent expressly provided herein; all other provisions of the Agreement shall remain in full force and effect.

The individuals executing this Amendment No. 01 to the Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 01 effective as of the day first mentioned above.

**TRANSBAY JOINT POWERS
AUTHORITY**

CONTRACTOR

Adam Van de Water
Executive Director

H. Jaelyn Ishimaru-Gachina, President/CEO
Gachina Landscape Management
1130 O'Brien Drive
Menlo Park, CA 94025
hjigachina@gachina.com

Approved as to Form by:

TJPA Legal Counsel

Date

Tax Identification Number: 94-3235914

Transbay Joint Powers Authority
Board of Directors
Resolution No. _____
Adopted: _____
Attest:

Secretary, TJPA Board