COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

February 3, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

DEPARTMENT OF PARKS AND RECREATION: DELEGATE AUTHORITY TO EXECUTE AMENDMENTS TO CONTRACT NUMBER 75863 FOR ARCADIA AREA PARKS AND CONTRACT NUMBER 75902 FOR FOOTHILL AREA PARKS (SUPERVISORIAL DISTRICTS 1 and 5) (3 VOTES)

SUBJECT

Delegate authority to the Director of Parks and Recreation to amend Contract Number 75863 for park maintenance services at Arcadia Area Parks and Contract Number 75902 for park maintenance services at Foothill Area Parks, for the purpose of transferring and assigning each contract from the current contractor, TruGreen LandCare, Branch Number 6169, to Service Scape.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Delegate authority to the Director of Parks and Recreation to execute amendments for Contract Number 75863, for park maintenance services at Arcadia Area Parks, and Contract Number 75902, for park maintenance services at Foothill Area Parks, substantially similar to Attachment I. The amendments will transfer and assign the contracts from TruGreen LandCare, Branch Number 6169, to Service Scape. The amendments will be effective on the first day of the month following approval by the Director of Parks and Recreation.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On August 29, 2006, your Board approved Contract Number 75863 for the Arcadia Area Parks for a term of two years with three one-year renewal options for the annual cost of $182,458 with TruGreen LandCare, Branch 6169 (TruGreen) to provide park maintenance services. On October 17, 2006, your Board approved Contract Number 75902 for the Foothill Area Parks with a term of two years with three one-year renewal options for the annual cost of $236,976 with TruGreen to provide park maintenance services. In August 2008, TruGreen approached the Department of Parks and Recreation (Department) to report that it could no longer financially and operationally continue to provide the level of quality services required of the County. The Department recognized TruGreen's financial position and agreed by mutual consent to have the contracts assigned to Service Scape.

The recommended action will enable the Department to continue to provide park maintenance services at the present service levels without an increase in contract costs.

The Department has reviewed the financial records, business references, and staffing plan for Service Scape. Service Scape agrees to the County's contract and level of service requirements in the contract, including paying its employees the County's Living Wage requirements.

Implementation of Strategic Plan Goals

The recommended Board action supports the County's Strategic Plan Goal of Organizational Effectiveness (Goal 3). Having the Director of Parks and Recreation (Director) execute these limited types of amendments will result in a more efficient and timely procedural response to changes in contractor, when it becomes necessary.

FISCAL IMPACT/FINANCING

Pursuant to the terms of each amendment, there is no change in the costs for the park maintenance services. The proposed assignments continue to be cost effective.

Operating Budget Impact

There is no impact to the Department's Operating Budget as the recommended actions will result in no net County cost increase.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to the current contract terms, all assignments and delegations are presented as an agenda item for the Board's approval. Under the recommended action, the Director will use delegated authority from the Board to execute each amendment.

The amendments for Contract Number 75863 and Contract Number 75902 will transfer and assign all duties, responsibilities, obligations and performance requirements from TruGreen to Service Scape.

Service Scape agrees to accept all terms and conditions of each contract. The cost of the contract remains unchanged. The effective date of each transfer and assignment will be the first day of the month following the Director's approval.

The Department has reviewed financial records, work history, references and labor reports and finds that Service Scape will be a responsible contractor to provide park maintenance services at Arcadia Area Parks and Foothill Area Parks. In addition, Service Scape agrees to all the County's required provisions and contract costs.

Service Scape will provide the required insurance policies prior to the start of the effective date of each Amendment naming the County as an additional insured.

County Counsel has approved the Amendment as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed administrative actions are not subject to California Environmental Quality Act (CEQA) in that the actions do not meet the definition of a project according to Sections 15378 (b) (4) (5) of the State CEQA Guidelines, because the actions are administrative/fiscal activities which do not involve any commitments to any specific projects which may result in a potentially significant physical impact on the environment.

CONTRACTING PROCESS

The Contracting Process does not apply since the proposed amendments are for existing contracts previously approved by the Board.

IMPACT ON CURRENT SERVICES

There will be no negative impact on current County services or projects during the performance of the recommended services.

CONCLUSION

It is requested that an adopted copy of the action taken by the Board and a fully executed copy of the attached Amendment Number 2 be mailed to: Mr. Randy Zbinden, Service Scape, 9716 Cottonwood Way, Alta Loma, California 91737. In addition, it is requested that two adopted copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,

RUSS GUINEY
Director

RG:DM:KEH:
GAB:MG:rc

Attachment

c: County Counsel

DELEGATION OF DUTIES AND ASSIGNMENT OF RIGHTS OF CONTRACT AMENDMENT NUMBER 2 TO CONTRACT NUMBER 75863

This Amendment is made and entered into this _____ day of _____2009,

by and between **County of Los Angeles** (hereinafter "County")

and **TruGreen LandCare Branch 6169** (hereinafter "Assignor")

and **Service Scape** (hereinafter "Assignee")

WHEREAS, on August 29, 2006, County and Assignor entered into a Park Maintenance Service Contract for the Arcadia Area Parks, further identified as County Contract Number 75863, and any amendments thereto (all hereinafter referred to as "Contract"); and

WHEREAS, Paragraph 9.1, Assignment and Delegation, of Contract prohibits Assignor from delegation of its duties or assigning its rights thereunder without the prior written consent of County; and

WHEREAS, it is the desire of the parties hereto, to delegate the duties and assign the rights under Contract, from Assignor to Assignee;

NOW, THEREFORE, the parties hereto agree as follows;

1. All rights and responsibilities under the Contract have been assigned and delegate by Assignor to Assignee, effective the first day of the month following approval of the Board of Supervisors.
2. County hereby consents to such assignment and delegation.
3. Assignor and Assignee have heretofore separately prorated between themselves, to the extent necessary, any monthly payment due and paid under this Contract prior to the first day of the month following approval of the Board of Supervisors.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Approval of Assignment of Contract Amendment Number 2 to be subscribed by its Director of the Department of Parks and Recreation and Assignor and Assignee have caused the same to be subscribed in its respective behalf by its duly authorized officer, the day, month, and year first above written.

COUNTY OF LOS ANGELES

By _____

Russ Guiney, Director
Department of Parks and Recreation

ASSIGNOR
TruGreen LandCare Branch 6169

By _____

ASSIGNEE
Service Scape

By _____

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.

County Counsel

By _____

Christina A. Salseda, Principal Deputy