

SIXTH AMENDMENT TO AGREEMENT

This SIXTH AMENDMENT TO AGREEMENT is dated for identification this 20th day of June 2023 and amends that certain Fifth Amendment to Agreement for Services dated February 3, 2023, made by and between the Town of Los Gatos, ("Town,") and Brightview Tree Services, Inc. ("Service Provider") identified as a C Corporation and whose address is P.O. Box 31001-2643, Pasadena, CA 91110-2463.

RECITALS

- A. Town and Service Provider entered into a Agreement for Services on June 5, 2018, ("Agreement"), a First Amendment to Agreement for Services on August 20, 2019, a Second Amendment to Agreement for Services on June 2, 2022, a Third Amendment to Agreement for Services on April 18, 2022, a Fourth Amendment to Agreement for Services on June 25, 2022, and a Fifth Amendment to Agreement for Services on February 3, 2023, copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement for Services to provide additional funds for FY 2022/23.

AMENDMENT

- 1. 2.6 Compensation – amendment shall read:

Compensation for year 1 (Fiscal Year 2018/19) of this agreement was **\$247,000**.

Compensation for year 2 (Fiscal Year 2019/20) of this agreement was **\$247,000** and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco – Oakland – San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year.

Compensation for year 3 (Fiscal Year 2020/21) of this agreement was **\$247,000** and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco – Oakland – San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year.

Compensation for year 4 (Fiscal Year 2021/22) of this agreement **shall increase \$30,000, for a total amount not to exceed \$155,000** and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco – Oakland – San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year.

ATTACHMENT 1

Compensation for year 5 (Fiscal Year 2022/23) of this agreement **shall increase an additional \$75,000 for a total amount not to exceed \$275,000** and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco – Oakland – San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year.

The total agreement amount **shall not to exceed \$1,171,000**.

2. Section 3.1 Minimum Scope of Insurance is amended to read as follows:

Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

3. All other terms and conditions of the Agreement remain in full force and effect

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos:

Approved as to Consent:

Laurel Prevetti, Town Manager

Scott Godfrey, Region Vice President

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, Town Clerk