

REPORT OF GENERAL MANAGER

NO. 05-111

DATE May 4, 2005

CD Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRUSH CLEARANCE CONTRACTS - SUPPLEMENTAL AGREEMENT TO  
EXTEND THE TERM OF THE MAY 7, 2003 CONTRACT FOR A THIRD YEAR

H. Fujita \_\_\_\_\_  
J. Kolb \_\_\_\_\_  
K. Chan \_\_\_\_\_  
B. Jensen \_\_\_\_\_

F. Mok \_\_\_\_\_  
\* K. Regan *KR*  
J. Combs \_\_\_\_\_

*[Signature]*  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the attached Supplemental Agreement to the May 7, 2003, Brush Clearance Contract to extend the term for as-needed brush clearance contractors;
2. Find that in accordance with Charter Section 1022, the Department does not have personnel available in its employ with the necessary expertise to perform these services in a timely manner, and that it is more feasible and economical, as well as in the Department's best interest, to secure these services by contract; and
3. Direct the Board Secretary to transmit the proposed agreement to the Mayor in accordance with Executive Directive 16, and concurrently to the City Attorney for review as to form; and
4. Upon receipt of the necessary approvals, authorize the Board President and Secretary to execute the Supplemental Agreement.

SUMMARY:

The Los Angeles Municipal Code Section 57.21.07 states that the Department has the responsibility to abate certain hazardous public nuisances that include brush clearance within 200 feet of private homes and ten feet from roadways.

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On May 7, 2003 (Board Report 03-147), the Board approved a one year contract for brush clearance contractors which included a one (1) year option to renew at the discretion of the City. On April 7, 2004 (Board Report 04-104), the Board approved Amendment No. 1 which exercised the one (1) year option, increased the annual limit for contractors from \$100,000 to \$200,000, and included invoicing language mandated by a change in City Policy of the Office of the Controller.

This is the fourteenth year that the Department has put out to bid approximately 225 brush clearance parcels that vary in size depending on the topography and complexity of the brush to be removed. Areas mandated to be cleared are divided into smaller parcels so each parcel can be completed within a (13) thirteen day period; therefore, making it easier to manage and inspect the work as it is occurring. The majority of the contractors have expert staff to perform the more hazardous projects. Tree trimming above 15 feet requires the contractor to hold a C-61 or D-49 license from the California State Contractors Board. Throughout the year, Department staff clears brush in nonhazardous conditions where specific expertise and equipment are not required.

In the 2004-2005 budget, \$985,000.00 (Brush Clearance account 3040) was provided to fund these contracts. The Department has a balance of approximately \$419,000.00 to initiate the brush clearing season prior to July 2005 when the new budget containing an additional amount for '05-'06 becomes effective. The Department is anticipating that the 2005-2006 budget will provide an additional \$989,000.00 for the brush clearance account, of which about \$800,000.00 will be spent during the 2005 summer season, and the remainder used again next spring for the 2006 fire season. Record rains have produced extremely hazardous brush conditions and have greatly elevated the fire threat for the 2005 fire season.

Once again Recreation and Parks staff conferred with the Department of Public Works, Bureau of Street Services, to determine if they could perform the work. On a weekly basis, Street Services, Lot Cleaning Division will review an advanced list of the parcels to be put out to bid the following week. The Department puts out approximately 20-25 parcels a week. Based on an initial understanding of the work, Street Services will then determine which parcels they will be able to perform. In the 2003-2004 brush clearance season, Street Services was given the opportunity to select whichever parcels they wanted and opted to do three parcels, all of which were level and could be accomplished with large mechanical equipment with a minimum amount of labor. The remainder of the parcels were performed by the pre-approved contractors through the bid process.

All other terms and conditions of the Brush Clearance Contract and Amendment No. 1 shall remain unchanged except to update the version of the Standard Provisions for Contracts. Staff recommends approval of the Supplemental Agreement for the 2005-2006 fiscal year. A list of the LAFD pre-approved contractors is attached.

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FISCAL IMPACT:

The Department is anticipating that the 2005-2006 budget will provide \$989,000.00 for brush clearance in contractual services account 3040. That amount plus the \$419,000.00 current account balance will be sufficient to meet the Department's required clearance responsibilities for fiscal year 2005-2006.

In the fall of 2005, the Department will initiate a process to provide a brush clearance contract for brush clearance contractual services. The contract will include provisions to extend the term for (2) two additional years, exercisable in one-year increments.

This report was prepared by Tom Petrique and Tom McCall, Griffith Metro Region

**SUPPLEMENTAL AGREEMENT TO THE AGREEMENT BETWEEN  
THE CITY OF LOS ANGELES, DEPARTMENT OF RECREATION AND  
PARKS AND PRE-APPROVED BRUSH CLEARANCE CONTRACTORS  
FOR AS-NEEDED BRUSH CLEARANCE SERVICES**

This SUPPLEMENTAL AMENDMENT to the BRUSH CLEARANCE CONTRACT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners (hereinafter referred to as DEPARTMENT) and Pre-Approved Brush Clearance Contractors (herein referred to as CONTRACTOR).

**WITNESSETH**

WHEREAS, LAMC 57.21.07 requires the abatement of the hazardous brush on Department owned-controlled properties; and

WHEREAS, some brush clearance work is hazardous, requires special licenses and equipment and training; and

WHEREAS, for the last 13 years, the Department has contracted for brush clearance services; and

WHEREAS, on May 7, 2003, the Board of Recreation and Park Commissioners approved the BRUSH CLEARANCE CONTRACT pursuant to which pre-qualified contractors are able to bid on brush clearance packages of work needed by the Department during the annual fire season. The BRUSH CLEARANCE CONTRACT contained an option for a one year extension to be exercised by the Department; and

WHEREAS, on April 7, 2004, the Board of Recreation and Park Commissioners approved AMENDMENT NO. 1 to the BRUSH CLEARANCE CONTRACT which exercised the one (1) year option, increased the annual limit for contractors from \$100,000 to \$200,000, and included the invoicing language mandated by a change in City policy; and

WHEREAS, the BRUSH CLEARANCE CONTRACT and AMENDMENT NO.1 expired on March 31, 2005, and the duties of CONTRACTOR are still ongoing and needed for brush clearance for all of the Department's properties where the threat of catastrophic property loss or physical injury due to brush or wildfires can occur at any time; and

WHEREAS, the DEPARTMENT is desirous of extending the Term of the Contract for an additional year to accomplish the required work; and

WHEREAS, the services to be provided be CONTRACTOR are legally required under the Municipal Code to be completed in a timely manner (LAMC Sec. 57.21.07); and

WHEREAS, in accordance with Charter Section 1022, the DEPARTMENT does not have available personnel with sufficient time and necessary expertise to perform these services, and therefore, it is more economical and feasible for CONTRACTOR to perform these services.

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto,

IT IS MUTUALLY AGREED that the Contract be amended as follows:

1. Page 3, Article 2, TERM OF CONTRACT, Paragraph C is added.  

C. The CITY, upon action of Board, will extend the term a second additional year.
2. Page 2, Article 1, REPRESENTATIVES, Paragraph B.1. is amended to state that the CITY'S Representative, unless otherwise stated, will be Jon Kirk Mukri, General Manager
3. The following document supercedes earlier versions and are incorporated and made part of the RFP by reference; Standard Provisions for City Contracts (Rev. 10/03) with Attachments 1 and 2 thereto.
4. RATIFICATION:  
At the request of the City, and because of the need therefore, CONTRACTOR began performance of the services required hereunder prior to the execution hereof. By its execution hereof, City hereby accepts such services, subject to all of the terms, covenants and conditions of this agreement, and ratifies its agreement with CONTRACTOR for such services.

All other terms and conditions of the CONTRACT shall remain unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to the BRUSH CLEARANCE CONTRACT to be executed by their duly authorized representatives.

Executed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005

THE CITY OF LOS ANGELES, acting  
by and through its Board of Recreation  
and Park Commissioners

Approved as to From:

ROCKARD J. DELGADILLO,  
City Attorney

Date: \_\_\_\_\_

By \_\_\_\_\_  
MARK BROWN  
Senior Assistant City Attorney

By \_\_\_\_\_  
PRESIDENT

By \_\_\_\_\_  
SECRETARY

BRUSH CONTRACTOR

City Business License number:  
\_\_\_\_\_

By \_\_\_\_\_  
NAME

Federal Taxpayer ID Number:  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

Contract Number:  
\_\_\_\_\_

\_\_\_\_\_  
TITLE

By \_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

2005 BRUSH CLEARANCE CONTRACTORS INFORMATION

|  |   |
|--|---|
| Absolute Tree & Brush Co.<br>C-104799                            | Robert Shane Gazan  |
| Avalon Landscape, Inc.<br>C-104800                               | Luis Cadiz  |
| Olin Byers<br>C-104807   | Olin Ray Byers  |
| Int'l Environmental Corp.<br>C-104806                            | Henry Cespedes<br>(Contact person: Evelyn)                  |
| Pan American Landscaping<br>C-104804                             | Linda Ruggeri<br>(Contact person: Gustavo Occhiuzzo)        |
| Pepo Weed Abatement, Inc.<br>C-104803                            | Michael Pepo<br>(C.E.O.)                                    |
| (Aztec) – Public Health Foundation Enterprises, Inc.<br>C-104408 | Gerald R. Solomon, President<br>(Contact person: Julie Han) |
| Percy Rankin<br>C-104805   | Percy Rankin  |
| Ross Tree & Landscape Co.<br>C-104798                            | Ross Freedman   |
| Silent Fire, Inc.<br>C-104801                                    | Courtney Kite   |
| Van Gogh Landscaping, Inc.<br>C-105150                           | Tony Tamayo   |
| Brian Walsh<br>C-104802  | Brian Walsh   |
| Waste Unlimited<br>C-105151                                      | Shane Fone<br>(Contact Person: Jesse Galvan)                |