



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Rick Bruneau

SUBJECT: SEE BELOW

DATE: November 6, 2023

Approved

Date

11/17/23

SUBJECT: ACTIONS RELATED TO THE PURCHASE ORDERS AND AMENDMENT TO THE AGREEMENTS WITH BAYSCAPE MANAGEMENT, INC., BRIGHTVIEW LANDSCAPE SERVICES, INC., AND JENSEN LANDSCAPE SERVICES, LLC FOR LANDSCAPING SERVICES

RECOMMENDATION

Adopt a resolution authorizing the City Manager or her designee to:

- a) Negotiate and execute purchase orders with Bayscape Management, Inc. (Alviso, CA), Brightview Landscape Services, Inc. (Blue Bell, PA), and Jensen Landscape Services, LLC (Los Angeles, CA) for landscape management and maintenance services in public right-of-way locations in special districts to extend services for up to two additional one-year option terms for a total of nine options through December 2, 2025, subject to the appropriation of funds; and
- b) Negotiate and execute purchase orders with Bayscape Management, Inc. (Alviso, CA), Brightview Landscape Services, Inc. (Blue Bell, PA) for landscape management, maintenance, and irrigation services at various City locations to extend services for up to two additional one-year option terms for a total of six options through December 19, 2025, subject to the appropriation of funds; and
- c) Negotiate and execute the Second Amendment to the Agreement with Bayscape Management, Inc. (Alviso, CA) for landscape management and maintenance services for General Fund and Special District landscape areas to extend services for up to two additional one-year option terms for a total of nine options through December 3, 2025, subject to the appropriation of funds; and
- d) Negotiate and execute the First Amendment to the Agreement with Bayscape Management, Inc. (Alviso, CA) for landscape maintenance services for civic grounds and small parks to extend services for up to one additional one-year option term for a total of six options through February 28, 2025, subject to the appropriation of funds.

Subject: Actions Related to the Purchase Orders and Amendment to the Agreements with Bayscape Management, Inc., Brightview Landscape Services, Inc., and Jensen Landscape Services, LLC for Landscaping Services**SUMMARY AND OUTCOME**

Authorizing the City Manager or her designee to take this action will allow the City to continue to receive landscaping services.

BACKGROUND

The Departments of Environmental Services, Parks, Recreation, and Neighborhood Services, Public Works, and Transportation are responsible for overseeing landscaping services at various locations Citywide. The services required include routine landscape maintenance such as the trimming, removal, irrigation, and planting of vegetation along with integrated pest management. Services are utilized by departments as needed to preserve landscapes in the public right-of-way and other City locations. As a result of multiple competitive solicitations, the initial awards for these services were approved by City Council in December 2013¹, December 2014², February 2018³, and December 2018⁴. An extension of the contracts and purchase orders for these landscaping services was authorized by City Council in May 2021⁵ with the last option terms ending in December 2023. The below table provides a synopsis of the history and status of the awards.

Current Contract/Purchase Order End Date	Competitive Solicitation Type	Vendors	Agreement Vehicle	Current Option Term	Departments
December 2, 2023	Request for Proposal	Bayscape Management, Inc., Brightview Landscape Services, Inc., Jensen Landscape Services, LLC	Purchase Order	7 of 7	DOT ^(a)
December 3, 2023	Request for Proposal	Bayscape Management, Inc.	Contract	7 of 7	DOT ^(a)
December 19, 2023	Request for Proposal	Bayscape Management, Inc., Brightview Landscape Services, Inc.	Purchase Order	4 of 4	DOT ^(a) , PRNS ^(b) , PW ^(c) , ESD ^(d)
February 29, 2024	Request for Proposal	Bayscape Management, Inc.	Contract	5 of 5	PRNS ^(b)

^(a) DOT is the Department of Transportation

^(b) PRNS is the Department of Parks, Recreation, and Neighborhood Services

^(c) PW is the Department of Public Works

^(d) ESD is the Department of Environmental Services

¹ December 2013 resolution: <https://records.sanjoseca.gov/Resolutions/RES76864.PDF>

² December 2014 resolution: <https://records.sanjoseca.gov/Resolutions/RES77223.PDF>

³ February 2018 resolution: <https://records.sanjoseca.gov/Resolutions/RES78515.pdf>

⁴ December 2018 resolution: <https://records.sanjoseca.gov/Resolutions/RES78913.pdf>

⁵ May 2021 resolution: <https://records.sanjoseca.gov/Resolutions/RES%2079997.pdf>

ANALYSIS

On September 19, 2016, then-Governor Jerry Brown signed Senate Bill 1383 into law, which established methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants by reducing organic waste disposal in various sectors of California's economy. Senate Bill 1383 created new regulations that affect the procurement of recycled organic products such as compost, mulch, and materials used in landscaping services. At the time of enactment, Senate Bill 1383 regulations were contemplated to be effective on January 1, 2022.

As noted in its May 6, 2021 memorandum to the City Council, at that time, staff had been developing a comprehensive solicitation to cover all necessary landscaping management and maintenance services for the City. Given the new law, staff suspended its solicitation development to review and understand the new requirements and provisions of Senate Bill 1383. Staff has been working with City stakeholders over the past few years to consolidate City landscaping services needs and incorporate relevant Senate Bill 1383 requirements into a new Citywide solicitation.

City staff completed its review of those regulations and are now able to resume efforts on the new competitive solicitation. The landscaping services solicitation currently in development will incorporate requirements needed to comply with Senate Bill 1383. Approval of this recommendation will ensure the City continues to receive these services with minimal impact to operations pending completion of the new solicitation.

EVALUATION AND FOLLOW-UP

This memorandum will not require any follow-up from staff.

COST SUMMARY/IMPLICATIONS

The table below identifies:

1. The total amount of the purchase orders for the eighth option term for the period of December 3, 2023 through December 2, 2024, for the Department of Transportation;
2. The total amount of the purchase orders for the fifth option term for the period of December 20, 2023 through December 19, 2024, for the Departments of Environmental Services, Parks, Recreation, and Neighborhood Services, Public Works, and Transportation;

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3. The total amount of the contract for the eighth option term for the period of December 4, 2023 through December 3, 2024, for the Department of Transportation; and
4. The total amount of the contract for the sixth option term for the period of March 1, 2024 through February 28, 2025, for the Department of Parks, Recreation, and Neighborhood Services.

These services will be utilized as required and the total cost may vary depending on landscaping servicing needs. Ongoing annual costs for services will be requested as part of the City's annual budget process and will be subject to the appropriation of funds.

1. AMOUNT OF RECOMMENDATION	\$5,868,897
2. COST ELEMENTS	
- Department of Transportation Contract and Purchase Orders	\$3,965,600
- Department of Environmental Services Purchase Orders	65,000
- Department of Parks, Recreation, and Neighborhood Services Contract and Purchase Orders	1,688,297
- Department of Public Works Purchase Orders	150,000
TOTAL NOT TO EXCEED	\$5,868,897

BUDGET REFERENCE

The table below identifies the funds and appropriations to fund the contracts and purchase orders recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Recommendation	2023-2024 Adopted Operating Budget Pg.	Last Budget Action (Date, Ord. No.)
001	0642	NP/EQUIP-PRNS	\$39,789,241	\$1,688,297	710	10/17/23, 30966
369	0512	NP/EQUIP-DOT	\$1,889,800	\$970,000	987	10/17/23, 30966
368	0512	NP/EQUIP-DOT	\$1,016,200	\$860,000	1033	06/20/23, 30933
001	0512	NP/EQUIP-DOT	\$23,741,906	\$400,000	844	10/17/23, 30966
373	0512	NP/EQUIP-DOT	\$844,880	\$321,000	988	06/20/23, 30933
001	0572	NP/EQUIP-PW	\$20,715,859	\$150,000	803	10/17/23, 30966
344	0512	NP/EQUIP-DOT	\$182,000	\$140,000	994	06/20/23, 30933

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Fund #	Appn #	Appn. Name	Total Appn	Amt. for Recommendation	2023-2024 Adopted Operating Budget Pg.	Last Budget Action (Date, Ord. No.)
362	0512	NP/EQUIP-DOT	\$168,800	\$140,000	1030	06/20/23, 30933
359	0512	NP/EQUIP-DOT	\$123,950	\$123,950	1035	06/20/23, 30933
352	0512	NP/EQUIP-DOT	\$210,500	\$120,000	1026	06/20/23, 30933
379	0512	NP/EQUIP-DOT	\$103,700	\$103,700	992	06/20/23, 30933
365	0512	NP/EQUIP-DOT	\$98,350	\$98,350	1036	06/20/23, 30933
367	0512	NP/EQUIP-DOT	\$94,400	\$94,400	1038	06/20/23, 30933
364	0512	NP/EQUIP-DOT	\$100,850	\$91,000	1031	06/20/23, 30933
371	0512	NP/EQUIP-DOT	\$139,250	\$77,000	986	06/20/23, 30933
361	0512	NP/EQUIP-DOT	\$72,200	\$72,200	1029	06/20/23, 30933
357	0512	NP/EQUIP-DOT	\$65,100	\$65,100	1028	06/20/23, 30933
515	0762	NP/EQUIP - ESD	\$45,566,632	\$65,000	1067	06/20/23, 30933
354	0512	NP/EQUIP-DOT	\$62,500	\$62,500	1027	06/20/23, 30933
356	0512	NP/EQUIP-DOT	\$56,900	\$56,900	1037	06/20/23, 30933
376	0512	NP/EQUIP-DOT	\$74,400	\$56,000	990	06/20/23, 30933
372	0512	NP/EQUIP-DOT	\$40,850	\$40,850	1034	06/20/23, 30933
374	0512	NP/EQUIP-DOT	\$40,400	\$40,400	989	06/20/23, 30933
366	0512	NP/EQUIP-DOT	\$32,250	\$32,250	1032	06/20/23, 30933

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Manager's Budget Office, the Department of Environmental Services, Department of Parks, Recreation, and Neighborhood Services, Department of Public Works, and Department of Transportation.

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PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the November 28, 2023 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Categorically exempt, File No. ER23-151, CEQA Guidelines Section 15301, Existing Facilities.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

RICK BRUNEAU
Director of Finance

For questions, please contact Albie Udom, Deputy Director of Finance – Purchasing & Risk Management, at Albie.Udom@sanjoseca.gov.