

LOS ANGELES FIRE DEPARTMENT



MILLAGE PEAKS
FIRE CHIEF

May 19, 2010

BOARD OF FIRE COMMISSIONERS
FILE NO. **10-044**

TO: Board of Fire Commissioners
City of Los Angeles

FROM: Millage Peaks, Fire Chief

SUBJECT: SECOND AMENDMENT TO EXTEND THE WEED AND REFUSE
ABATEMENT CONTRACTS

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

Recommendations: That the Board:

1. Approve the extension of the Agreement as outlined in the Second Amendment to cover the 2010-11 Fiscal Year.
2. Direct the Commission Executive Assistant II to transmit the Second Amendment to the 2008 Agreement to the Mayor and City Council for review and approval in accordance with Executive Directive No. 3.

Summary:

The ongoing effort to provide public safety through the enforcement of the Brush Clearance Ordinance requires the Brush Clearance Unit to inspect approximately 130,000 properties per year. On the average, 800 to 1,200 properties are cleared by the Fire Department. The use of private contractors to abate a public nuisance has proven to be both necessary and cost effective.

The work itself has been deemed to be too hazardous for City employees to perform in accordance with their Memorandum of Understanding. Therefore, other City departments, such as Street Services, Department of Water and Power, or Recreation and Parks, cannot perform the work.

FINDINGS:

The 2008 Agreement was with 18 companies that possessed both the skills and knowledge of what is required by the Fire Department. However, only 14 names will be recommended to have their contracts extended at this time (please see attachment).

ATTACHMENT 1

FY 2010-11 CONTRACTORS LIST

COMPANY NAME	OWNERS NAME	CITY, STATE
AVALON LANDSCAPING INC.	LUIS CADIZ	SHERMAN OAKS, CA
B C TREE SERVICE INC.	BRETT CUNNINGHAM	VENTURA CA
BRIAN WALSH BRUSH CLEARANCE	BRIAN WALSH	LOS ANGELES, CA
ECCONO TREE CARE	ORI ZAIRI	PACIFIC PALISADES CA
FOUR SEASONS LANDSCAPE	BRIAN LOGAN	WOODLAND HILLS CA
GREEN LEAF G.T.H. INC.	YOSEF SHALEV	VAN NUYS CA
INTERNATIONAL ENVIRONMENTAL CORP.	HENRY CESPEDES	VAN NUYS, CA
PAN AMERICAN BRUSH CLEARANCE LANDSCAPING	EDDIE MARTINEZ	SHERMAN OAKS, CA
PEPO WEED ABATEMENT INC.	MIKE PEPO	PALMDALE, CA
RAY BYERS & COMPANY	OLIN RAY BYERS	CASTAIC, CA
SILENT FIRE, INC.	COURTNEY KITE	PASADENA, CA
THRIFTY TREE SERVICE INC.	DAVE AVIRAM	RESEDA, CA
VAN GOGH	TONY TAMAYO	STUDIO CITY, CA
WASTE UNLIMITED	SHANE FONE	SUNLAND, CA

SECOND AMENDMENT TO AGREEMENT NO. <<INSERT CONTRACT NO.>>
BETWEEN
THE CITY OF LOS ANGELES
AND
<<INSERT COMPANY NAME>>
TO PROVIDE BRUSH CLEARANCE, WEED AND/OR REFUSE ABATEMENT

THIS SECOND AMENDMENT to Agreement Number <<INSERT CONTRACT NO.>> between the City of Los Angeles, a municipal corporation (hereinafter referred to as the "CITY"), acting by and through the Los Angeles FIRE DEPARTMENT (hereinafter referred to as the "DEPARTMENT"), and <<INSERT COMPANY NAME>> (hereinafter referred to as the "CONTRACTOR"), is entered into with reference to the following:

WHEREAS, the DEPARTMENT requires the services of qualified CONTRACTORS to abate hazards located in the Very High Fire Hazard Severity Zone, on improved and unimproved property within the CITY; and

WHEREAS, on July 1, 2008 the DEPARTMENT contracted qualified CONTRACTORS with sufficient crews and equipment to furnish said abatement services in a timely manner; and

WHEREAS, CONTRACTOR acknowledges having attended the required orientation sessions resented by the DEPARTMENT regarding the Brush Clearance Program (program), and further; acknowledges having received and reviewed all related documents about the Program distributed by the DEPARTMENT to potential CONTRACTOR'S. The CONTRACTOR understands the Program requirements imposed under this Agreement and the Los Angeles Municipal Code.

WHEREAS, CONTRACTOR acknowledges that grounds for termination of this AGREEMENT include, but are not limited to, solicitation of monetary fees from a property owner whose parcel is part of a bid package, before, during or after abating a fire hazard on such parcel.

WHEREAS, the parties agree to amend this AGREEMENT to extend the term for one additional year and to make technical revisions.

The parties amend this AGREEMENT is as follows:

1. ARTICLE 2. - TERM THE AGREEMENT is amended to read in its entirety as follows:
 - A. The term of this Agreement will commence on July 1, 2008 and will terminate on June 30, 2011, unless otherwise terminated by the DEPARTMENT.
2. ARTICLE 3.E.2 is deleted.

3. ARTICLE 3.E.3 is deleted.
4. ARTICLE 6.A.4 is deleted.
5. ARTICLE 8. - HOURLY LABOR RATE paragraph 3 is amended to add the applicable pay rate and will read as follows:

"The hourly labor rate for a five (5) persons crew for the term July 1, 2010, through June 30, 2011, is \$150.00. This is the rate to be used by the CONTRACTOR to prepare a bid."

All other terms and conditions of the AGREEMENT remain unchanged
{Signature page follows.}

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date indicated.

<<INSERT NAME OF COMPANY>>

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

THE CITY OF LOS ANGELES

DATE: _____

BY: _____

MILLAGE PEAKS

Fire Chief

Los Angeles Fire Department

APPROVED AS TO FORM:

ATTEST:

CARMEN A. TRUTANICH, City Attorney

JUNE LAGMAY, City Clerk

BY: _____

Laurel L. Lightner

Assistant City Attorney

BY: _____

Deputy City Clerk

DATE: _____

DATE: _____

City Business License Number: _____

Federal Taxpayer ID Number: _____

Agreement Number: <<INSERT CONTRACT NO. AS AMENDED>>

*OK to expedite
- final form
necessary
5/17/10*

Archer Landscaping Service opted not to participate in fiscal year 2010-11 for personal reasons. JN Land Maintenance, Sierra Landscape, and Tree Elements failed to appear at the mandatory brush contractor's training and orientation. Therefore they are ineligible to participate in the brush clearance program.

Conclusion:

The 14 contractors contained in the attached list have all met the requirements as set forth in the Request for Qualification and the 2008 Agreement; therefore, it is the recommendation of the Fire Department that the Board of Fire Commissioners extend the term of the contract to begin July 1, 2010 and end June 30, 2011.

Board report prepared by: Robert Knight, Captain II, Brush Clearance Unit.

Attachment 1: FY 2010-2011 Contractors List

Attachment 2: Second Amendment to Brush Contract