

**A RESOLUTION AUTHORIZING THE SECOND AMENDMENT OF THE  
CONTRACT FOR RIGHT-OF-WAY LANDSCAPE MAINTENANCE AND REPAIR  
SERVICES WITH SIERRA LANDSCAPING AND MAINTENANCE**

**NO. 2023-052**

WHEREAS, the City of Commerce City (“City”) executed a contract, authorized and approved by the City Council through Resolution Number 2022-01, with TWA, Inc. d/b/a Sierra Landscaping and Maintenance (“Contractor”) for general and programmatic right-of-way landscaping and irrigation services, including, 112th & Potomac, 104th & Chambers, Quebec & 56th, US 85 & HWY 2, Tower Rd, HWY 2 (“Services”) on January 28, 2022 (“Original Contract”);

WHEREAS, the City Council’s approval of the Original Contract allowed for \$120,000 for the performance of on-demand Services and \$224,148 per year for programmatic Services.

WHEREAS, City Council directed City Staff to increase levels of service in the City’s rights-of-way, parks, open space and undeveloped properties;

WHEREAS, the City requires additional on-demand right-of-way landscaping and irrigation services, including, increased weed mitigation services, increased mowing services, additional horticultural practices, and additional irrigation repair;

WHEREAS, City Staff wishes to amend the Original Contract with the Contractor to meet the City’s need for increased levels of landscape maintenance service in 2023 by increasing the approved amount of compensation for on-demand services from \$120,000 by \$275,000, to \$395,000, resulting in the maximum total compensation under the amended agreement increasing to \$843,296; and

WHEREAS, the cost to the City of the total Services exceeds \$250,000.00 and, pursuant to the City’s procurement policies and the City Manager’s commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1. Findings.** The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Amend Contract.** The amendment of the contract for the Services to the Contractor is hereby approved, subject to the successful finalization of the written amendment on terms acceptable to the City Manager.

**SECTION 3. Authorization to Negotiate.** The City Manager is hereby authorized to negotiate and finalize the details of the amendment to the Original Contract with the Contractor for a base amount not to exceed \$843,296.00 for the remainder of the agreement.

**SECTION 4. Execution and Attestation.** Upon successful finalization of the amendment to the Original Contract and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the amendment to the Original Contract on behalf of the City.

RESOLVED AND PASSED THIS 15TH DAY OF MAY 2023.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk