

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 29 - 2023

AUTHORIZING A THIRD AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH FORSTER & KROEGER LANDSCAPE MAINTENANCE, INC., A CALIFORNIA CORPORATION, TO EXTEND THE CONTRACT TERM BY UP TO THREE MONTHS AND INCREASE THE TOTAL EXPENDITURE AUTHORITY BY \$34,036, FOR A TOTAL OVERALL CONTRACT EXPENDITURE AUTHORITY OF UP TO \$605,140, TO PROVIDE CONTINUED LANDSCAPE MAINTENANCE SERVICES IN COMMUNITY FACILITIES DISTRICT NO. 1 (SOUTH BEACH) WITH FUNDING PROVIDED BY SPECIAL TAXES LEVIED UNDER THE MELLO-ROOS COMMUNITY FACILITIES ACT; FORMER RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, The Redevelopment Agency of the City and County of San Francisco (“Former Agency”) established Community Facilities District No.1 (South Beach) (“CFD No. 1”) in 1988 by Agency Resolution Nos. 186-88 through 191-88 pursuant to the Mello-Roos Community Facilities Act of 1982. CFD No. 1 authorized special taxes on real property in the CFD No. 1 area, which is bounded Embarcadero, Beale, Bryant, Federal, Brannan, CP Kelly and Townsend Streets. This area is the South Beach portion of the Rincon Point-South Beach Redevelopment Project Area (“Project Area”), which expired in January 2021. CFD No. 1, however, extends indefinitely beyond the expiration of the Project Area; and,

WHEREAS, The special taxes are required to be used for the purposes of funding construction and maintenance of certain improvements including four plazas, streetscape improvements, and irrigation and lighting systems as authorized under Section 53313 of the California Government Code and the Local Goals and Policies for Community Facilities District (Former Agency Resolution No. 79-2008 (July 15, 2008)); and,

WHEREAS, In forming CFD No. 1 and funding its facilities and services, the Former Agency Commission acted as the legislative body for CFD No. 1 and exercised state authority under the Mello-Roos Act and not under the Community Redevelopment Law; and,

WHEREAS, Pursuant to California Health and Safety Code §§ 34170 et seq. (the “Redevelopment Dissolution Law”) and San Francisco Ordinance No. 215-12 (October 4, 2012) (establishing the Successor Agency Commission (“Commission”) and delegating to it state authority under the Redevelopment Dissolution Law), the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“Successor Agency”) is administering the Former Agency’s obligations concerning community facilities districts, including CFD No. 1; and,

WHEREAS, By Resolution No. 37-2017 (October 3, 2017), the Commission authorized the selection, pursuant to a competitive solicitation process, of Forster & Kroeger Landscape Maintenance, Inc., a California Corporation (“Contractor”) to provide landscape maintenance services to CFD No. 1; and authorized the Executive Director to enter into a Personal Services Contract (“Contract”) with Contractor to provide said services for an initial three-year term beginning November 1, 2017 and one three-year option to extend, ending October 31, 2023 (“Term”); and,

WHEREAS, The Commission has authorized two previous amendments to the Contract, by Resolution No. 25-2020 (October 6, 2020) and Resolution No. 14-2023 (May 2, 2023), to adjust the total expenditure authority under the Contract to a cumulative amount not-to-exceed \$571,104, which provided expenditure authority needed for the total Term; and,

WHEREAS, On September 6, 2023, OCII issued a request for proposals for a new contract to provide landscape maintenance and related services at CFD No.1 (“RFP”). The RFP provides a thirty-day period for potential respondents to prepare bids (which may be extended at OCII’s discretion) to facilitate maximum participation by small business enterprises within current and former redevelopment project areas or elsewhere in San Francisco or beyond, consistent with OCII’s Small Business Enterprise policies. As a result, there is a gap of approximately forty-five days between the end of the existing Contract and the estimated date for execution of a new contract; and,

WHEREAS, Staff are proposing to amend the existing Contract to provide an up to three-month extension of the Term (on a month-to-month basis at the discretion of the Executive Director) and a commensurate increase in expenditure authority of up to \$34,036 (which includes an \$8,012 monthly service charge for up to three months and an \$10,000 contingency amount for potential unanticipated additional services), for a cumulative total contract expenditure authority of \$605,140. This will allow OCII to retain maintenance services at CFD 1 while completing the RFP process; and,

WHEREAS, The Contractor’s performance under the Contract has been satisfactory and the Contractor is not in default under the terms of the Contract; and,

WHEREAS, A third amendment to the Contract (“Third Amendment”) is necessary to authorize the extension of the Term and commensurate increase in cumulative total contract expenditure authority; and,

WHEREAS, Authorization of the Third Amendment is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301(h), because it authorizes funding for the continued operation, repair, maintenance or minor alteration of existing community facilities or topographical features with negligible or no expansion of existing uses and will not independently result in a significant physical effect on the environment; now therefore, be it,

RESOLVED, The Commission authorizes the Executive Director to execute a Third Amendment to the Personal Services Contract for landscape maintenance services in Community Facilities District No. 1 (South Beach) with Forster & Kroeger Landscape Maintenance, Inc., a California Corporation, substantially in the form attached to the Commission Memorandum for this action and approved by the Successor Agency's General Counsel, authorizing an up to three-month extension of the Term (on a month-to-month (or portion thereof) basis at the discretion of the Executive Director) and a commensurate increase in expenditure authority of up to \$34,036 (which includes an \$8,012 monthly service charge for up to three months and an \$10,000 contingency amount for potential unanticipated additional services), for a cumulative total contract expenditure authority of \$605,140 that is funded solely from special taxes levied under the Mello-Roos Community Facilities Act.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of October 3, 2023

Commission Secretary