



Date: May 9, 2016

To: Patrick H. West, City Manager *[Signature]*

From: Marie Knight, Director of Parks, Recreation and Marine *[Signature]*

For: Mayor and Members of the City Council

Subject: **PARKS GROUNDS MAINTENANCE CONTRACTOR PERFORMANCE ACCOUNTABILITY**

At the April 5, 2016 City Council meeting, the Department of Parks, Recreation and Marine (PRM) was asked if the current landscape maintenance contracts have penalties for poor performance. The Department was also directed to ensure there will be penalties and consequences included in the new contract that will be put out to bid in the coming year.

The City's existing grounds maintenance contracts do contain language related to performance and penalties that can be summarized as follows:

If the Director of Parks, Recreation and Marine, or his or her designee (Bureau Manager or Grounds Maintenance Superintendent), does not approve of the performance of the Contractor, he/she may require a formal written report from the Contractor. Based on the formal written report, and other facts the Director may gather, he or she may determine that the Contractor has not performed the work satisfactorily. The outcome of this decision is a payment deduction and the Contractor shall have the monthly payment reduced for the period of "non-compliance," pro-rated for each day of non-compliance.

For tasks that are infrequent (periodic, seasonal, cyclical, or monthly), if the City determines that the Contractor deficiently performed (including the failure to meet "Management and Supervision" specifications), incompletely performed, or not performed at the appropriate time (all in City's sole discretion), the City will give notice to the Contractor to correct the deficiency, complete the performance, or perform within a time stated in notice (Performance Deficiency Notification Form). If Contractor fails to correct deficiencies within that time, the City may: (a) deduct from Contractor's payment a sum attributable to the deficiency; or (b) upon giving five (5) days' notice to the Contractor for failure to correct the deficiencies, the City may correct the deficiencies and the costs incurred by completion, whether it be City forces or another contractor, will be deducted from the City's payment to the Contractor, as determined by the City (Contract Deduction / Supplemental Summarization Form). A minimum sum of \$100.00 will be deducted for each deficiency.

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In the past, it appears that the Department has not assessed any penalties due to deficient performance. However, the primary goal has always been to have the contractor complete the specified work, which may be achieved through communication rather than reductions. Currently, contract oversight is performed in the field by City Contract Monitors (Gardeners) working in Grounds Maintenance, who are now using a checklist to enter work completed, as well as, identify deficiencies per park. These lists are used by the two park supervisors to inform the contractors of areas needing immediate attention, and help to determine if monetary deductions or further consequences are warranted.

PRM is also beginning the process to re-bid the landscape agreements, which expire in May 2017. In preparation of the new agreements, a monitoring system using electronic tablets in the field will be introduced in the coming months. This will allow for enhanced communication and oversight of PRM contractors in the field. CityWorks, the City's work order management system, has been updated to include the scope of work of the current landscape contract (and will be updated when the new agreements have been executed). The area Gardeners will be capable of uploading work orders in the field using iPads and completing an evaluation of a designated area to demonstrate compliance or shortfalls concerning the contract performance. Areas that do not meet the contracted level of service will automatically generate a notice to the Park Supervisors, as well as an email to the contractor. Additionally, reports can be generated to track performance against the contract. For any subpar work, whether it be damage caused by the contractor, or failure to meet the contract scope of work, the CityWorks program, along with the Gardener oversight, will provide the means to document the occurrence and, subsequently, a decision regarding deductions can be made at the management level.

If you have any questions regarding this matter, please call Hurley Owens, Bureau Manager of Maintenance Operations, at (562) 570-4899.

HO:KP:PW/VHD
EXECUTIVE ASSISTANT/CITY MANAGER/2016 TFF/4.22.16 GROUNDS MAINTENANCE CONTRACTOR PERFORMANCE

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