

**AMENDMENT NO. 1
TO THE AGREEMENT FOR THE PERFORMANCE OF SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
DAVEY TREE SURGERY COMPANY**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Davey Tree Surgery Company, an Ohio corporation (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for the Performance of Services by and between the City of Santa Clara, California and Davey Tree Surgery Company (insert name of original Agreement), dated on or about December 5, 2017 (Agreement); and
- B. The Parties entered into the Agreement for the purpose of having Contractor provide tree-trimming services for powerline clearance, and the Parties now wish to amend the Agreement to change the fee schedule.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Exhibit B of the Agreement, entitled "Fee Schedule," is amended by replacing the rate schedule table in its entirety with the following revised table to be inserted:

2020 Composite (per person) Hour Billing Rate		
	ST - Straight Time	DT - Double Time
Per Person Hour	\$ 103.92	\$ 161.07
General Foreperson	\$ 114.60	\$ 177.63
2020 Standard Component Schedule		
Foreperson	\$ 98.74	156.01
Climber	\$ 93.67	147.98
Aerial Lift	\$ 12.58	\$ 12.58
2 Ton Manual Dump	\$ 7.35	\$ 7.35
Chipper	\$ 2.30	\$ 2.30
Pickup and Sign Board	\$ 7.27	\$ 7.27

2. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: 1-23-2020



BRIAN DOYLE
City Attorney



DEANNA J. SANTANA
City Manager

"CITY"

DAVEY TREE SURGERY COMPANY
an Ohio corporation

Dated: 1/17/2020

By (Signature): 

Name: LARRY EVANS

Title: Senior Vice President of Operations

Principal Place of Business Address: 2617 S. Vasco Road
Livermore, CA 94550

Email Address: larry.evans@davey.com

Telephone: (925) 443-1723 ext. 3217

"CONTRACTOR"

DAVEY TREE SURGERY COMPANY

POST OFFICE BOX 5015, LIVERMORE, CALIFORNIA 94551



December 31, 2019

Kevin Kolnowski, PE c/o
Silicon Valley Power, City of Santa Clara
1705 Martin Ave
Santa Clara, CA 95050

Kevin,

As a follow up to our earlier conversations related to California State Bill No. 247, the new prevailing wage determination will be effective 1/1/2020. Davey Tree Surgery Company reached tentative agreement with IBEW Local 1245 that amends all wage and benefits to meet the requirements set forth in SB 247. Below is the link for the prevailing wage determinations related to SB 247. <https://www.dir.ca.gov/OPRL/2019-2/PWD/Determinations/Statewide/C-061-X-3.pdf>

Pursuant the Agreement for the Performance of Services, Section 37. Prevailing Wages A. Labor Code Compliance, Davey Tree Surgery Company is required to conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulation found in Title 8, Subchapter 3, Article 1-7. Contractor agrees to include prevailing wage requirement in its contract for the project. Additionally, Davey Tree Surgery Company is required to comply with the prevailing wage requirements set forth in State Bill 247.

Davey Tree Surgery Company will need to amend T&E hourly rates effective 1/1/2020 to reflect the pending changes to the Utility Line Clearance prevailing wage determination. Per prevailing wage posting and agreement, all hours over 8 (on 5/8 schedule), over 10 (4/10 schedule), over 40, and on non-workdays and holidays are compensated and billed at Double Time rates.

2020 T&E Crew Rates – Amended Exhibit B. attached.

Please feel free to contact me with any questions and to review next steps. I can be reached at (800)727-7782 x 3240 or via e-mail at: kevin.peters@davey.com.

Sincerely,

Kevin Peters
Vice President of Operations
Davey Tree Surgery Company

cc. Larry Evans, Bill Heriford, Cory Thomsen

**Exhibit B.
Fee Schedule**

2020 Composite (per person) Hour Billing Rate		
	ST - Straight Time	DT - Double Time
Per Person Hour	\$ 103.92	\$ 161.07
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2020 Standard Component Schedule		
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