

**AMENDMENT NO. 1
TO THE
SERVICES CONTRACT
FOR
GROUNDS MAINTENANCE SERVICES
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
BRIGHTVIEW LANDSCAPE SERVICES, INC.**

THIS AMENDMENT NO. 1 is entered into by and between the Texas Facilities Commission (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 and BrightView Landscape Services, Inc. (hereinafter referred to as “Contractor”), located at 12909 Dessau Road, Austin, Texas, 78754, to amend the original Contract between the parties (hereinafter referred to as the “Contract”).

WHEREAS, on August 30, 2019, the Parties executed that one certain *Services Contract for Grounds Maintenance Services Between the Texas Facilities Commission and BrightView Landscape Services, Inc to be effective as of September 1, 2019*; and

WHEREAS, subject to Contract Section 10.21, Entire Agreement and Modification, such modifications may only be effected by a written amendment to the Contract; and

WHEREAS, the Parties desire to enter into this Amendment No. 1 for the purpose of removing ten (10) properties no longer being maintained by Contractor and reducing the Contract amount by Fifty-Seven Thousand Thirty-Five and 56/100 Dollars (\$57,035.56) which includes an amount of Eight Thousand Seven Hundred Nine and 92/100 (\$8,709.92) for services performed;

NOW, THEREFORE, the parties agree to amend the Contract as follows:

1. The Parties agree to modify ARTICLE I – STATEMENT OF WORK, Section 1.01, Service Requirements, by replacing all references in the Contract to “Exhibit A – Property List, Compensation and Fees,” with “Exhibit A-1 – Property List, Compensation and Fees,” attached hereto and incorporated herein for all purposes, to document the removal of ten (10) properties no longer be maintained by Contractor.
2. In addition, the parties have agreed to have these changes be effective as of January 1, 2020 through August 31, 2021.
3. Additionally, the parties hereby agree to modify ARTICLE III – CONSIDERATION, SECTION 3.01.(a.) – Contract Limit and Fees and Expenses, by reducing the total amount of fees to be paid under this Contract by Fifty-Seven Thousand Thirty-Five and 56/100 Dollars (\$57,035.56), thus reducing the total not to exceed amount from Eight Hundred Twenty-Five Thousand Ninety-Six and 40/100 Dollars (\$825,096.40) to a total not to exceed amount of Seven Hundred Sixty-Eight Thousand Sixty and 84/100 Dollars (\$768,060.84).

“3.01. **CONTRACT LIMIT AND FEES AND EXPENSES.** (a) The total amount of this Contract shall not exceed the sum of Seven Hundred Sixty-Eight Thousand Sixty and 84/100 Dollars (\$768,060.84). This amount includes the Fiscal Year 2020-21 contract base fee of Six Hundred Fifty-Four Thousand Sixty and 44/100 Dollars (\$654,060.44) and One Hundred Fourteen Thousand and No/100 Dollars (\$114,000.00) to cover any Additional Services as defined in Section 3.03 below. Pricing fees will be invoiced in accordance with Exhibit A-1 - Property List, Compensation and Fees, attached hereto and incorporated herein for all purposes. Any changes to the not-to-exceed amount of this Contract or pricing fees set forth in Exhibit A-1 – Property List, Compensation and Fees shall be submitted to TFC for review and shall be approved by amendment to this Contract.”

3. Except as expressly amended above, all provisions of the Contract remain in full force and effect.

In Witness Whereof, the parties hereto have made and executed this Amendment No. 1 to this Contract to be effective as of January 1, 2020.

TEXAS FACILITIES COMMISSION

BRIGHTVIEW LANDSCAPE SERVICES, INC.

By: DocuSigned by:
Mike Novak
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By: DocuSigned by:
Nathan Pyle, General Manager
9B325D86F3954DZ...

Mike Novak
Executive Director

Nathan Pyle
General Manager

GC QR
Dir [Signature]

TFC Contact No. 20-037-000
BrightView Landscape Services, Inc.
RFP No. 303-9-01053
Amendment No. 1

EXHIBIT A-1

GROUPS MAINTENANCE SERVICES, AUSTIN, TX

BrightView Holdings, Inc.

Group 1					
Item	Facility	Description	Visits	Unit Price	Total Extended Price
1	John H. Winters Complex (JHW)	Grounds maintenance (44 x yr)	88	\$886.97	\$78,053.36
		Turf areation (1 x yr)	2	\$2,126.24	\$4,252.48
		Fertilization (2 x yr)	4	\$1,346.16	\$5,384.64
		Mulch (2 x yr)	4	\$1,066.40	\$4,265.60
		Irrigation (12 x yr)	24		non-functional
2	Brown Heatly Building (BHB)	Grounds maintenance (44 x yr)	88	\$566.82	\$49,880.16
		Turf areation (1 x yr)	2	\$1,268.33	\$2,536.66
		Fertilization (2 x yr)	4	\$430.76	\$1,723.04
		Mulch (2 x yr)	4	\$625.33	\$2,501.32
		Irrigation (12 x yr)	24	\$239.17	\$5,740.08
3	Human Services Warehouse (HSW)	Grounds maintenance (44 x yr)	88	\$216.67	\$19,066.96
		Turf areation (1 x yr)	2	\$397.93	\$795.86
		Fertilization (2 x yr)	4	\$146.25	\$585.00
		Mulch (2 x yr)	4	\$392.00	\$1,568.00
		Irrigation (12 x yr)	24	\$97.23	\$2,333.52
4	Dept. of Assistive & Rehabilitative Services (DARS)	Grounds maintenance (44 x yr)	88	\$282.73	\$24,880.24
		Turf areation (1 x yr)	2	\$375.00	\$750.00
		Fertilization (2 x yr)	4	\$230.00	\$920.00
		Mulch (2 x yr)	4	\$276.38	\$1,105.52
		Irrigation (12 x yr)	24	\$58.37	\$1,400.88
5	Disaster Recovery Operations (DROC)	Grounds maintenance (44 x yr)	88	\$85.53	\$7,526.64
		Turf areation (1 x yr)	2	\$202.67	\$405.34
		Fertilization (2 x yr)	4	\$37.59	\$150.36
		Mulch (2 x yr)	4	\$64.13	\$256.52
		Irrigation (12 x yr)	24	\$58.33	\$1,399.92
6	Bolm Rd. Warehouse (WHB)	Grounds maintenance (18 x yr)	36	\$173.72	\$6,253.92
		Fertilization (2 x yr)	4	\$96.25	\$385.00
		Mulch (1 x yr)	2	\$134.17	\$268.34
9	Lyndon B. Johnson Building (LBJ)	Grounds maintenance (44 x yr)	88	\$129.92	\$11,432.96
		Turf areation (1 x yr)	2	\$173.60	\$347.20
		Fertilization (2 x yr)	4	\$91.11	\$364.44
		Mulch (2 x yr)	4	\$161.23	\$644.92
		Irrigation (12 x yr)	24	\$70.00	\$1,680.00
10	William B. Travis Building (WBT)	Grounds maintenance (44 x yr)	88	\$162.73	\$14,320.24
		Turf areation (1 x yr)	2	\$58.19	\$116.38
		Fertilization (2 x yr)	4	\$43.76	\$175.04
		Mulch (2 x yr)	4	\$731.27	\$2,925.08
		Irrigation (12 x yr)	24	\$145.87	\$3,500.88
11	Stephen F. Austin Building (SFA)	Grounds maintenance (44 x yr)	88	\$89.05	\$7,836.40
		Turf areation (1 x yr)	2	\$94.27	\$188.54
		Fertilization (2 x yr)	4	\$33.33	\$133.32
		Mulch (2 x yr)	4	\$681.33	\$2,725.32
		Irrigation (12 x yr)	24	\$87.50	\$2,100.00
12	John H. Reagan Building (JHR)	Grounds maintenance (44 x yr)	88	\$67.17	\$5,910.96
		Turf areation (1 x yr)	2	\$65.80	\$131.60
		Fertilization (2 x yr)	4	\$33.33	\$133.32
		Mulch (2 x yr)	4	\$85.87	\$343.48
		Irrigation (12 x yr)	24	\$33.33	\$799.92
13	Price Daniel Building (PDB)	Grounds maintenance (44 x yr)	88	\$33.33	\$2,933.04
		Turf areation (1 x yr)	2	\$33.33	\$66.66
		Fertilization (2 x yr)	4	\$33.33	\$133.32
		Mulch (2 x yr)	4	\$61.37	\$245.48
		Irrigation (12 x yr)	24	\$49.58	\$1,189.92
14	Tom C. Clark Building (TCC)	Grounds maintenance (44 x yr)	88	\$86.67	\$7,626.96
		Turf areation (1 x yr)	2	\$152.46	\$304.92
		Fertilization (2 x yr)	4	\$31.37	\$125.48
		Mulch (2 x yr)	4	\$163.33	\$653.32
		Irrigation (12 x yr)	24	49.58	1189.92
15	Supreme Court Building (SCB)	Grounds maintenance (44 x yr)	88	\$70.03	\$6,162.64
		Turf areation (1 x yr)	2	\$87.34	\$174.68
		Fertilization (2 x yr)	4	\$33.33	\$133.32
		Mulch (2 x yr)	4	\$128.57	\$514.28
		Irrigation (12 x yr)	24	\$33.33	\$799.92
16	Archives and Library (ARC)	Grounds maintenance (44 x yr)	88	\$119.40	\$10,507.20
		Turf areation (1 x yr)	2	\$174.42	\$348.84
		Fertilization (2 x yr)	4	\$33.33	\$133.32
		Mulch (2 x yr)	4	\$95.55	\$382.20
		Irrigation (12 x yr)	24	\$46.67	\$1,120.08
	Insurance Building (INS)	Grounds maintenance (44 x yr)	88	\$75.75	\$6,666.00

17		Turf areation (1 x yr)	2	\$101.73	\$203.46
		Fertilization (2 x yr)	4	\$22.50	\$90.00
		Mulch (2 x yr)	4	\$175.47	\$701.88
		Irrigation (12 x yr)	24	\$29.17	\$700.08
18	Sam Houston Building (SHB)	Grounds maintenance (44 x yr)	88	\$96.90	\$8,527.20
		Turf areation (1 x yr)	2	\$152.37	\$304.74
		Fertilization (2 x yr)	4	\$37.03	\$148.12
		Mulch (2 x yr)	4	\$224.82	\$899.28
22	DSHS - Dr. Bob Glaze Lab (DHNL)	Irrigation (12 x yr)	24	\$35.02	\$840.48
		Grounds maintenance (26 x yr)	52	\$66.96	\$3,481.92
23	DSHS - Campus (excluding Lab Bldg)	Grounds maintenance (44 x yr)	88	\$545.53	\$48,006.64
		Turf areation (1 x yr)	2	\$1,302.22	\$2,604.44
		Fertilization (2 x yr)	4	\$607.62	\$2,430.48
		Mulch (2 x yr)	4	\$558.78	\$2,235.12
		Irrigation (12 x yr)	24	\$262.50	\$6,300.00
				Contract Price	\$399,084.70

Hourly Rates	
Licensed Irrigator & (1) Laborer Team	\$97.50
Landscape Foreman	\$36.30
Landscape Laborer	\$32.95
Landscape Design Services	\$52.00
Licensed Landscape Architect	\$150.00
Material Markup	10%
Subcontracted Services Markup	self performing

TFC Contract No. 20-037-000

Exhibit A-1 - Property List, Compensation and Fees

Bright View Landscape Services, Inc.

GROUPS MAINTENANCE SERVICES, AUSTIN, TX

BrightView Holdings, Inc.

Group 2					
Item	Facility	Description	Visits	Unit Price	Total Extended Price
1	Insurance Warehouse (INW) 7915 Cameron Rd. Austin, Texas 78754	Grounds maintenance (18 x yr)	36	\$64.77	\$2,331.72
		Fertilization (2 x yr)	4	\$45.00	\$180.00
		Mulch (1 x yr)	2	\$220.00	\$440.00
		Irrigation (12 x yr)	24	\$80.00	\$1,920.00
2	Railroad Commission Laboratory (WLL) 2801 Wheless Lane Austin, Texas 78702	Grounds maintenance (44 x yr)	88	\$41.89	\$3,686.32
		Fertilization (2 x yr)	4	\$25.00	\$100.00
		Mulch (1 x yr)	2	\$63.07	\$126.14
		Irrigation (12 x yr)	24	\$43.00	\$1,032.00
3	T.J. Rusk Building (TJR) 208 E. 10 th Street Austin, Texas 78701	Grounds maintenance (44 x yr)	88	\$65.00	\$5,720.00
4	Promontory Point (PROM) 4044 Promontory Pt Austin, Texas 78744	Grounds maintenance (12 x yr)	24	\$239.12	\$5,738.88
5	Department of Health (DHB & DHX) 909 West 45th Street Austin, Texas 78751	Grounds maintenance (26 x yr)	52	\$257.79	\$13,405.08
		Mulch (2 x yr)	4	\$960.00	\$3,840.00
Contract Price					\$38,520.14

Hourly Rates	
Licensed Irrigator & (1) Laborer Team	\$97.50
Landscape Foreman	\$36.30
Landscape Laborer	\$32.95
Landscape Design Services	\$52.00
Licensed Landscape Architect	\$150.00
Material Markup	10%
Subcontracted Services Markup	self performing

TFC Contract No. 20-037-000

Exhibit A-1 - Property List, Compensation and Fees

Bright View Landscape Services, Inc.

GROUPS MAINTENANCE SERVICES, AUSTIN, TX

BrightView Holdings, Inc.

Group 3					
Item	Facility	Description	Visits	Unit Price	Total Extended Price
1	Park 35 State Office Complex (P35) 12100 Park 35 Circle, Austin, Texas 78753	Grounds maintenance (44 x yr)	88	\$1,706.55	\$150,176.40
		Turf areation (1 x yr)	1	\$636.00	\$636.00
		Fertilization (2 x yr)	2	\$530.00	\$1,060.00
		Mulch (2 x yr)	2	\$3,392.00	\$6,784.00
		Irrigation (12 x yr)	12	\$229.67	\$2,756.04
Contract Price					\$161,412.44

Hourly Rates	
Licensed Irrigator & (1) Laborer Team	\$97.50
Landscape Foreman	\$36.30
Landscape Laborer	\$32.95
Landscape Design Services	\$52.00
Licensed Landscape Architect	\$150.00
Material Markup	10%
Subcontracted Services Markup	self performing

TFC Contract No. 20-037-000

Exhibit A-1 - Property List, Compensation and Fees

Bright View Landscape Services, Inc.

GROUPS MAINTENANCE SERVICES, AUSTIN, TX

BrightView Holdings, Inc.

Group 4					
Item	Facility	Description	Visits	Unit Price	Total Extended Price
1	Robert E. Johnson (REJ) & Parking Garage P (PKP)	Grounds maintenance (44 x yr)	88	\$151.00	\$13,288.00
		Fertilization (2 x yr)	4	\$84.38	\$337.52
		Mulch (2 x yr)	2	\$882.35	\$1,764.70
		Turf areation (2 x yr)	2	\$193.75	\$387.50
		Irrigation (12 x yr)	24	\$102.92	\$2,470.08
5	State Records Center (SRC)	Grounds maintenance (44 x yr)	88	\$195.00	\$17,160.00
		Mulch (2 x yr)	4	\$220.59	\$882.36
7	William P. Hobby Building, (WPH)	Grounds maintenance (44 x yr)	88	\$74.25	\$6,534.00
		Mulch (2 x yr)	4	\$507.35	\$2,029.40
		Irrigation (12 x yr)	24	\$61.67	\$1,480.08
Contract Price					\$46,333.64

Hourly Rates	
Licensed Irrigator & (1) Laborer Team	\$97.50
Landscape Foreman	\$36.30
Landscape Laborer	\$32.95
Landscape Design Services	\$52.00
Licensed Landscape Architect	\$150.00
Material Markup	10%
Subcontracted Services Markup	self performing