

CITY OF POMONA

FOURTH AMENDMENT TO MAINTENANCE SERVICES AGREEMENT

This FOURTH AMENDMENT to the Agreement for Occupied Space Landscaping and Amenity Maintenance Services ("FOURTH AMENDMENT") is entered into on the 6th day of January 2026, by and between the City of Pomona (the "CITY") and Merchants Landscape Services, Inc., ("CONTRACTOR"), hereinafter referred to collectively as the "Parties."

RECITALS

Whereas, on March 1, 2021, the Parties entered into Agreement for Occupied Space Landscaping and Amenity Maintenance Services for an initial term of three years (the "AGREEMENT"), with two, one-year extension options of the AGREEMENT Term.

Whereas, the Agreement was for a term of 3 years, commencing March 1, 2021, to February 28, 2024.

Whereas, the Parties entered into a FIRST AMENDMENT in order to extend the AGREEMENT through February 28, 2025, pursuant to the City's first extension option as outlined in Section 1 of the AGREEMENT, provide terms to authorize Extra Work if needed, increase the total not-to-exceed compensation amount with a 2.8% Consumer Price Index adjustment, and increase frequency of restroom maintenance services.

Whereas, the Parties entered into a SECOND AMENDMENT in order to extend the AGREEMENT through February 28, 2026, pursuant to the City's second extension option as outlined in Section 1 of the AGREEMENT and increase the total not-to-exceed compensation amount with a 3% Consumer Price Index adjustment.

Whereas, the Parties entered into a THIRD AMENDMENT in order to provide Level "A" Landscape Maintenance Service for Meadow View Park effective May 1, 2025 and Phillips Ranch Greenbelt effective July 1, 2025.

Whereas, the Parties now desire to enter into this FOURTH AMENDMENT in order to exercise a one-year extension, add four (4) additional one-year renewal options, and apply a 3.5% Consumer Price Index (CPI) increase effective March 1, 2026, thereby extending the AGREEMENT through February 28, 2027, pursuant to City Council approval.

AMENDMENTS

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Term. The term of the AGREEMENT shall be extended through February 28, 2027, with four (4) additional one-year renewal options.

3. Compensation. Pursuant to Section 6(A) of the AGREEMENT, the annual compensation amount shall be increased by Sixty-Six Thousand Eight Hundred Twenty-Five

Dollars and Fifteen Cents (\$66,825.15) based on the Consumer Price Index adjustment of 3.5% for existing services, thereby increasing the annual total not-to-exceed compensation of the AGREEMENT to the amount of One Million Nine Hundred Seventy-Six Thousand One Hundred Fifteen Dollars and Five Cents (\$1,976,115.05).

4. No Other Changes. Except as amended by this FOURTH AMENDMENT, all provisions of the AGREEMENT, as previously amended, shall remain in full force and effect and shall govern the actions of the Parties under this FOURTH AMENDMENT.

5. Counterparts. A manually signed copy of this FOURTH AMENDMENT which is transmitted by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this FOURTH AMENDMENT for all purposes.

6. Severability. If any part of this FOURTH AMENDMENT is held to be unlawful or void, all other parts of this FOURTH AMENDMENT shall remain effective.

Now, therefore, the Parties hereto have executed this FOURTH AMENDMENT as of the date set forth below:

CITY OF POMONA

**MERCHANTS LANDSCAPE SERVICES,
INC.**

By: _____
Anita D. Scott
City Manager

By:  _____
Mark Brower
President

Date: _____

 _____
PRINT: MARK BROWER

12/4/25
DATE: _____

ATTEST:

By: _____
Rosalia Butler, City Clerk

APPROVED AS TO FORM:

By:  _____
Best Best & Krieger LLP
City Attorney