

CITY OF POMONA

FIFTH AMENDMENT TO AGREEMENT FOR CONTRACTOR SERVICES

This FIFTH AMENDMENT to the Agreement for Contractor Services for Non-Occupied Medians, Streetside/ROW and Other Landscaping and Amenity Maintenance ("FIFTH AMENDMENT") is entered into on the 6th day of January 2026, by and between the City of Pomona ("CITY") and MCE Corporation ("CONTRACTOR"), hereinafter referred to collectively as the "Parties."

RECITALS

Whereas, on March 1, 2021, the Parties entered into Agreement for Contractor Services for Non-Occupied Medians, Streetside/ROW and Other 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, on February 29, 2024, 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, and increase the total not-to-exceed compensation amount with a 2.8% Consumer-Price Index adjustment.

Whereas, the Parties entered into a SECOND AMENDMENT in order to provide Level "A" Landscape Maintenance Service for the New Holt Corridor Project (Holt Ave. median and parkways from Indian Hill Boulevard to Garey Avenue) through June 30, 2025 and increase compensation.

Whereas, the Parties entered into a THIRD AMENDMENT in order to extend the AGREEMENT through February 28, 2026, pursuant to City's second extension option as outlined in Section 3.1.2 of the AGREEMENT.

Whereas, the Parties entered into a FOURTH AMENDMENT in order to increase the total not-to-exceed compensation amount with a 3.1% Consumer-Price Index adjustment effective March 1, 2025.

Whereas, the Parties now wish to enter into this FIFTH AMENDMENT in order to exercise a one-year extension, include 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(D) of the AGREEMENT, the annual compensation amount shall be increased by Fourteen Thousand Six Hundred Eighty-Four Dollars and Seventeen Cents (\$14,684.17), thereby increasing the annual total not-to-exceed compensation of the AGREEMENT to the amount of Four Hundred Thirty-Four Thousand Two Hundred Thirty-One Dollars and Ninety-Three Cents (\$434,231.93).

4. No Other Changes. Except as amended by this FIFTH 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 FIFTH AMENDMENT.

5. Counterparts. A manually signed copy of this FIFTH 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 FIFTH AMENDMENT for all purposes.

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

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

CITY OF POMONA

MCE CORPORATION

By: _____
Anita D. Scott
City Manager

By:  _____
Jeffrey Core
President/CEO

Date: _____

PRINT: JEFFREY CORE

DATE: 12/4/2025

ATTEST:

By: _____
Rosalia Butler, City Clerk

APPROVED AS TO FORM:

By:  _____
Best Best & Krieger LLP
City Attorney