# City of San Diego
# PURCHASE ORDER
# MODIFICATION

**PO No.** **4500063105**

**Ship To:** **Center ID:** PROS
CITY OF SAN DIEGO
PARK & RECREATION DEPARTMENT
202 "C" STREET, FLOOR 5
SAN DIEGO CA 92101-4806

**Bill To:**
CITY OF SAN DIEGO
PARK & RECREATION DEPARTMENT
202 "C" STREET, FLOOR 5
SAN DIEGO CA 92101-4806

**Date:** 03/30/2015 **Page 1 of 8**

**Billing Contact:**
JANE WITZKE

**Telephone:**

**Vendor:**
Atlas Environmental Services Inc
dba Atlas Tree Service
9032 Olive Dr
Spring Valley CA 91977-2301

**Vendor ID:** 20000782 **Phone:** 619-463-1707

**Terms:**
within 30 days Due net

**Delivery Terms:**
FREE ON BOARD DESTINATION

**Deliver on or before:** 06/30/2015

**Buyer:** Christopher Moore

**Telephone:** 619-236-7254

| Line # | Item ID/Description | Quantity/UM | Unit Price | Extended Price |
|---|---|---|---|---|
| | This is a MODIFICATION to an existing Purchase Order<br>Do Not Duplicate Shipment.<br>See Notes Below for Specific Modification(s)<br>********** | | | |
| 1 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | 2,000 EA | USD 1.00 | USD 2,000.00 |
| 2 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | 2,000 EA | USD 1.00 | USD 2,000.00 |
| 3 | **Tree Maintenance** | 3,000 EA | USD 1.00 | USD 3,000.00 |

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| | Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | | | |
| 4 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | 8,000 EA | USD 1.00 | USD 8,000.00 |
| 5 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101 | 6,900 EA | USD 1.00 | USD 6,900.00 |

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| | Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | | | |
| 6 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Dept/Invoice Contact<br>Victo Nava<br>619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324 | 2,000 EA | USD 1.00 | USD 2,000.00 |
| 7 | **Tree Maintenance**<br>Furnish the City of San Diego with tree maintenance services in City-Wide Open Space areas including canyons, slopes and flat areas as neede through 6/30/2015. Per Bid Number IBT-10048714-15-E-O-2015/MD. Please submit invoices to Victor Nava vnava@sandiego.gov or at 202 C St, 5th Floor, San Diego, Ca 92101<br><br>Update insurance as required.<br><br>Dept/Invoice Contact<br>Victo Nava | 8,000 EA | USD 1.00 | USD 8,000.00 |

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| | 619-235-5259<br><br>Billing Contact<br>Jane Witzke<br>619-685-1324<br><br>By performing the services detailed in this purchase order, Contractor is entering into a contract with the City. Contractor certifies that he or she is aware of the wage provisions described herein and shall comply with such provisions before commencing services.<br>A. PREVAILING WAGES. Pursuant to San Diego Municipal Code section 22.3019, construction, alteration, demolition, repair and maintenance work performed under this Contract is subject to State prevailing wage laws. For construction work performed under this Contract cumulatively exceeding $25,000 and for alteration, demolition, repair and maintenance work performed under this Contract cumulatively exceeding $15,000, the contractor and its subcontractors shall comply with State prevailing wage laws including, but not limited to, the requirements listed below. This requirement is in addition to the requirement to pay Living Wage pursuant to San Diego Municipal Code sections 22.4201through 22.4245. Contractor must determine which per diem rate is highest for each classification of work (i.e. Prevailing Wage Rate or Living Wage Rate), and pay the highest of the two rates to their employees. Living Wage applies to workers who are not subject to Prevailing Wage Rates.<br>1. Compliance with Prevailing Wage Requirements. Pursuant to sections 1720 through 1861 of the California Labor Code, the Contractor and its subcontractors shall ensure that all workers who perform work under this Contract are paid not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations (DIR). This includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.<br>1.1. Copies of such prevailing rate of per diem wages are on file at the City and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm. Contractor and its subcontractors shall post a copy of the prevailing rate of per diem wages determination at each job site and shall make | | | |

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**Date:** 03/30/2015 **Page 5 of 8**

**Billing Contact:**
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**Telephone:**

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them available to any interested party upon request.
1.2. The wage rates determined by the DIR refer to expiration dates. If the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, then the published rate of wage shall be in effect for the life of this Contract. If the published wage rate refers to a predetermined wage rate to become effective upon expiration of the published wage rate and the predetermined wage rate is on file with the DIR, such predetermined wage rate shall become effective on the date following the expiration date and shall apply to this Contract in the same manner as if it had been published in said publication. If the predetermined wage rate refers to one or more additional expiration dates with additional predetermined wage rates, which expiration dates occur during the life of this Contract, each successive predetermined wage rate shall apply to this Contract on the date following the expiration date of the previous wage rate. If the last of such predetermined wage rates expires during the life of this Contract, such wage rate shall apply to the balance of the Contract.
2. Penalties for Violations. Contractor and its subcontractors shall comply with California Labor Code section 1775 in the event a worker is paid less than the prevailing wage rate for the work or craft in which the worker is employed.
3. Payroll Records. Contractor and its subcontractors shall comply with California Labor Code section 1776, which generally requires keeping accurate payroll records, verifying and certifying payroll records, and making them available for inspection. Contractor shall require its subcontractors to also comply with section 1776. Contractor and its subcontractors shall submit weekly certified payroll records online via the City's web-based Labor Compliance Program. Contractor is responsible for ensuring its subcontractors submit certified payroll records to the City.
3.1 In addition to submitting weekly certified payrolls to the City, for contracts entered into on or after April 1, 2015, Contractor and their subcontractor(s) shall also furnish the records specified in Labor Code section 1776 directly to the Labor Commissioner in the manner required in Labor Code section 1771.4.
4. Apprentices. Contractor and its subcontractors shall comply with California Labor Code sections 1777.5, 1777.6 and 1777.7 concerning the employment and wages of apprentices. Contractor shall be held responsible for the compliance of their subcontractors with sections 1777.5, 1777.6 and 1777.7.
5. Working Hours. Contractor and subcontractors shall comply with

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| **Ship To:** **Center ID:** PROS | **Bill To:** | **Date:** 03/30/2015 **Page 6 of 8** |
|---|---|---|
| CITY OF SAN DIEGO<br>PARK & RECREATION DEPARTMENT<br>202 "C" STREET, FLOOR 5<br>SAN DIEGO CA 92101-4806 | CITY OF SAN DIEGO<br>PARK & RECREATION DEPARTMENT<br>202 "C" STREET, FLOOR 5<br>SAN DIEGO CA 92101-4806 | **Billing Contact:**<br>JANE WITZKE<br>**Telephone:** |

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California Labor Code sections 1810 through 1815, including but not limited to: (i) restrict working hours on public works contracts to eight hours a day and forty hours a week, unless all hours worked in excess of 8 hours per day are compensated at not less than 1½ times the basic rate of pay; and (ii) specify penalties to be imposed on design professionals and subcontractors of $25 per worker per day for each day the worker works more than 8 hours per day and 40 hours per week in violation of California Labor Code sections1810 through 1815.

6. Required Provisions for Subcontracts. Contractor shall include at a minimum a copy of the following provisions in any contract they enter into with a subcontractor: California Labor Code sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

7. Labor Code Section 1861 Certification. Contractor in accordance with California Labor Code section 3700 is required to secure the payment of compensation of its employees and by signing this Contract, Contractor certifies that "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract."

8. Labor Compliance Program. The City has its own Labor Compliance Program authorized in August 2011 by the DIR. The City will withhold contract payments when payroll records are delinquent or deemed inadequate by the City or other governmental entity, or it has been established after an investigation by the City or other governmental entity that underpayment(s) have occurred. For questions or assistance, please contact the City of San Diego's Equal Opportunity Contracting Department at 619-236-6000.

9. Contractor and Subcontractor Registration Requirements. This project is subject to compliance monitoring and enforcement by the DIR. As of March 1, 2015, no Contractor or subcontractor may be listed on a bid or proposal for a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. As of April 1, 2015, a contractor or subcontractor shall not be qualified to bid on, be listed in a bid or proposal, or enter into any Contract for public work, unless currently registered and qualified to perform public work pursuant to Labor Code section 1725.5. By performing services detailed in this purchase order, Contractor is certifying that he or she has verified that all subcontractors used on this public works project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and

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Contractor shall provide proof of registration to the City upon request.
9.1 A Contractor's inadvertent error in listing a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive provided that any of the following apply: (1) the subcontractor is registered prior to bid opening; (2) within twenty-four hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is replaced by another registered contractor pursuant to Public Contract Code section 4107.
B. Living Wages. This Contract is subject to the City's Living Wage Ordinance (LWO), codified at SDMC sections 22.4201 through 22.4245. The LWO requires payment of minimum hourly wage rates and other benefits unless an exemption applies. SDMC section 22.4225 requires each Contractor to fill out and file a living wage certification with the City Manager within thirty (30) days of Award of the Contract. LWO wage and health benefit rates are adjusted annually in accordance with SDMC section 22.4220(b) to reflect the Consumer Price Index. Service contracts, financial assistance agreements, and City facilities agreements must include this upward adjustment of wage rates to covered employees on July 1 of each year. In addition, Contractor agrees to require all of its subcontractors, sublessees, and concessionaires subject to the LWO to comply with the LWO and all applicable regulations and rules.
1. Exemption from Living Wage Ordinance. Pursuant to SDMC section 22.4215, this Contract may be exempt from the LWO. For a determination on this exemption, Contractor must complete the Living Wage Ordinance Application for Exemption.
C. Highest Wage Rate Applies. Contractor is required to pay the highest applicable wage rate where more than one wage rate applies.

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| | | |
|---|---|---|
| Line Item Total | $ | 31,900.00 |
| Tax | $ | 0.00 |
| **PO Total** | **$** | **31,900.00** |

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