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Title: Approve a Consent to Assignment for Landscape Maintenance Services performed by All Commercial Landscape Service, Bid Files No. 9273 and 9433 (Citywide)

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 20-001523 Consent to Assignment

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

November 19, 2020

FROM: SCOTT L. MOZIER, PE, Public Works Director
Public Works Department

BY: AARON A. AGUIRRE, Public Works Manager
Public Works Department, Landscape Maintenance Division

SUBJECT

Approve a Consent to Assignment for Landscape Maintenance Services performed by All Commercial Landscape Service, Bid Files No. 9273 and 9433 (Citywide)

RECOMMENDATIONS

Staff recommends that the Council approve a Consent to Assignment for Landscape Maintenance Services performed by All Commercial Landscape Service of Fresno, California, Bid Files No. 9273 and 9433.

EXECUTIVE SUMMARY

The City has received a request from our vendor for Citywide landscape maintenance services, All Commercial Landscape Service (ACLS), to approve a consent to assignment of the contract. Under the terms of the executed agreements with the City as originally awarded by the Council, City consent is required for ACLS’s assignment of the Agreement. ACLS is proposing to transfer substantially all of its assets to BrightView Landscapes, LLC, a Delaware limited liability company (“BrightView”), pursuant to an Asset Purchase Agreement. In connection with this transfer, ACLS

proposes to assign its rights under the Agreement to BrightView and BrightView will assume the obligations of ACLS arising under the Agreement after the closing of the transactions contemplated by the Asset Purchase Agreement. Although ACLS is being acquired by BrightView, the work will continue to be managed and performed by the ACLS team in Fresno using ACLS trucks, employees and equipment. The vendor has satisfactorily performed under the contract and staff recommends approval of the consent to assignment.

BACKGROUND

ACLS of Fresno, California has successfully provided landscape maintenance services for the City of Fresno for many years. Areas serviced under the contract have included Community Facilities District and Landscape & Lighting Maintenance District landscape buffers, pocket parks and greenways; and City facility landscapes such as Fresno City Hall. The City's standard agreement includes a clause requiring City consent to any assignment of the contract.

Staff has evaluated the request and recommends approval. Staff has found that while BrightView is acquiring ACLS through an Asset Purchase Agreement, the services will continue to be provided by ACLS with the same local employees, trucks and equipment that our vendor has employed for years.

ENVIRONMENTAL FINDINGS

The recommended action to approve a consent of assignment is not a project for purposes of CEQA.

LOCAL PREFERENCE

The vendor is a local business. Consent to assignment is not a new bid or award of contract.

FISCAL IMPACT

There will be no fiscal impact to the City from implementation of the recommended action.

Attachment
Consent to Assignment