

## FINDING A QUALIFIED LANDSCAPER & A GOOD CONTRACT

With the economy the way it is, many Association Boards are considering going out to bid, reducing their services and/or taking the lowest bidder when they do go out to bid. I personally think this would be a huge mistake on the part of the Board.

Whether you believe it or not, the individual owner's property values are tied up into what the landscaping looks like in your community; first impressions stick.

Perception becomes reality in communities who don't care for their common areas. Any buyer who cares about where he or she lives will not purchase in a community that looks run down or unkept driving to get to their home.

If you are a member of the Board and care about how your community looks, CONGRATULATIONS. As a fiduciary, the highest standard of care there is in law when responsible for another's property, you have the duty to protect, preserve, maintain and enhance the assets of the corporation. The owners' property values are in your hands.

Does your community have a Landscape or Grounds Committee, the Committee? If so, have you given them a Committee Charter or Job Description? If not, this should be your first step in Finding (and keeping) a Qualified Landscaper.

At times, the Board is tied up into so many other issues that face their community that they don't have time to give to the grounds and common areas that should be given. The Committee can be their eyes and ears and help bring information to the Board to help them make decisions.

Many landscape companies came to our State from other areas where challenges with the landscaping components are very different. Looking for someone who has been in your area for a minimum of 10 years will help you be assured that they will have faced several of the challenges with weather and/or pests. More years would be preferred, which means they were here before the building boom that brought in a lot of new companies to install not necessarily do maintenance. They are now reaching out to maintain since the maintenance is down for new properties.

Choosing a landscape company without looking at properties that they handle is a huge mistake. Just know that they will be giving you some of their best properties to visit. Call the management companies who the landscapers work with and ask them to be honest with you in their recommendations. Keep in mind, however, that the Manager really wants a company that makes his or her job easier. Yes, you want the company to do that too, but not at the risk of the property upkeep and maintenance.

If you are smart, you will have a landscaping architect write the specifications for you when you go out to bid so that you can compare apples to apples vs. taking the companies contract and not tying anything into what you really need on your property. Each

community faced unique challenges and the architect can help you solve those problems while getting good maintenance along the way.

If your contract is up next year, now is the time to look at putting into next year's budget the funds to pay a landscape architect to help you write those specifications. That way the money is there and there will be no hassle seeking the funds to do it right.

Remember that any contract given to you by any of your contractors is swayed in their favor and should always be reviewed by your legal counsel. One little provision in their favor can cost you thousands of dollars. Don't be foolish with the funds in your association's coffers by signing contracts without proper review by your attorney. A little tiny mistake in the contract can run into big money. Insurance is huge as well so don't overlook what is left on their policies. They may have a 20 million dollar liability policy, but if there is only \$100,000.00 left on it, will it help you in a law suit that they caused by hurting someone?

If you drive by a community that you think looks spectacular, see what the Association's name is, look on the Secretary of States site to see who the Officers are for that association and send them a letter asking them who they use. That is a very proactive way to seek a good landscaper without any possibilities of "swaying decisions" from any of the parties in this process.