

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY EXECUTIVE, OR
DESIGNEE, TO ENTER INTO A SECOND AMENDMENT TO THE AGREEMENT
WITH SMITH RICHARD DBA BAY AREA TREE SPECIALIST TO INCREASE THE
COUNTY'S TOTAL FISCAL OBLIGATION AMOUNT UNDER THE AGREEMENT BY
\$23,000 TO A TOTAL AMOUNT NOT TO EXCEED \$223,000 TO AUTHORIZE
PAYMENT FOR TREE CARE SERVICES PERFORMED DURING THE TERM OF THE
AGREEMENT AND GRANTING A WAIVER OF THE COMPETITIVE BIDDING
PROCESS PURSUANT TO COUNTY ORDINANCE 2.83.050(E)**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on January 2, 2023, the County Executive Officer, as the County's Director of Emergency Services (the "Director), issued a proclamation of local emergency related to extreme and unprecedented rainfall and associated severe weather pursuant to Government code section 8630 and Chapter 2.46 of the County's Ordinance Code, which proclamation was ratified by the Board of Supervisors (the "Board") on January 4, 2023, pursuant to Government Code section 8630, until such time as the local emergency is terminated (the "Local Emergency"); and

WHEREAS, on January 4, 2023, the Governor of the State of California proclaimed a State of Emergency related to extreme and unprecedented rainfall and associated severe weather throughout the State of California; and

WHEREAS, the storm and extreme rainfall caused extensive property damage, flooding and toppled trees or rendered them unstable, creating further hazardous

conditions which warranted an emergency purchase of tree care services under County Ordinance Code § 2.83.040; and

WHEREAS, these sudden, unexpected conditions constituted an emergency requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services which did not permit the delay that might result from a competitive procurement for emergency tree care services; and

WHEREAS, on January 10, 2023, in furtherance of the County's efforts to save lives and protect health and safety in response to the Local Emergency as declared by the state and local governments, the County entered into an agreement (the "Agreement") with Smith Richard DBA Bay Area Tree Specialist to provide emergency tree care services in exchange for payment in an amount not to exceed \$100,000, and which services included tree pruning, removal and dump, cabling and bracing, stump grinding/chipping, or other arboricultural services; and

WHEREAS, on February 28, 2023, the Board extended the Local Emergency in response to the extreme and unprecedented rainfall and associated severe weather; and

WHEREAS, on March 1, 2023, the County and Bay Area Tree Specialist amended the Agreement to increase the County's fiscal obligation by \$100,000 to a total not to exceed amount to \$200,000 in exchange for further services (the "First Amendment"); and

WHEREAS, Bay Area Tree Specialist provided tree care services under the Agreement at the request of the County from January through March 2, 2023; and

WHEREAS, Bay Area Tree Specialist has provided necessary emergency tree care services as requested by the County in connection with the Local Emergency arising from the winter storms, for which the actual, reasonable and necessary charges exceed the County's maximum fiscal obligation under the Agreement, as amended by approximately \$23,000; and

WHEREAS, the Board desires to further amend the Agreement to increase the County's maximum fiscal obligation by \$23,000 for a total not to exceed amount of \$223,000 to authorize payment for services performed during the term of the Agreement, and to change the County's designated Agreement Number for the Agreement (the "Second Amendment"); and

WHEREAS, the Board desires to waive the competitive bidding process in connection with the Agreement pursuant to County Ordinance Code § 2.83.050(e) and determines that the best interests of the County would be served without the necessity of competitive bidding.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the competitive bidding process for the services described in the Agreement is hereby waived based on the findings set forth in this resolution.

BE IT FURTHER RESOLVED THAT and the County Executive or designee is hereby authorized and directed to enter into the Second Amendment for and on behalf of the County of San Mateo to increase the County's total fiscal obligation under the

agreement by \$23,000 to a total amount not to exceed \$223,000 to authorize payment for tree care services performed during the term of the Agreement and to modify the agreement number.

BE IT FURTHER RESOLVED that the County Executive or designee, is authorized to execute further amendments to the Agreement that modify the County's maximum fiscal obligation up to an additional \$25,000 (in the aggregate), and/or modify the contract term and/or services so long as the modified term and/or services is/are within the current or revised fiscal provisions, including, but not limited to, the modification or addition of any provisions that the County Executive deems necessary or advisable to comply with Federal Emergency Management Administration (FEMA) reimbursement requirements.

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