



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 23-698

Board Meeting Date: 9/12/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Executive
Subject: Second Amendment to Agreement with Smith Richard DBA Bay Area Tree Specialist

RECOMMENDATION:

Adopt a 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 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).

BACKGROUND:

On January 2, 2023, in response to extreme and unprecedented rainfall and associated severe winter storms in the County, the County Executive Officer (in his capacity as the Director of Emergency Services) issued a proclamation of local emergency ("Local Emergency") pursuant to Government code section 8630 and Chapter 2.46 of the County's Ordinance Code. This Board timely ratified the proclamation, affirming that it was "based on conditions of extreme peril to the safety of persons and property within San Mateo County due to the damage and impacts resulting from the extreme and unprecedented levels of rainfall and associated severe weather." On January 4, 2023, the Governor also proclaimed a State of Emergency related to these extreme weather events throughout the State of California.

The storm and extreme rainfall caused extensive property damage, flooding and toppled trees or rendered them unstable, creating further hazardous conditions. These conditions warranted an emergency purchase of emergency tree care services under County Ordinance Code § 2.83.040. Further, 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.

In view of these emergency conditions, on January 10, 2023, to protect health and safety in response to the Local Emergency, 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. These emergency services included tree pruning, removal and dump, cabling and bracing, stump grinding/chipping, or other arboricultural services.

On February 28, 2023, the Board extended the Local Emergency in response to the extreme and unprecedented rainfall and associated severe weather.

On March 1, 2023, the County and Bay Area Tree Specialist amended the Agreement to increase the County's fiscal obligation by \$100,000 for a total not to exceed amount of \$200,000 to cover the cost of tree care services provided (the "First Amendment"). The term of the Agreement ended on June 30, 2023.

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

DISCUSSION:

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. The actual, reasonable and necessary charges for these services exceeded the County's maximum fiscal obligation under the Agreement by approximately \$23,000. To authorize payment for these services, an amendment is necessary to increase the County's fiscal obligation by \$23,000 (the "Second Amendment"). Because the amended amount exceeds the County Executive's departmental purchasing authority, action by this Board is required to authorize the Second Amendment.

In addition, staff recommends that the Board waive the competitive bidding process in connection with the Agreement and Second Amendment. This waiver is consistent with County Ordinance Code § 2.83.050(e) which provides that "[t]he Board of Supervisors may waive any of the provisions of this chapter which require competitive bidding in any situation where the Board of Supervisors determines that the best interests of the County would be served without the necessity of competitive bidding." Given the Local Emergency and associated conditions, waiver of the competitive bidding process to secure emergency tree care services is in the best interests of the County.

The proposed Second Amendment also includes a change to County's designated agreement number.

The County Attorney's Office has reviewed the Second Amendment to the Agreement and the resolution as to form.

EQUITY IMPACT:

Approval of this resolution supports the County's ability to mitigate the impact of extreme weather and maintain access, power, and communication for vulnerable residents who are often disproportionately impacted by disasters.

FISCAL IMPACT:

This Second Amendment to the Agreement increases the amount payable under the Agreement by \$23,000, bringing the County's total fiscal obligation under the Agreement to \$223,000. The funding for the Agreement (as amended) was included in the FY2022-23 adopted budget and anticipates that the County will seek reimbursement for these amounts from the Federal Emergency Management

Agency. However, to the extent appropriate, these costs may ultimately be covered by reimbursement from state or federal funds or other funds that may be made available in connection with the County's response to the Local Emergency.