



## Legislation Details (With Text)

**File #:** 23-1019      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 5/11/2023      **In control:** Board of Supervisors

**On agenda:** 6/20/2023      **Final action:** 6/20/2023

**Title:** Department of Transportation, Maintenance and Operations Division, recommending the Board:  
 1) Approve and authorize the Chair to sign the Notice of Acceptance with Kingsborough Atlas Tree Surgery for the 2022 Caldor Fire Hazardous Tree Removal within County Right of Way, Contract 7039; and  
 2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation after the one-year guarantee period.

**FUNDING:** General Fund Set Aside (100%). Potential reimbursement of Federal Emergency Management Agency funding (90%), California Governor's Office of Emergency Services funding (7.5%) and General Fund Set Aside (2.5%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - NOA, 2. Executed NOA

Date	Ver.	Action By	Action	Result
6/20/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation, Maintenance and Operations Division, recommending the Board:  
 1) Approve and authorize the Chair to sign the Notice of Acceptance with Kingsborough Atlas Tree Surgery for the 2022 Caldor Fire Hazardous Tree Removal within County Right of Way, Contract 7039; and  
 2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation after the one-year guarantee period.

**FUNDING:** General Fund Set Aside (100%). Potential reimbursement of Federal Emergency Management Agency funding (90%), California Governor's Office of Emergency Services funding (7.5%) and General Fund Set Aside (2.5%).

**DISCUSSION / BACKGROUND**

The Board approved the contract for the Project on December 13, 2022 (Legistar #22-1922). All arborist-identified hazardous trees within the County's right of way were removed by May 1, 2023. Recordation of the Notice of Acceptance (NOA) will start legal time frames for guarantees, a lien period, and return of retention monies. Recordation of the NOA will also begin the one-year time frame for releasing the Payment and Performance Bonds to the Surety.

**Direct Construction Cost Summary:**

Original Bid Price                      \$1,172,573.60  
 Contract Item Cost                      \$1,076,366.50

Contract Change Order Cost \$0.00  
Total Direct Construction Cost \$1,076,366.50  
Direct Construction Budget \$1,172,573.60

Major Contract Change Orders on the Project were not necessary.

### **ALTERNATIVES**

The Board could choose not to approve the NOA. Transportation staff would make modifications as directed by the Board and return for Board approval of the NOA. This would delay the release of the Payment and Performance Bonds and extend the Contractor's warranty period.

### **PRIOR BOARD ACTION**

#22-1922 12/13/22 - Award Contract

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

### **CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation.

### **FINANCIAL IMPACT**

There is no change to Net County Cost. Funding for this project was included in Fiscal Year 2022-23 and has been submitted to FEMA for reimbursement. Staff is hopeful that a portion of eligible expenses related to the cost of the hazardous tree removal project will be reimbursed with Federal Emergency Management Agency (FEMA) funding (90%) and California Governor's Office of Emergency Services (CalOES) funding (7.5%).

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the NOA.
- 2) The Clerk of the Board will send the fully executed original of the NOA to the Recorder/Clerk's Office for recordation within ten (10) days, and forward a copy of the recorded NOA to Transportation, Maintenance and Operations Division, Attention: Ashley Johnson.
- 3) One (1) year after the recordation of the NOA, Transportation will verify that all warranty work, if any, has been satisfactorily completed and will notify the Clerk of the Board in writing to release the Payment and Performance Bonds.

### **STRATEGIC PLAN COMPONENT**

Infrastructure  
Public Safety

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation