



## Legislation Text

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**File #:** 19-1398, **Version:** 1

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Department of Transportation recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement for Services 323-S1711 with Black Fox Timber Management, Inc. extending the term of the Agreement to June 30, 2020, with no changes to the not-to-exceed amount or hourly billing rates.

**FUNDING:** California Disaster Assistance Act Funds (75% of eligible costs, plus 10% of the 75% for indirect and administrative costs - State), CAL FIRE Grant (25% of allowable costs with a maximum of \$306,175 - State), and the remaining is General Fund (Local).

### **DISCUSSION / BACKGROUND**

On October 30, 2015, Governor Brown proclaimed a State of Emergency due to unprecedented tree mortality caused by conditions of extreme drought and drought-related bark beetle infestations. On March 28, 2016 (Item 1), the Board adopted Resolution 053-2016 declaring a State of Emergency in El Dorado County due to pervasive tree mortality, and on May 17, 2016 (Item 46), the Board approved the County's Tree Mortality Hazard Tree Removal Plan.

The County was approved for California Disaster Assistance Act (CDAA) funding related to the State's declared Tree Mortality Emergency on September 2, 2016. It is important to note that trees marked for actual removal under CDAA funding must be verified by Registered Professional Foresters (RPFs) or Certified Arborists (CA). The CDAA funding requires a 25% match and in April 2018, the County was approved for a Local Assistance for Tree Mortality Grant Program (LATM) through CAL FIRE which can be used for the match amount.

On, September 8, 2016, the Procurement and Contracts Division, on behalf of the Chief Administrative Office, released RFP No. 17-918-009, soliciting responses for tree mortality coordination services. Black Fox Timber Management Group Inc. (Black Fox), had the highest scoring proposal. On October 25, 2016 (Item 4), the Board awarded the RFP to Black Fox.

On November 15, 2016 (Item 39), the Board approved the Agreement with Black Fox to meet the required RPF/CA requirement and to provide project coordination services. On June 27, 2017 (Item 31), the Board approved the First Amendment, extending the term of the Agreement to December 31, 2018 and addressing minor administrative details.

The Second Amendment was approved on July 24, 2018 (Item 12) to provide the additional funding and extend the contract time to November 28, 2019, as well as an increase in the hourly rates by 8%. At that time, staff researched rates paid under similar contracts by nearby agencies, and has found that the 8% increase made Black Fox's rates generally aligned with rates being paid by Placer County and Tuolumne County for similar work.

The Third Amendment will extend the term of the contract to June 30, 2020, which will allow for the completion of all tree removal, project management services, and closing paperwork associated with Phase IV of the Tree Mortality Project. The Department of Transportation (Transportation) anticipates

that Phase IV will be the final phase of the Tree Mortality Project.

### **ALTERNATIVES**

The Board could choose not to approve the Third Amendment. A new Request for Proposal process would need to be completed prior to any further work. This would cause significant delays in tree removal which would result in the loss of grant funding.

### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

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

County Counsel and Risk Management have reviewed and approved the Amendment.

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is no change to net County cost as a result of this item. Funding for Phase IV of the Tree Mortality Project was approved by the Board on August 27, 2019 (Item 36). Consultant costs are billable to both the CDAA and CAL FIRE Grants.

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

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the Agreement.
- 2) The Clerk of the Board will forward one (1) fully-executed original of the Agreement to Chief Administrative Office, Contracts & Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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