



Legislation Details (With Text)

**File #:** 22-625      **Version:** 1      **Name:** Devil Mountain Nursery CSA CalFire Tree Purchase  
**Type:** Staff Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 11/7/2022      **Final action:** 11/7/2022  
**Enactment date:**      **Enactment #:** Reso 2022-192

**Title:** Adopt a Resolution to Approve and Accept a Non-Professional Services Agreement with Devil Mountain Nursery in an Amount Not to Exceed \$335,660 to Purchase Trees for the CALFIRE Grant Funded Project for Tree Planting from June 2022 to June 2026

**Sponsors:** Debbie Pollart

**Indexes:**

**Code sections:**

**Attachments:** 1. Att A - Resolution NPSA Devil Mtn Nursery, 2. Att B - CSA Scope of Work, 3. Att C - Sole Source Form

Date	Ver.	Action By	Action	Result
11/7/2022	1	City Council	Received and Filed	Pass

Adopt a Resolution to Approve and Accept a Non-Professional Services Agreement with Devil Mountain Nursery in an Amount Not to Exceed \$335,660 to Purchase Trees for the CALFIRE Grant Funded Project for Tree Planting from June 2022 to June 2026

**COUNCIL PRIORITIES**

- Infrastructure
- Sustainability & Resiliency

**SUMMARY & RECOMMENDATION**

Staff recommends that the City Council approve and accept the sole source non-professional services agreement with Devil Mountain Nursery in an amount not to exceed \$335,600 to provide trees for the implementation of the CALFIRE grant project for street tree planting and maintenance, anticipated to take place from June 2022 to June 2026. Under Municipal Code Section 1-6-315, Council may justify a sole source purchasing contract without competitive bid, when in the best interests of the City. The full costs of the proposed action are fully covered via state grant funds, resulting in no General Fund impact.

**BACKGROUND**

Expansion of San Leandro’s tree canopy was identified as an action item in the City of San Leandro’s adopted 2021 Climate Action Plan (CAP) as an adaption strategy for improving community-wide public health, increasing shade, reducing urban temperatures, improving air quality, and increasing resilience of vulnerable populations against the hazards of extreme heat and flooding. In its greenhouse gas (GHG) inventory, the CAP also identifies street trees as an important resource for

carbon sequestration.

The City was previously awarded a grant for \$1,499,400 from the California Department of Forestry and Fire Protection (also known as “CAL FIRE”) to provide for the planting of 5,000 15-gallon trees across San Leandro, with priority given to disadvantaged and low income communities and schools. Specific planting areas were identified by census tracts using the CalEnviroScreen, which is a scientific evaluation tool developed by the State of California - Office of Environmental Health Hazard Assessment that is intended to support and guide regulatory actions across the state. To assist in executing the grant, the City Council previously authorized a consulting services agreement with *Common Vision*, a local non-profit organization that is implementing the tree plantings, conducting deep community engagement around the project, and providing workforce development for local residents.

### **Analysis**

The total cost of the trees is over the standard purchasing policy threshold that would typically trigger the need for a competitive bid. However, due to tight grant implementation deadlines imposed by the State, a competitive bid process would significantly delay the project and could preclude the project from being completed in a timely manner as required by the grant. Furthermore, Common Vision’s constrained cash flow as a small non-profit and the grant reimbursement process does not allow them to handle large purchases such as bulk tree orders. Staff therefore recommends a sole source non-professional services agreement between the City and Devil Mountain Nursery allowing the City to purchase trees directly from the nursery, the costs of which would be fully reimbursed to the City by CALFIRE.

Devil Mountain Nursery is an existing vendor that is already on contract with the City’s Public Works Department that assists with providing trees for landscaping services and this project represents a logical extension of their existing work for the city. Their familiarity with City staff, city government processes, and local site conditions makes them uniquely positioned to fulfill this role. The program would not require the use of any City General Fund money since all the tree costs would be reimbursed from the CalFire state grant.

### **Previous Actions**

- The CALFIRE grant for \$1,499,400 was approved by Council and grant funds were appropriated on May 2, 2022, through Resolution No. 2022-065.
- The consulting services agreement for Common Vision as the community partner for the implementation of the CALFIRE grant was approved by Council on July 18, 2022 through Resolution No. 2022-129.
- Devil Mountain Nursery is an existing vendor with the City’s Public Works Department with a FY 2022-2023 contract for \$15,674.79 for landscaping services.

### **Legal Analysis**

Under Municipal Code Section 1-6-315, purchases of equipment, materials, services and supplies determined by the Council to serve the best interests of the City may be made without competitive

bidding.

The vendor has agreed to the terms of the contract.

**Financial Impacts**

Sufficient funds are included in the Fiscal Year 2022-2023 Special Grants Fund budget for the CALFIRE grant tree planting services scope of work:

- Grants Fund-CalFire, Account 150-12-035-5120: \$335,660
- Total: \$335,660

This Council action will not impact fund balance because there are sufficient grant funds already appropriated within the FY2022-2023 amended budget. Funding for this agreement is captured in the current Common Vision purchase order on file; however, staff will disencumber the \$335,660 from that purchase order to cover this materials purchase. All of this activity is approved in the grant scope of work and financial plan as approved by CalFire.

**ATTACHMENTS**

- Attachment A: Resolution
- Attachment B: NPSA Scope of Work
- Attachment C: Sole Source Justification Form

PREPARED BY: Hoi-Fei Mok, Sustainability Manager, City Manager's Office