



## Legislation Text

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**File #:** 22-509, **Version:** 1

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Adopt a Resolution to Approve and Authorize the City Manager to Execute a Non-Professional Services Agreement with West Coast Arborists, Inc. for Citywide Tree Pruning, Stump Removal, and Arborist Services for a Not-To-Exceed Amount of \$354,000 and Appropriate \$339,000 from the General Fund Undesignated Fund Balance to Account 010-33-001-5340 That Will be Fully Off-set by Salary Savings

### **COUNCIL PRIORITIES**

- Infrastructure

### **SUMMARY**

With two on-going vacant Tree Trimmer II positions (following an unsuccessful recruitment in early 2020), it is not possible for the remaining two Tree Trimmer I staff to keep up with area maintenance on the City's 20,000+ street trees. Additionally, due to retirements, the City is without a certified arborist on staff to assess the health of City trees. This contract, which leverages a competitively bid RFP by the City of Burlingame, will supplement existing in-house staff work and provide better customer service to residents by being more responsive.

### **RECOMMENDATIONS**

Staff recommends that the City Council adopt a resolution to approve and authorize the City Manager to execute a Non-Professional Services Agreement with West Coast Arborists, Inc. (WCA) for Citywide tree pruning, stump removal, and arborist services for a not-to-exceed amount of \$354,000 and to appropriate \$339,000 from the General Fund Undesignated Fund Balance to Account 010-33-001-5340. The proposed use of reserves will be fully off-set by salary savings generated by two equivalent staff vacancies, resulting in no net impact to the General Fund.

### **BACKGROUND**

Prior to 2014, the Streets Services section, which includes street sweeping, graffiti removal/illegal dumping clean-ups, and maintenance of City trees, had two Tree Trimmer I's, two Tree Trimmer II's (who were also certified arborists), plus the Supervisor who had promoted up from a Tree Trimmer II and continued to do tree trimming as his other duties allowed. At that time, with the exception of the High Maintenance Trees (those that require trimming every two years) and the Sycamore trees on the major thoroughfares (Bancroft, E. 14<sup>th</sup> Street and Davis Street), tree trimming was performed by in-house staff on an approximate schedule of every five years.

With the retirement of the Supervisor in 2014, the next Supervisor was not from the tree trimming side of operations. At the end of 2019 one of the Tree Trimmer II's retired, and the second Tree Trimmer II retired in mid-2020 after having been out on medical leave for a year.

After an unsuccessful recruitment effort for the Tree Trimmer II positions in early 2020, the area maintenance schedule was pushed out to have trimming every approximately seven years, which is not ideal for the health of the trees.

As part of the current biennial budget, and in light of the City's inability to hire permanent staff, one-time monies were allocated for contract tree services to supplement the remaining two full-time staff.

### **Analysis**

As a way to get back on track with area maintenance, the current Streets Supervisor has proposed a contract model for on-call maintenance services that is similar to what other cities who have few or no tree-staff/equipment deploy. Further, in consultation with the City Attorney's Office and the Purchasing Technician, piggybacking the use of a competitively bid proposal by the City of Burlingame is being proposed.

The City of Burlingame issued a Request for Proposal (RFP) in May of 2021. Four companies submitted proposals. After careful review by Burlingame staff and based on criteria listed in the RFP, staff selected West Coast Arborists, Inc. as the most qualified company to provide required tree-related services based on their compliance with the RFP, proposal content, knowledge, sustainability, years in business, number of certified arborists on staff, availability of tree workers and equipment, and proposal cost.

### **Legal Analysis**

Tree maintenance services are a non-professional service and therefore the proposed contract is subject to the requirements of Municipal Code Chapter 1-6. Nothing in Municipal Code Chapter 1-6 explicitly allows piggybacking for the purchase of non-professional services. However, Section 1-6-315 of the City's Municipal Code provides that such a contract may be exempted from the otherwise applicable competitive bidding requirements when the Council determines it will serve the best interest of the City.

City Council approval of this agreement with West Coast Arborist, Inc. is serving the best interest of the City because the proposed contract saves the City the time and expense of the formal bidding process, but still meets the relevant criteria under Chapter 1-6 *Article 2 Competitive Bidding*. This includes, but is not limited to:

- A finding that the process conducted by Burlingame included an invitation to bid, sealed bids, solicitation of written or verbal bids from a reasonable number of suppliers, and award to lowest bidder.
- The City of Burlingame utilizes the informal bidding process pursuant to the California Uniform Public Construction Cost Accounting Act. This consisted of a formal bidding process including, but not limited to, notice to inviting bids, minimum bid package contents including statement of qualification and description of resources and services, sealed bids, evidence of insurance and award to lowest bidder.
- Ultimately, Burlingame selected the vendor based on its compliance with the RFP, proposal content, knowledge, sustainability, years in business, number of certified arborists and tree workers, available equipment, and proposal cost.

The City Attorney's Office has determined that this process is similar enough to the City's formal bidding process criteria to justify exempting the proposed contract from the City's otherwise applicable competitive bidding requirements. Further, the contractor, West Coast Arborists, Inc., is honoring the pricing included in the Burlingame proposal (dated June 2021) and has agreed to the terms of the City's contract.

### **Financial Impacts**

This General Fund project will require Council appropriation of \$339,000 for Fiscal Year 2022-2023 from the General Fund Undesignated Fund Balance into Account 010-33-001-5340.

The amended budget for Fiscal Year 2022-2023 has \$215,000 appropriated. This Council action will add \$339,000 to total an adjusted appropriation of \$554,000 to cover this agreement and other Public Works services. This request will draw down the General Fund undesignated fund balance. Use of reserves will be fully off-set by salary savings generated by two equivalent staff vacancies, resulting in no net impact to the General Fund.

### **ATTACHMENTS**

*Attachment A: Resolution for NPSA with West Coast Arborists, Inc.*

*Attachment B: West Coast Arborists, Inc. Scope of Work (from City of Burlingame)*

*Attachment C: Compensation Schedule for West Coast Arborists, Inc.*

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