RESOLUTION - ACTION REQUESTED 2020-314

MEETING: June 16, 2020

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approve Fifth Amendment to Blue Ridge Tree Mortality Contract and Associated Budget Action

RECOMMENDATION AND JUSTIFICATION:
Approve a Fifth Amendment to the Blue Ridge Services, Inc. Agreement for Tree Mortality Operations Management Services to Provide an Additional $3,500 for a New Amount Not to Exceed $5,503,500; Authorize the Board of Supervisors Chair to Sign the Amendment; and Approve a Budget Action Increasing Revenue from Grant Funds and Cal OES Reimbursements.

For more than three years, the County has been working with Blue Ridge Services, Inc. to mitigate hazard trees impacted by the tree mortality disaster and protect local infrastructure. The primary source of funds for this project has been the California Disaster Assistance Act (CDAA), which reimburses 75% of expenses related to disaster recovery. Each jurisdiction is required to provide the remaining 25% in cash or donated time and materials.

In 2018, CAL FIRE awarded the County a $798,000 Local Assistance for Tree Mortality (LATM) grant. With agreement from the state controller, counties that received LATM grants were allowed to use these funds as match for CDAA reimbursements through the end of January 2020. This was a substantial boost to the County’s financial ability to mitigate hazard trees.

With the completion of the project this item amends the existing contract, which is now exhausted, to allow for the payment of the final invoice for the project.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors declared a State of Emergency related to tree mortality with Resolution 2015-446 and has regularly renewed this action.

On July 19, 2016, the Board directed staff to prepare an RFQ for a Tree Mortality Operations Manager, which was approved with Resolution 16-500 on September 20, 2016.

On December 20, 2016, the Board approved the selection of Blue Ridge Services, Inc., and directed staff to draft an agreement. The resulting agreement was approved on
Resolution - Action Requested 2020-314

February 7, 2017, and is attached to this item.

The first amendment to the agreement was approved with Resolution 2017-073 on February 21, 2017. This amendment expanded the agreement from $160,000 to $320,000.

The second amendment to the agreement was approved with Resolution 2017-704 on October 17, 2017. This amendment expanded the agreement from $320,000 to $560,000.

A third amendment to the agreement was approved with Resolution 2018-120 on March 27, 2018. This amendment extended the project deadline to February 28, 2020, and increased the total not-to-exceed amount to $3,500,000.

A fourth amendment to the agreement was approved with Resolution 201-356 on June 25, 2019. This amendment increased the total not-to-exceed amount to $5,500,000.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not approve the amendment. Staff will seek other funds to pay Blue Ridge Services for work that has been completed.

**FINANCIAL IMPACT:**
The amended amount includes an additional amount of $3,500 to account for CDAA grant funding and reimbursements from Cal OES.

**ATTACHMENTS:**
- Blue Ridge Tree Mortality Fifth Amendment FY20 (DOCX)
- Blue Ridge Tree Mortality Fourth Amendment FY20 (DOCX)
- Blue Ridge Services Third Amendment (DOCX)
- Second Amendment (PDF)
- 2017.02.21 Contract Amendment (DOCX)
- FY17 Blue Ridge Services Agreement (DOCX)
- Budget Action Form Tree Mort (PDF)

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey
### BUDGET ACTION FORM

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**TOTALS** 0 0

### TRANSFER BETWEEN FUNDS

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**TOTALS** 0 0

**ACTION REQUESTED:** (Check all that apply)

( X ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or transferring appropriation from Contingencies

( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

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**DEPT HEAD SIGNATURE**

**APPROVED BY RES NO. 20-814**

**AUDITOR'S USE ONLY**

**DEPARTMENT**

**CLERK**

**DATE 6/11/2020**
FIFTH AMENDMENT TO AGREEMENT FOR TREE MORTALITY OPERATIONS MANAGEMENT SERVICES

THIS FIFTH AMENDMENT TO AGREEMENT FOR TREE MORTALITY OPERATIONS MANAGEMENT SERVICES is made and entered into this date, June 9, 2020, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County”, and Blue Ridge Services, Inc., hereinafter referred to as “Contractor”.

WHEREAS, the County and Contractor entered into an Agreement dated February 7, 2017, wherein Contractor agreed to provide tree mortality operations management services; and

WHEREAS, the County and Contractor entered into a first amendment dated February 21, 2017, which amended the total compensation to a not-to-exceed amount of $320,000; and

WHEREAS, the County and Contractor entered into a second amendment dated October 10, 2017, which amended the total compensation to a not-to-exceed amount of $560,000; and

WHEREAS, the County and Contractor entered into a third amendment dated March 27, 2018, which amended the term to extend through February 28, 2020, and increased the total compensation a not-to-exceed amount of $3,500,000; and

WHEREAS, the County and Contractor entered into a fourth amendment dated June 25, 2019, which amended the term to increase the total compensation a not-to-exceed amount of $5,500,000; and

WHEREAS, the County and Contractor desire to amend said Agreement to allow additional compensation for additional services;

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:
1. Paragraph 3, “COMPENSATION”, is hereby amended to provide that an additional $3,500 will be added to the amended contract price of $5,500,000, making the total compensation paid to Contractor the not to exceed amount of $5,503,500.

2. Except as herein amended, the agreement dated February 7, 2017 together with the amendments cited above shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Kevin Cann, Chairman
Mariposa County Board of Supervisors

CONTRACTOR:

Neal Bolton, President
Blue Ridge Services, Inc.

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

LAST UPDATED 6/12/2019