

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A VEGETATION AND RUBBISH MANAGEMENT CONTRACT FOR SPECIFIC CITY OWNED AND MAINTAINED PROPERTIES WITH JOE'S LANDSCAPE AND CONCRETE IN AN ANNUAL AMOUNT OF \$104,092.77

WHEREAS, the City of Hayward ("City") manages and maintains seven Caltrans Route 238 Bypass surplus properties and La Vista Park; and

WHEREAS, vegetation management is completed annually to mitigate fire hazards by performing weed abatement, completing vegetation management, and creating defensible space; and

WHEREAS, among California's three primary hazards, wildfire, and particularly wildland-urban interface (WUI) fire, has represented the third greatest source of hazard to California, both in terms of recent state history, as well as the probability of future destruction of greater magnitudes than previously recorded. More recently, with the catastrophic wildfire events of 2017, 2018, and 2019 fire has emerged as an annual threat; and

WHEREAS, a wildfire is defined here as any free-burning vegetative fire that initiates from an unplanned ignition, whether natural (e.g., lightning) or human-caused (e.g., powerlines, mechanical equipment, escaped prescribed fires), where the management objective is full suppression; and

WHEREAS, City Purchasing Policy requires a formal bid solicitation of contracts and services over \$75,001; and

WHEREAS, City Purchasing Policy requires external contracts in excess of \$75,001 to be formally approved by the City Council of the City of Hayward; and

WHEREAS, an RFQ #2009-120219.1 was issued in March 2020 to solicit quotes for the required work; and

WHEREAS, seven companies submitted quotes for said work, with one company later withdrawing their quote; and

WHEREAS, the lowest quote for said 2020 work was from Joe's Landscape and Concrete at \$103,215 for 235 acres; and

WHEREAS, staff completed a reference check for Joe's Landscape and Concrete to confirm the past work performance for Joe's Landscape and Concrete; and

WHEREAS, on April 20, 2020, the City Finance Department issued an award letter to Joe's Landscape and Concrete to let them know that they had been selected and that the contract would be for the year 2020 and could be renewed annually for a period of three years, not to exceed five years and that renewal was contingent upon the City's satisfaction with Joe's Landscape and Concrete services.; and

WHEREAS, on May 5, 2020, the Council approved a one-year contract for Joe's Landscape and Concrete in an amount of \$103,215 for 235 acres; and

WHEREAS, Joe's Landscape and Concrete performed the 2020 contract to the satisfaction of City staff; and

WHEREAS, RFQ #2112-020521.1 was issued on March 9, 2021 for the 2021 Vegetation and Rubbish Abatement Service for City Owned Property; and

WHEREAS, Joe's Landscape and Concrete contested the RFQ, stating that their 2020 award letter stated that the 2020 contract could be renewed annually for three years, no more than five years, based on annual satisfaction with their services; and

WHEREAS, this staff report and resolution are being submitted for approval of updated contract terms to clarify the difference between the Council approved one-year term and the award letter stated contract term of annual renewal for three years, up to five years term; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward authorizes the City Manager to issue a contract to Joe's Landscape and Concrete for \$104,092.77 for Vegetation Management Services for seven Route 238 Bypass surplus properties and La Vista Park, totaling 237 acres.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward