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JEG
9/9/20
OML

Purchasing and Contracting Department
Sole Source Request and Certification Form

To: Director of Purchasing and Contracting
Cc: Deputy Chief Operating Officer, Infrastructure / Public Works
From: Brian Widener
Date: December 27, 2018

In alignment with the guidance provided in the San Diego Municipal Code section 22.3016, the Purchasing Agent (Director of Purchasing and Contracting) must certify that the award of a sole source contract is necessary by memorializing in writing why strict compliance with a competitive process would be unavailing or would not produce an advantage, and why soliciting bids or proposals would therefore be undesirable, impractical, or impossible.

For consideration, this form must be completed and all required accompanying information must be submitted together, including any related contracts. Failure to do so will result in a delay of approval of the request.

Describe commodity or service(s) to be purchased. Include vendor contact information.

The City of San Diego Urban Forestry Program was recently awarded a state CalFIRE grant to plant 200 new street trees, inventory 220,000 existing street trees and involve community participation in the planting and maintenance of the new trees.

We project 457 MTCO_{2e} (Metric Tons of Carbon Dioxide equivalent) GHG (Greenhouse Gas) benefits of carbon stored in the new project trees. See the attached agreement.

Tree San Diego is a regional organization that has partnered with several municipalities and other NGOs for tree planting/inventory projects, including several CalFIRE projects. They are the only regional organization that is able to provide all three of the following for a project: tree stewardship programs to localities, tree watering, and state mandated GHG calculations for periodic reporting.

For each month that trees are planted during the project, Tree San Diego will be reporting GHG calculations, and produce reporting for CAL FIRE and a GHG worksheet for every period that the city submits it's own reporting. In addition, Tree San Diego will report stormwater and air quality numbers once a year and at the conclusion of the project.

Tree San Diego will be providing community outreach and stewardship within the project area, and develop and implement educational outreach, including Tree Steward training workshops to teach both understanding of tree benefits and proper tree maintenance knowledge and skills. Tree San Diego will deploy Tree Stewards to assist in the maintenance/watering of all the trees planted by this grant. Tree San Diego stewards are able to water all 200 new street trees for three years.

Tree San Diego contact information:
Laurie Broedling
7920 Miramar Road, Unit 119
San Diego, CA 92126
858.210.6451
info@treesandiego.org

Justification

1. This product or service is available from only one supplier and meets at least one of the following criteria (please check all that are applicable):
- One-of-a-kind/Compatibility*
 - a. Required by Warranty: the product matches existing equipment, infrastructure and is required by warranty. (A letter from the provider which supports this claim must be provided.)
 - b. Goods and Services:
 - i. the good has no competitive product or alternative on the market.
 - ii. the service requires a special skill, ability, or expertise linked to the current project that cannot be provided by another supplier.

(Documentation in support of either of the above claims must be provided by the requesting department.)
 - City Standards*

The product or service complies with established, existing City standards.
 - Replacement*

The product or service is the only compatible replacement component that supports a larger system. Or, the services are the only ones that can replace the existing service requirements.

2. Do any of the following situations exist?

- Limited Competition*

Department made an attempt to find a second or multiple sources to no avail.
- Emergency*

There is an urgent need for the item or service and time does not permit the City to solicit for competitive bids, as in the cases of emergencies as defined under SDMC section 22.3208. (Delays in solicitation do not satisfy this criteria)

Cost/Market Analysis

Purchasing and Contracting will perform due diligence on each request. If Purchasing and Contracting can find a suitable, cost effective alternative, this request will be denied and that alternative will be pursued after your department has been contacted to discuss the revised determination.

This form does not take the place of an agreement and all sole source requests for a period of one year or longer will require the submission of an agreement. The requesting department must submit a purchase requisition and a copy of this certification to Purchasing and Contracting for a Purchase Order to be issued.

PCO Due Diligence (PCO to initial all that apply)

___ Proof of warranty or maintenance requirement for standardized and replacement items confirmed.

___ Vendor/Supplier confirmed submission of justification letter.

Market test confirmed that there is no advantage to the City in competing this contracting opportunity to multiple vendors.

___ Emergency verified with the department.

___ Pricing agreement has been reviewed.

Purchasing and Contracting has reviewed this request and affirms that this request for a sole source justification is appropriate.

This sole source is approved for:

One (1) year from the signature date below.

For the entire length of the contract, but not more than five (5) years.

The length of the contract must be consistent with the sole source request must be submitted and approved by the Purchasing and Contracting Department prior to the award of each new contract and prior to each extension of that was not contemplated in the initial contract term.

Thru
12/31/2021

___ After reviewing the provided information and due diligence, I certify my approval of this request.

Purchasing and Contracting Director Review

I certify that strict compliance with a competitive process would be unavailing or would not produce an advantage, and that soliciting bids or proposals would be therefore undesirable, impracticable or impossible. My approval is contingent on the information provided in this form.

In accordance with SDMC §22.3016, this request is approved.

Based on the information provided and due diligence recommendation of staff, this request is denied.

Kristina Peralta, Director, Purchasing and Contracting

17 June 2019

Date

AGREEMENT

BETWEEN THE

CITY OF SAN DIEGO



AND

TREE SAN DIEGO

**TO PROVIDE TREE
WATERING, EDUCATION,
OUTREACH SERVICES
AND REPORTING**

AGREEMENT

This Agreement (Agreement) is entered into by and between the City of San Diego, a municipal corporation (City), and Tree San Diego, a non-profit (Contractor).

RECITALS

A. City wishes to retain Contractor to provide reporting, outreach, tree stewardship and tree watering services as further described in the Scope of Work, attached hereto as Exhibit

A. Contractor has the expertise, experience, and personnel necessary to provide the Services. Contractor has the expertise, experience, and personnel necessary to provide the Services.

B. City and Contractor (collectively, the "Parties") wish to enter into an agreement whereby City will retain Contractor to provide the Goods [and/or] Services.

C. This Agreement is exempt from competitive bidding requirements pursuant to San Diego Municipal Code (SDMC) section 22.3208(d) because the Purchasing Agent has certified that the award of a sole source contract is necessary under SDMC section 22.3016(a).

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is acknowledged, City and Contractor agree as follows:

ARTICLE 1 CONTRACTOR SERVICES

1.1 Scope of Services. Contractor shall provide the Services to the City as described in Exhibit A, Scope of Work, which is incorporated herein by reference.

1.2 Contract Administrator. The Transportation and Storm Water Department (Department) is the Contract Administrator for this Agreement. Contractor shall provide the Services under the direction of a designated representative of the Department as follows:

Brian Widener - City Forester
2781 Caminito Chollas
Right of Way Coordination Division
619.527.8050
bwidener@sandiego.gov

1.3 General Contract Terms and Provisions. This Agreement incorporates by reference the General Contract Terms and Provisions, attached hereto as Exhibit B.

1.4 Submittals Required with the Agreement. Contractor is required to submit all forms and information delineated in Exhibit B before the Agreement is executed.

**ARTICLE 2
DURATION OF AGREEMENT**

- 2.1 Term.** This Agreement shall be for a term not to exceed two (2) years beginning on the Effective Date and extending through December 31, 2021. The term of this Agreement shall not exceed five years unless approved by the City Council by ordinance.
- 2.2 Effective Date.** This Agreement shall be effective on the date it is executed by the last Party to sign the Agreement and approved by the City Attorney in accordance with San Diego Charter Section 40 (Effective Date).

**ARTICLE 3
COMPENSATION**

- 3.1 Amount of Compensation.** City shall pay Contractor for the performance of all Services rendered in accordance with this Agreement in an amount not to exceed \$143,334.00.

**ARTICLE 4
WAGE REQUIREMENTS**

- 4.1** By submitting a response to this RFP, Contractor certifies that he or she is aware of, and agrees to comply with, the wage provisions described in Exhibit D, Wage Requirements, which is incorporated herein by reference, before commencing Services.

**ARTICLE 5
CONTRACT DOCUMENTS**

- 5.1 Contract Documents.** This Agreement including its exhibits [schedules] [attachments] completely describes the goods and services to be provided.
- 5.2 Counterparts.** This Agreement may be executed in counterparts, which when taken together shall constitute a single signed original as though all Parties had executed the same page.

IN WITNESS WHEREOF, this Agreement is executed by City and Contractor acting by and through their authorized officers.

CONTRACTOR
Tree San Diego

CITY OF SAN DIEGO
A Municipal Corporation

By: Mickey Romero

By: Christiana Gauger

Name: Mickey Romero

Name: Christiana Gauger
Interim Director
Purchasing and Contracting

Title: Director

Date: August 28, 2020

Date: 9/21/2020

Approved as to form this 7th day of
January, 2021

MARA W. ELLIOTT, City Attorney

By: Cassandra Mougín
Deputy City Attorney

Cassandra Mougín

Print Name

EXHIBIT A SCOPE OF WORK

A. OVERVIEW

Tree San Diego and the City of San Diego have agreed to partner with each other in order to promote a successful tree planting project in the Otay Mesa-Nestor and San Ysidro communities of San Diego. In order to engage the local communities with this project, Tree San Diego, through their specialized services, plans to perform stewardship events throughout the span of the grant period which shall include science-based education, tracking of tree ecosystem benefits and the promotion of tree watering and tree maintenance.

B. REQUIREMENTS AND TASKS

The Contractor shall provide complete coordination of volunteers in order to water trees in the street rights-of-way in the City of San Diego. Contractor shall supply all labor, equipment, and materials necessary for organization of volunteer efforts. Contractor shall mail notices of community meetings and hold community coordination meetings with the focus being community building and understanding the value of trees in San Diego. Tree Steward workshops will be held in the area to build the required skills set of these Tree Stewards. Once certified, these Tree Stewards will (a) care for the planted trees, which includes watering, re-mulching, and monitoring them for the next 2 years and (b) mobilize local residents to provide tree care for these new street trees near their homes according to a specified protocol. These residents will receive assistance, monitoring and oversight from the Tree Stewards. Ongoing workshops will be held periodically in the area to communicate the benefits of trees, and to reinforce and augment the skills set of the Tree Stewards.

Contractor shall locate and mark tree locations and recommend appropriate tree species. Contractor shall coordinate and direct Saturday tree watering days from start to finish making sure all trees are watered appropriately and up to 10 gallons of water.

Tree San Diego will be reporting GHG calculations each month that trees are planted during the project, and produce a MDCA Report for CAL FIRE and a GHG worksheet for every period that the city submits a report. In addition, Tree San Diego will report stormwater and air quality numbers once a year and at the conclusion of the project

Project area will be within both Otay Mesa and San Ysidro communities.

C. ROLES AND RESPONSIBILITIES

1. Contractor's General Roles and Responsibilities

With respect to all services provided to the Department, Contractor will fulfill the following operational roles and responsibilities described herein and listed on Attachment A (Tree San Diego quotation for services).

Attachment A

2508 Historic Decatur Road, Suite 230
San Diego, CA 92106



(858)210-6451
info@treesandiego.org
www.treesandiego.org

Quotation for services in the completion of the City of San Diego's Calfire Grant

City of San Diego Subcontract to deliver GHG and Tree Steward Services in Support of Calfire effort to plant 200 trees

**Project End Date is
Dec. 31, 2021**

Tree San Diego GHG Reporting and Operational Support

QUOTE AMOUNT

GHG Reporting on an ongoing basis. Verify inventory entries, compile export and data, prepare ARB worksheets, and deliver with all supporting documentation.
(8 quarterly reports)

Operational Support dealing with tree plotter setup and support, device connectivity issues, develop tree entries, and final audit.

Tree Plotter System Access

Staff tablets provided with cellular data (2 tablets issued plus hotspot usage). For inventory and watering crews.

Arborist data verification, quality control, sampling

Total: \$20,650.00

— Tree San Diego Board of Directors: Chelsi Sparti, Board Chair;
Emma Hosmer, Treasurer; Amanda Townsel, Secretary; Mike Palat; Mickey Romero; Elektra Fike-Data



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Canvassing for door hangers

Planting, Establishment and Monitoring of New Trees, Planting Team Leader (Planting is prerequisite for Team Leaders)). And launch new canvassing subject (tree watering) Includes minor customizations. Classroom and field locations, trees and hole digging provided by City.

Public Outreach, 3 Terrific Trees events or Event Tabling)

Printing and Take Aways for Training and Events

Arborist led tree planting event/City of San Diego kick-off event/neighborhood tree planting.(2 events) Ideal for a select number of trees at a park or a school.

Volunteer Watering Program

Volunteer Management and Recruiting - TSD Staff position

(time included for rainy months as well for planning and averaging out. Typically manager participates in watering activities as well)

Truck Rental, storage, water, and other costs

Equipment, such as pumps and fittings required

Replacement hoses and gloves and buckets and silicone spray

SUBTOTAL FOR VOLUNTEER WATERING EFFORTS	\$122,684.00
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SUBTOTAL - GHG AND INVENTORY	\$20,650.00
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SUBTOTAL - TREE STEWARD and Watering PROGRAM	\$122,684.00
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GRAND TOTAL	\$143,334.00
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Tree San Diego Board of Directors: Chelsi Sparti, Board Chair;
Emma Hosmer, Treasurer; Amanda Townsel, Secretary; Mike Palat; Mickey Romero; Elektra Fike-Data