



# RESOLUTION No. 22-232

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION APPROVING AMENDMENT NO. 1 TO THE CONTRACT BETWEEN THE COUNTY OF NEVADA AND MCKELLAR TREE SERVICE AND LOGGING, INC., FOR PROFESSIONAL SERVICES FOR THE EGRESS/INGRESS FIRE SAFETY PROJECT, AMENDING THE SCOPE OF SERVICE, EXTENDING THE TERM OF THE CONTRACT TO DECEMBER 30, 2022, AND INCREASING THE AMOUNT OF THE CONTRACT TO A NEW MAXIMUM AMOUNT NOT TO EXCEED \$966,600.01 AND AUTHORIZING THE AUDITOR-CONTROLLER TO ENCUMBER THE ADDITIONAL FUNDS**

WHEREAS, on February 9, 2021, the Board of Supervisors adopted Resolution 21-031 awarding a contract to McKellar Tree Service and Logging Inc., in the amount of \$666,600.01 for brush clearing and reduction of fire fuels along approximately 162 mile of county roadways as part of the Egress/Ingress Fire safety Project.; and

WHEREAS, the project was nearing completion prior to the December 2021 storms. During the December 2021 storms, many trees and limbs within the County right-of-way were damaged and additional branches and trees fell in the County right-of-way and need to be removed as part of the County's fire prevention program; and

WHEREAS, storms in December 2021 left debris in the County Right-of-way and there remains a significant number of down trees and vegetation throughout the County which needs to be removed. Staff recommends amending the existing contract from \$666,600.01 to \$966,600.01 to remove excess debris prior to the start of fire season; and

WHEREAS, an emergency proclamation was ratified on December 30, 2021, in an emergency Board of Supervisors meeting by Resolution 21-541. The Local Emergency Proclamation enables Nevada County to more effectively respond to the Winter Storm, seek and utilize mutual aid, obtain state and federal funds (if available), and ensure that the County's resources and economy, as well as the community at large, have all the necessary tools at their disposal to endure this ongoing challenge; and

WHEREAS, the State of California declared an emergency on December 30, 2021, in support of Counties recovering from the Winter Storms; and

WHEREAS, the County received an additional Grant 5GA2115 from Cal Fire to fund the proposed additional debris removal; and

WHEREAS, this amendment request is for an additional \$300,000 to provide said services, extending the contract end date from March 31, 2021, to December 30, 2022; and

WHEREAS, \$240,000 (80%) of cost will be reimbursed by the CAL FIRE Storm Debris/Stockpile and Tree Removal Grant 5GA21115 and the remaining \$60,000 (20%) of cost will initially be funded by the Road Engineering budget; and

WHEREAS, County staff will continue to explore reimbursement opportunities through the California Disaster Assistance Act and any unreimbursed portion may later be compensated to the Road Fund by the General Fund; and

WHEREAS, sufficient budget available to fund this contract amendment in Road Engineering for Fiscal Year 2021/22.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors of the County of Nevada, State of California:

1. Approves Amendment No. 1, attached hereto, to the contract by and between the County of Nevada and McKellar Tree Service and Logging, Inc., amending the scope of services, increasing the contact amount by \$300,000 for a maximum not to exceed amount of \$966,600.01 and extending the contract length to an end date of December 30, 2022.
2. Authorizes the Chair of the Board of Supervisors to execute on behalf of Nevada County Amendment No. 1.
3. Authorizes the Auditor-Controller to encumber the contract:  
1114 30104 702 1000 / 521520      \$300,000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of May, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Susan K. Hoek, Chair

5/24/2022 cc: CDA\*  
AC\*(hold)

7/8/2022 cc: CDA\*  
AC\*(release)

**AMENDMENT NO. 1 TO COUNTY PROJECT NO. 715001 WITH  
MCKELLAR TREE SERVICE AND LOGGING INC.**

THIS AMENDMENT is executed this 24th day of May 2022, by and between MCKELLAR TREE SERVICE AND LOGGING INC. and COUNTY OF NEVADA. Said Amendment will amend the prior contract for the Egress/Ingress Safety Project, County Project No.715001, executed on February 9, 2020, by Resolution No. 21-031.

WHEREAS, the parties desire to amend their agreement to extend the end date of the contract to December 30, 2022, increase the scope of work to allow for additional debris removal, and allow or provide for an additional three hundred thousand dollars (\$300,000) for a not to exceed amount of nine hundred sixty-six thousand six hundred and one cent (\$966,600.01); and

WHEREAS, this amendment shall be effective when signed by both parties.

NOW, THEREFORE, the parties hereto agree as follows:

1. Extend the contract completion date to December 30, 2022
2. That the Maximum Contract Price set forth is increase by three hundred thousand dollars (\$300,000) for the new not to exceed amount of nine hundred sixty-six thousand dollars six hundred and one cent (\$966,600.01)
3. The original scope of work is amended to include Exhibit "A" attached.
4. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

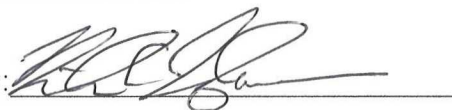
COUNTY OF NEVADA

BY:   
Chair, Board of Supervisors

ATTEST:

By:   
Clerk of the Board of Supervisors

CONTRACTOR:

By: 

## EXHIBIT A SCOPE OF WORK

Task 1: Perform brush clearing along 2.9 miles of Pleasant Valley Rd, from Highway 20 to Wildflower drive and along 3.18 miles of Washington Rd from MP3 to Maybert Rd. Brush clearing shall follow the same provisions outlined in Section 17 of Division III: Earthwork and Landscape in the bid documents for the Egress/Ingress Fire Safety Project, and County Change Order #1 for Scotch Broom Treatment.

Task 2: Remove remaining storm debris from the December 27, 2021, Winter Storm along 97 miles of County maintained roadways. Removal of this material will include the following:

1. Removal of all storm debris including fallen trees of all sizes, broken limbs, and small branches larger than 1 inch in diameter and 1 foot in length, and litter under 20 pounds (only in areas with storm debris damage) on both sides of the road that rests within 15 feet from the road edge.
2. Any downed trees that extend past 15 feet from the road edge shall be cut at the limit line and that section is to be removed.
3. All cleared storm debris including wood chips shall be removed and disposed of off site and is the sole responsibility of the contractor.
4. Sweeping shall be done before moving onto the next area and as required to remove any loose material. Contractor shall clear roadways, driveways, ditches and gutters of cleared material.
5. Contractor may choose to work on any road group in any order. It is not required to work on the roads in the order they are listed.
6. The contractor shall notify the Public Works Inspector of any large items of trash or other discarded items that are encountered within the storm debris areas. It shall not be the Contractor's responsibility to dispose of any single item in excess of 20 pounds in weight.

### Additional Notes:

1. Submit an updated traffic plan that includes specific rolling traffic plan for storm debris removal.