RESOLUTION NO. ___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO WAIVE THE FORMAL REQUEST FOR PROPOSAL/REQUEST FOR QUALIFICATION BID (RFP/RFQ) PROCESS AS A NON COST-EFFECTIVE APPROACH, AND AUTHORIZING STAFF TO PROCEED WITH AWARDING AN AGREEMENT FOR WEED, RUBBISH AND THISTLE ABATEMENT

WHEREAS, the City has contracted with E. Stewart and Associates, Inc., for weed, rubbish and thistle abatement services since January 16, 2007; and

WHEREAS, the contract with E. Stewart and Associates, Inc., expired on December 31, 2015; and

WHEREAS, pursuant to Section 6-7.01 of the San Juan Capistrano Municipal Code, abatement of weeds and thistle, and the removal of garbage, refuse, and dirt throughout the City must be performed annually to assist in reducing risks associated with fire, health, and safety. Additionally, Assembly Bill 337, High Fire Severity Zone Abatement, requires the City to abate weeds in designated High Fire Hazard Severity Zones, and as directed by the Orange County Fire Authority; and

WHEREAS, due to the higher rainfall received this winter, early weed abatement and winter preparation is imperative to ensure compliance with the City's municipal code and state law; and

WHEREAS, previous solicitations conducted in 2002 and 2007 for weed, rubbish and thistle abatement services resulted in only one proposer (E. Stewart and Associates, Inc.) being deemed the sole qualified proposer willing to perform the full scope of work required by the City at a reasonable price; and

WHEREAS, Section 3-4.304 of the San Juan Capistrano Municipal Code provides that maintenance services contracts over $25,000 are subject to a formal RFP/RFQ bid process; and

WHEREAS, Section 3-4.306(e)(3) of the San Juan Capistrano Municipal Code provides an exception to the formal RFP/RFQ process where the process is deemed not to be the most cost-effective approach; and

WHEREAS, undergoing a formal RFP/RFQ process for weed, rubbish and thistle abatement services would not be the most cost-effective approach given the City's need to receive expedited abatement services; and

WHEREAS, E. Stewart and Associates, Inc., is familiar with the City's needs, has indicated that it will hold existing pricing; has historical knowledge of the nuances of the
service areas; has demonstrated its flexibility to meet the City's service requirements; requires minimal staff oversight; has historically provided excellent service to the City; has an understanding of the requirements of the Orange County Fire Authority ("Authority") and is able to perform the services necessary to comply with directives from the Authority and as otherwise required by AB 337; and can immediately begin performing services without any substantive ramp up time.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, HEREBY RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

1. That the foregoing recitals are true and correct and incorporated herein by this reference.

2. That undergoing a formal RFP/RFQ process at this time for weed, rubbish and thistle abatement services would not be the most cost-effective approach.

3. That the City Manager or his designee is hereby authorized to enter into a contract with E. Stewart and Associates, Inc., for weed, rubbish and thistle abatement services, without undergoing the formal RFP/RFQ process.

PASSED, APPROVED, and ADOPTED is 15th Day of March, 2016.

Pam Patterson, Esq., Mayor

Maria Morris, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF SAN JUAN CAPISTRANO)

I, MARIA MORRIS, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing Resolution No. ______ was duly adopted by the City Council of the City of San Juan Capistrano at a regular meeting thereof, held the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS: 
NOES: COUNCIL MEMBERS: 
ABSENT: COUNCIL MEMBERS

Maria Morris, City Clerk