

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 25, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Solid Waste Management

SUBJECT

Agreement with Burrtec Waste Industries, Inc. for Street Sweeping Services

RECOMMENDATION(S)

Approve **Agreement No. 24-619** with Burrtec Waste Industries, Inc., including non-standard terms, for street sweeping services in the Rosena Ranch area as a pilot program, in an amount not to exceed \$20,000, for the period of July 1, 2024 through June 30, 2025.
(Presenter: Noel Castillo, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as the Department of Public Works - Solid Waste Management Division (SWMD) is financed by fee revenue. SWMD establishes fees that are charged to the public and other agencies for utilization of the County's Waste Disposal System. The estimated total cost of this pilot program will not exceed \$20,000. Sufficient appropriation and revenue have been included in the SWMD 2024-25 budget.

BACKGROUND INFORMATION

The County has a desire to provide unincorporated residents with services that improve the quality of life and also protect the environment. Approval of the recommended agreement will allow Burrtec Waste Industries, Inc. (Burrtec) to provide street sweeping services as a pilot program for the period of July 1, 2024 through June 30, 2025. Street sweeping services will be performed as a pilot in the unincorporated area of Rosena Ranch in the northwest portion of San Bernardino. Street sweeping provides a community service that enhances the visual appearance of the neighborhood and protects the environment by removing trash and debris from the roadways that could otherwise make its way into stormwater drainage facilities. SWMD is proposing to allow the contractor to dispose of street sweeping debris at a County owned landfill during the pilot at no cost to the contractor as well as reimburse the contractor for water usage at an estimated cost of \$500 per month. Burrtec has agreed to perform street sweeping services at no cost to the County or residents during the pilot program period.

The County will assess the effectiveness of the pilot program and determine whether or not to continue the service beyond the term of this agreement. If deemed effective and it is desired for the street sweeping to continue beyond the termination of this agreement, the County and

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Burrtec will discuss how to contract services and determine a reasonable cost for the services to continue.

Per County Policy 11-05, the Board must approve non-standard or missing contract terms. SWMD is requesting that the Board approve a non-standard contract with Burrtec. The non-standard terms include the following:

1. The Agreement does not require Burrtec to indemnify the County, as required by County Policies 11-05 and 11-07.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from actions from third party claims arising out of the acts, errors or omissions of any person arising out of this Contract. The Agreement does not include the County's errors or omissions.
 - Potential Impact: If the County is sued for any claim not related to Burrtec's performance of this contract, the County may be solely liable for the costs of defense and damages, which could exceed the total Agreement amount.
2. The Agreement does not include the right to review corporate minutes or other pertinent items nor any fiscal, statistical and management books and records.
 - The County standard contract Right to Monitor and Audit provisions requires the contractor to give the County the right to review corporate minutes and other pertinent items as requested. It also allows the County to review all fiscal, statistical and management books and records.
 - Potential Impact: If an issue arises that necessitates the County to audit the performance of the contract, the County will not be able to review the corporate minutes or other pertinent items, as well as any fiscal, statistical and management books and records. This may prevent the County from having all of the information it needs to monitor and audit the contract performance.

This recommended agreement aligns with the County and Chief Executive Officer's goals and objectives to provide for the safety, health and social service needs of County residents by providing a service to enhance the community while also protecting the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on May 31, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on June 4, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 7, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 25, 2024



cc: PW/SWMD - Meeka w/ agree
 Contractor c/o PW/SWMD w/ agree
 File w/ agree
JLL 07/12/2024