

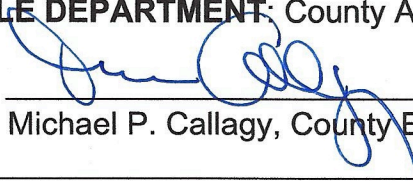


## ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

NUMBER: C-7

**SUBJECT:** Herbicide Incentive Program Prohibition Language for Agreements with Vegetation Management Contractors

**RESPONSIBLE DEPARTMENT:** County Attorney's Office

**APPROVED:**   
Michael P. Callagy, County Executive

**DATE:** 6/4/2025

In December 2024 the County's Board of Supervisors adopted [Resolution No. 080805](#), which prohibits County contractors from participating in incentive programs offered by the manufacturer or vendor of any herbicide or pesticide products when providing vegetation management services for County projects on County lands. The Resolution directed County departments that contract for the provision of vegetation management services to:

- Update their policies and procedures to provide that vegetation management contractors shall not participate in incentive programs offered by the manufacturer or vendor of any herbicide or pesticide product(s) when providing services for County vegetation management projects on County-owned or -controlled lands, and
- Include language in their contracts for the delivery of vegetation management services, in a form approved by the County Attorney, that prohibits contractors from participating in incentive programs offered by the manufacturer or vendor of any herbicide or pesticide product(s) when providing services on County vegetation management projects on County-owned or -controlled lands.

As to the second directive, the purpose of this memorandum is to provide the language approved by the County Attorney's Office for Departments to include as a stand-alone clause in their contracts or contract amendments with contractors providing vegetation management services:

**Prohibition on Participation in Manufacturer or Vendor Incentive**

**Programs.** Contractor shall not, either directly or indirectly, participate in, apply for, or accept any rebates, discounts, incentives, or other promotional benefits offered by the manufacturer, distributor, or vendor of any herbicide, pesticide, or similar chemical product used in the performance of vegetation management services under this Agreement when such services are performed on County-owned or County-controlled lands. This prohibition includes, but is not limited to, product rebate programs, loyalty rewards, volume-based discounts, and marketing or promotional incentive offers. The Contractor shall certify compliance with this provision upon request by the County. Any

violation of this provision shall constitute a material breach of this Agreement and may result in termination for cause and other remedies available at law or in equity.

The contract language above does not supersede or replace other legal or County-specific requirements for the retention of contractor services, such as Administrative Memorandum B-1. Any questions or requests regarding the matters herein should be directed to your assigned County Attorney.

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