

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 MAY -9 PM 2:24

OAKLAND CITY COUNCIL

Arada Sittl
City Attorney

RESOLUTION No. ~~87219~~ **87219** C.M.S.

RESOLUTION: (1) WAIVING THE FIXED, SEALED BID, PRICE-BASED BID PROCESS; (2) ENTER INTO A SERVICES AGREEMENT WITH ECOSYSTEMS CONCEPTS, INC. (ECI), FOR GOAT GRAZING SERVICES FOR FIRE PREVENTION EFFORTS FOR A THREE (3) YEAR SIX (6) MONTH PERIOD FROM MAY 1, 2018 THROUGH NOVEMBER 31, 2021, FOR ONE MILLION SIX HUNDRED TWENTY-FOUR THOUSAND THREE HUNDRED AND THIRTY-THREE DOLLARS (\$1,624,333.00), WITH AN OPTIONAL EIGHTEEN (18) MONTH EXTENSION FOR AN ADDITIONAL SEVEN HUNDRED AND TWENTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$727,500.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED OF TWO MILLION THREE HUNDRED AND FIFTY-ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE DOLLARS (\$2,351,833.00) OVER THE POSSIBLE FIVE (5) YEAR TERM

WHEREAS, in 2006, the City Council approved 80074 C.M.S., to enter into a two (2) year contract with EcoSystems Concepts Inc. (ECI) for goat grazing on City-owned parklands; and

WHEREAS, in 2010, the Oakland Fire Department (OFD), as authorized by Resolution No. 82798 C.M.S., entered into a four (4) year contract with ECI to provide annual goat grazing services for the purpose of reducing hazardous vegetation fuel loads throughout open space areas, on approximately one thousand seventy-four (1,074) acres of City of Oakland owned property in the wildland urban interface (WUI) areas within Oakland; and

WHEREAS, in 2015, the City Council approved Resolution No. 85940 C.M.S. which authorized the City to enter into a two (2) year and six (6) month contract with ECI for annual goat grazing services; and

WHEREAS, the City's contract for goat grazing services expired on December 31, 2017, and as such OFD began to identify funding for future goat grazing services and seek out qualified vendors who provide continued goat grazing services; and

WHEREAS, contracts for animal grazing intended to improve public lands are "public works" contacts which are usually subject to award based upon the lowest bidder; and

WHEREAS, Oakland Municipal Code authorizes the City Council to waive the advertising, the fixed, seal bid award process and award to the lowest bidder upon finding that it is "in the best interests of the city" to do so (Oakland Municipal Code Section 2.04.050.1.5); and

WHEREAS, waiving of the lowest bid award process is recommended so that the City can consider factors, including price, to award a contract such as the vendor record of livestock health, supervision and compliance with health and safety codes and environmental regulations; and

WHEREAS, pursuant to Oakland City Charter Section 902(e) and Oakland Municipal Code section 2.04.020.D.3, the City Administrator has determined that the services to be provided under the proposed contract are professional, scientific, or technical nature and are temporary in nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the Oakland Fire Department prepared and issued a request for proposals (RFP) seeking proposals from qualified firms for goat grazing services in the City of Oakland; and

WHEREAS, the Oakland Fire Department used the City of Oakland's procurement system, iSupplier, for distribution of the RFP, as well as formally advertised the RFP in the East Bay Times, Oakland Post, and San Francisco Chronicle; and

WHEREAS, in response to the RFP, proposals were submitted by the following two (2) firms: EcoSystems Concepts, Inc. (ECI) and Goats R Us; and

WHEREAS, a panel of three (3) subject matter experts from the City of Oakland and East Bay Regional Park District, evaluated the proposals using criteria which included relevant experience, qualifications, organization, approach, Local/Small Local Business Enterprise (L/SLBE) certification, and other factors; and

WHEREAS, after review of the two (2) vendors' responding proposals to the RFP, one vendor EcoSystems Concepts, Inc. was identified as meeting all the qualification criteria, and providing all relative documentation of the RFP; and

WHEREAS, fiscal year (FY) 2017-18 and FY 2018-19 funding for the professional services contract, not to exceed six hundred forty-five thousand three hundred and thirty-three dollars (\$645,333.00), is included in the FY 2017-2019 Adopted Budget and appropriated in the General Purpose Fund (1010), Fire Marshal's Office (20311), Services: Contract (54911), Project (1000009), Fire Prevention Bureau (PS23); and

WHEREAS, the OFD is seeking Council approval of a contract with EcoSystems Concepts, Inc. for the initial contract period of May 1, 2018 through November 31, 2021, with an additional option to extend the contract for eighteen months; and

WHEREAS, approval of this contract will ensure goat grazing occurs in the Oakland Hills within the designated wildland urban interface area known as the very high fire severity zone; and

WHEREAS, a new contract is needed to continue grazing practices to prevent possible fire events in the Oakland hills, and California Fire Code, Chapter 49 requires that properties be maintained in a fire safe condition year round, including City owned parcels; and

WHEREAS, goat grazing will enable the City to provide firebreaks that reduce the speed at which a wildland fire can travel horizontally and threaten nearby structures and private

WHEREAS, goat grazing is the most cost effective way to clear hazardous fuel loads in the hills area, as determined by an internal statistical analysis based on historical figures from past contracts, using both hand crews/machinery versus goat grazing; now therefore be it

RESOLVED, that pursuant to Oakland Municipal Code Section 2.04.050.1.5 and based upon the reasons discussed in the agenda report accompanying this resolution and provided above, the City Council finds and determines that it is in the best interests of the City to waive the advertising and the fixed, sealed bid, price-based bid process for the proposed goat grazing contract; and be it

FURTHER RESOLVED, that the City Administrator or designee is authorized to enter into services agreement with Ecosystems Concepts, Inc. for a three (3) year six (6) month period from May 1, 2018 through November 31, 2021, at one million six hundred twenty-four thousand three hundred and thirty-three dollars (\$1,624,333.00), with an optional eighteen (18) month extension for an additional seven hundred and twenty seven thousand five hundred dollars (\$727,500.00) for a total a contract mount not to exceed of two million three hundred and fifty-one thousand eight hundred and thirty-three dollars (\$2,351,833.00) over the possible five (5) year term; and be it

FURTHER RESOLVED, funding for the proposed professional services contract shall be drawn from General Purpose Fund (1010), Fire Marshal's Office (20311), Services: Contract (54911), Project (1000009), Fire Prevention Bureau (PS23); and be it

FURTHER RESOLVED, that the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement; and be it

FURTHER RESOLVED, that the services provided pursuant to the contract authorized hereunder are for a professional, scientific, or technical nature and are temporary in nature, and will not result in the loss of employment or loss of salary by any person having permanent status in the competitive service.

FURTHER RESOLVED, that the City Attorney shall review and approve said agreement as to form and legality and copies of said agreement shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 05, 2018

PASSED BY THE FOLLOWING VOTE:


BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, ~~WALSH~~, KAPLAN, ~~REED AND FREDERICK~~ GIBSON
MCELHANEY - 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reed, Kalb

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California