

CITY OF OAKLAND

AGENDA REPORT

2010 MAY 13 PM 1:43

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Gerald A. Simon
DATE: May 25, 2010

RE: Resolution: 1) Authorizing the City Administrator to Select a Vendor and Award A Contract For The Provision Of Goat Grazing Services In The City Of Oakland For The Period Of May 31, 2010 Through May 30, 2014 In An Amount Not To Exceed One Million Five Hundred Thousand Dollars (\$1,500,000) For The Four Year Period And 2) Waiving The Advertising And The Fixed, Sealed Bid, Price-Based Bid Process, and 3) Authorizing the City Administrator to Use the Request for Proposal/Qualifications Process to Select the Vendor for the Work

SUMMARY

In 2004, voters approved and City Council passed the Wildfire Prevention Assessment District which has annually included goat grazing as an essential, primary fire management tool. The City of Oakland has used these services as part of its overall wildfire mitigation program since 1996. Proper grazing practices protect the environment while providing wildfire reduction management in a cost effective manner.

This resolution would authorize the City Administrator to select a vendor and award a contract for goat grazing services for the period May 31, 2010 through May 30, 2014 in an amount not to exceed \$1.5 million. It would also waive advertising and the public works price-based bid process and authorize the City Administrator to select the vendor via a request for proposal process based on multiple criteria (involving 11 vendors in the Bay Area).

Grazing contracts for the purpose of improving public lands are considered public works jobs under public contract laws. Public works contracts are subject to the City's price-based bid process. Due to the complexity of managing an effective and proper grazing program, staff recommends that the City select the vendor based on several relevant criteria such as record of livestock health, compliance with health, safety and environmental laws in addition to price (rather than solely on price) through a request for proposal process.

FISCAL IMPACT

WPAD revenue collected for the benefit of the residents in the WPAD is used to fund prevention and preparedness services programs and fire suppression activities in the Oakland hills. Goat grazing services have been identified in the program budget as a vital fire prevention service.

Item: _____
Public Safety Committee
May 25, 2010

All services performed under the terms of this agreement are funded with the approval of the Wildfire Prevention Assessment District (WPAD) Citizens Advisory Committee. Thus, there is no impact to the General Fund associated with the approval of this resolution. Services performed under the proposed contract will not exceed the duration of the WPAD, which sunsets in 2014.

BACKGROUND

Goat grazing is an essential component of the Oakland Fire Department wildland fire prevention program. The City of Oakland has used these services as part of its overall wildfire mitigation program since 1996.

In 2004, the voters approved and City Council passed the Wildfire Prevention Assessment District which has annually included funding for goat grazing as a primary fire management tool. The WPAD sunsets in 2014 and has to go back to the voters for approval. Effectively managing the program and selecting contractors that provide essential services in the most cost efficient manner is critical to seeking the approval of the WPAD beyond 2014.

KEY ISSUES AND IMPACTS

The City Attorney's Office has advised that contracts for animal grazing intended to improve public lands are "public works" contracts and subject to competitive bidding processes. (Boydston v. Napa Sanitation District (1990) 222 Cal.App.3d 1362) Oakland's Competitive process for public works contracts, set forth in Oakland Municipal Code Chapter 2.04, requires the advertisement of a notice inviting sealed bids for public works contracts for 10 days prior to award of the contract and award, if made, must be to the lowest, responsive, responsible bidder.

OFD staff has contacted several of the Bay Area public agencies that manage grazing programs on their lands to discuss their experiences with goat grazing companies and to review their detailed and site specific requirements used to select such service providers. These agencies have identified several factors concerning vendor performance that should be reviewed and considered in the selection process, including:

- The vendor's record of and capacity to maintain healthy goats, particularly at sites within areas that expose them to residents.
- The vendor's record of and capacity to adequately supervise grazing activities 24 hours a day during the site grazing period;
- The vendor's record of compliance with environmental regulations intended to protect endangered species from over grazing.

The municipal code sets forth exceptions to the lowest bid process upon a finding by the City Council that waiver is "in the best interests of the city." (Oakland Municipal Code Section

Item: _____
Public Safety Committee
May 25, 2010

2.04.050.I.5) In this instance waiver of the lowest bid award process is recommended so that the City may consider factors in addition to price in selecting the vendor, such as the vendor record of livestock health and compliance with health and safety codes and environmental regulations. Instead, staff recommends that it is in the best interest of the City to receive proposals from qualified vendors and use a team of subject matter experts to select the vendor based on the several relevant criteria mentioned above in addition to price.

Staff also seeks waiver of advertising for this contract. Fire Department staff has researched the market and identified eleven vendors in the Bay Area that provide goat grazing services and will solicit bids from each of these vendors. It is highly unlikely that advertising will produce more competition and would be an unjustifiable expensive and administrative burden in light of staff research. Therefore, staff recommends that the City Council dispense with advertising.

Open space lands in Oakland are at a high risk for fire, lost property and potential injuries or death. Goat grazing is the most cost effective method to clear highly flammable vegetation. Typically, the cost has averaged \$700 per acre. Clearing the vegetation significantly decreases the risk of injury, death and property losses due to fire. Oakland voters in the WPAD support the use of the goats for reducing fuel loads. OFD and Public Works Agency staff continues to work with the Friends of Sausal Creek to implement the long term grazing plan created for the Joaquin Miller Park and Castle Canyon in 2008.

SUSTAINABLE OPPORTUNITIES

Economic:

There are no direct economic impacts associated with this report.

Environmental:

The project promotes parkland health by controlling invasive exotic plants that threaten the native oak-bay woodland locally, and improves watershed protection by reducing the likelihood of catastrophic fire and attendant erosion. Further, grazing reduces a potential threat to the safety of residents and the environment from the dangers posed by wildfires within the urban/wildland interface of the Oakland Hills.

In addition to protecting the environment, it has been demonstrated that the implementation of effective and ongoing vegetation management can substantially reduce the likelihood of injuries, loss of life and property.

Social Equity:

A fire safe and healthy environment benefits the entire community.

DISABILITY AND SENIOR CITIZEN ACCESS

Item: _____
Public Safety Committee
May 25, 2010

There are no disability or senior citizen access issues associated with the report.

RECOMMENDATION(S) AND RATIONALE

Goat grazing is one of the most cost efficient methods to reduce vegetation in open space lands. The Oakland Fire Department and the WPAD have identified an aggressive plan for reducing fuel loads in City of Oakland open spaces. The voters in the WPAD support the use of goats as part of the comprehensive fire prevention strategy. Therefore, staff recommends that the Council approve the resolution.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the resolution and authorize the City Administrator to 1) select a vendor and award a contract for the provision of goat grazing services in the city of Oakland for the period of May 31, 2010 through May 30, 2014 in an amount not to exceed \$1.5 million for the four year period and 2) waiving the advertising and the fixed, sealed bid, price-based bid process, and 3) authorizing the City Administrator to use the Request for Proposal/Qualifications process to select the vendor for the work.

Respectfully submitted,



Gerald A. Simon
Fire Chief

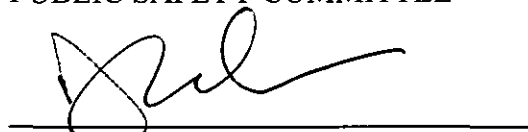
Reviewed by:

Nina S. Morris, Assistant to the Director
James A. Williams, Deputy Chief

Prepared by:

Leroy Griffin, Assistant Fire Marshal
Fire Prevention

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE



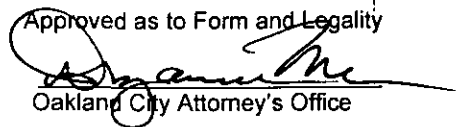
City Administrator

Item: _____
Public Safety Committee
May 25, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAY 13 PM 1:43

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR TO SELECT A VENDOR AND AWARD A CONTRACT FOR THE PROVISION OF GOAT GRAZING SERVICES IN THE CITY OF OAKLAND FOR THE PERIOD OF MAY 31, 2010 THROUGH MAY 30, 2014 IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FOR THE FOUR YEAR PERIOD, AND 2) WAIVING THE ADVERTISING AND THE FIXED, SEALED BID, PRICE-BASED BID PROCESS, AND 3) AUTHORIZING THE CITY ADMINSTRATOR TO USE THE REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS TO SELECT THE VENDOR FOR THE WORK

WHEREAS, goat grazing on City of Oakland open space lands is an essential component of the comprehensive fire prevention and management program and significantly decreases the risk of injury, death and lost property due to fire; and

WHEREAS, the cost for goat grazing is approved in the Wildfire Prevention Assessment District adopted budget and there is no impact to the General Fund; and

WHEREAS, the Oakland Fire Department wishes to select a vendor to provide goat grazing services on City of Oakland open space lands for the period May 31, 2010 through May 30, 2014 in an amount not to exceed one million five hundred thousand dollars (\$1,500,000), and may have initiated a competitive process but not identified the vendor at the time this resolution is before the Council; and

WHEREAS, grazing contracts for the purpose of improving public lands are considered public works projects which are usually subject to award based on lowest bid; and

WHEREAS, due to the complexity of managing the effective and proper implementation of a grazing program that meets fuel reduction needs and ensures that the City of Oakland is in compliance with the various federal and state environmental, endangered / protective species, health and safety requirements, and based on discussions with other Bay Area agencies that employ goat grazing vendors to manage vegetation, staff recommends that is is in the best interests of the City to issue a request for proposals for the goat grazing vendor and make the selection based on several relevant criteria such as vendor record of livestock health, compliance with health, safety and environmental laws in addition to price; and

WHEREAS, Fire Department staff has researched the market and determined that there are eleven Bay Area vendors that perform goat grazing services and wishes to dispense with advertising to avoid undue expense and administrative burden and directly solicit proposals for the work from each vendor; and

WHEREAS, Oakland Municipal Code Section 2.04.050.I.5 authorizes the City Council waive advertising and the fixed, sealed bid with award to the lowest bidder process upon a finding that it is in the best interests of the City to do so; and

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

RESOLVED: That pursuant to Oakland Municipal Code Section 2.01.050.I.5 and based on the reasons discussed in the agenda report accompanying this Resolution and above, the City Council finds and determines that it is in the best interests of the City to waive advertising and the fixed, sealed bid, price-based bid process for the Contract for Goat Grazing Services from May 31, 2010 through May 30, 2014 in an amount not to exceed one million five hundred thousand dollars (\$1,500,000), and so waives the requirements; and, be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to conduct a request for proposal process for the selection of a vendor, to select the vendor and to award the Contract Goat Grazing Services for the period of May 31, 2010 through May 30, 2014 in an amount not to exceed one million five hundred thousand dollars (\$1,500,000) for the four year period; and be it

FURTHER RESOLVED: That the contact shall be approved for form and legality by the City Attorney's Office and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California