



CITY OF OAKLAND

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MAY 10 PM 3:07

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Darin White  
Fire Chief

**SUBJECT:** Oakland Fire Department Goat  
Grazing Contract

**DATE:** April 20, 2018

City Administrator Approval

Date:

5/8/18

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution: 1) Waiving The Fixed, Sealed Bid, Price-Based Bid Process; And 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 December 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.**

## EXECUTIVE SUMMARY

This resolution would authorize the City Administrator to select a vendor and award a contract for goat grazing services for the period May 1, 2018 through December 31, 2021 in an amount not to exceed 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. It would also waive the public works price-based bid process and authorize the City Administrator to contract with EcoSystems Concepts, Inc. (ECI) through a request for proposal process based on multiple criteria.

Grazing contracts for the purpose of improving public lands are considered "public works" projects 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 (RFP) process.

The Oakland Fire Department (OFD) released a RFP seeking proposals from qualified firms for goat grazing services in the City of Oakland. Upon conclusion of the proposal period, it was determined that the services offered by ECI best met the needs of the department.

Item: \_\_\_\_\_  
Public Works and Public Safety Committees  
May 22, 2018

## **BACKGROUND / LEGISLATIVE HISTORY**

Goat grazing has become an important part of the vegetation management strategy employed by OFD. Goats are deployed into the various open space areas within the City and are allowed to graze until a sufficient amount of vegetation is removed to reduce the threat of fire at that location. Prior to release of the goats at these sites, Fire Department, Public Works, Parks and Recreation staff review the proposed fuel management treatments for each location. Shepherds are required to be on site to ensure that the goats only eat invasive or undesirable plants and are restricted from grazing protected or endangered flora (identified by pre-grazing site visits with City Staff and awarded contractor). The resulting grazing activity provides a firebreak that reduces the speed at which a wildland fire can travel horizontally and threaten nearby structures and private property.

In 2006, the City Council approved 80074 C.M.S., to enter into a two (2) year contract with ECI for goat grazing on City-owned parklands.

In 2010, the Oakland Fire Department, 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.

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.

To date, ECI has provided excellent services to the City of Oakland. Through this contract, ECI significantly reduced the threat of fire by successfully managing fuels reduction on more than one thousand (1,000) acres of open space and park lands located within the wildland urban interface (WUI) areas of Oakland. The previous contract expired on December 31, 2017 and because vegetation regrows annually, a new contract is needed to continue grazing practices to prevent possible fire events in the Oakland hills. California Fire Code, Chapter 49 requires that properties be maintained in a fire safe condition year round, including City owned parcels.

## **ANALYSIS AND POLICY ALTERNATIVES**

Goat grazing services are more efficient in that they are performed in less time than other methods, including hand crews, as more ground is covered with a greater amount of goats than laborers or machinery. Additionally, goat grazing allows for easier and safer access to areas difficult for mechanical or hand crew removal due to slope inclination and terrain.

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 vs. goat grazing. The average cost for clearing one (1) acre of land to a height of four (4) inches or less, as required by Sections 4907 through 4910 of the California Fire Code, using goat grazing services, is approximately six hundred seventy-nine dollars and twenty cents (\$679.20) per acre. This cost is less than the estimated cost of fuel

reduction by other means, which averages three thousand ten dollars (\$3,010.00) per acre. Therefore, goat grazing services are the most effective and fiscally responsible method of fuel reductions.

### **Rationale for Waiver of Lowest Bid Award Process**

Contracts for animal grazing intended to improve public lands are "public works" projects 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, as set forth in Oakland Municipal Code Chapter 2.04, requires the advertisement of a notice inviting sealed bids for public works contracts for ten (10) days prior to award of the contract and award, if made, must be to the lowest, responsive, responsible bidder.

OFD staff 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; and
- The vendor's record of compliance with environmental regulations intended to protect endangered species from over grazing.

The Oakland 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 2.04.050.1.5). In this instance, 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 and compliance with health and safety codes and environmental regulations.

### **RFP Process and Review**

An RFP was issued by the OFD on March 9, 2018 with a close date of March 23, 2018. A total of two (2) firms responded to the RFP. The responding firms are listed in alphabetical order: Ecosystems Concepts, Inc (ECI) and Goats R Us. The RFP divided the areas to be grazed into project areas. ECI submitted a proposal to graze all four (4) project areas identified for a total of four hundred sixty-six thousand three hundred twenty dollars and forty two cents (\$466,320.42) per year. Goats R Us submitted a proposal that would allow them to graze their goats on one (1) of the project areas for fifty-one thousand seven hundred thirty dollars (\$51,730.00) per year. ECI's bid for the same project area was exceeded the bid from Goats R Us by more than thirty-one thousand dollars (\$31,000.00).

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.

After review of the vendor's proposals, one (1) vendor, ECI, was identified as meeting all the qualification criteria, and providing all relative documentation required of the RFP. The second responding vendor, Goats R Us, did not provide verification documentation according to the RFP requirements, including veterinary care; quarantine provisions; and environmental awareness.

### **Basis for Contract with ECI**

Adopting the attached resolution will enable the City to enter into a contract with ECI for goat grazing services which provide firebreaks that reduce the speed at which a wildland fire can travel horizontally and threaten nearby structures and private property. The City sought firms capable of providing the scope of services as briefly summarized below.

1. A herd of at least three thousand five hundred (3,500) goats to graze and on-site shepherds twenty-four (24) hours a day, seven (7) days a week when grazing services are being provided.
2. Have resources and procedures in place for herd care and veterinary treatment.
3. Have policies that include actions to minimize impacts to protected/endangered species that may be encountered on City-owned parcels.

After careful review of both responses, staff believes that it is not in the best interests of the City to award this contract solely based on who is the lowest responsive bidder. Due to the complexity of managing the effective and proper implementation of the vegetation management program that meets fuel reduction needs and ensures the City of Oakland is in compliance with various federal and state environmental, endangered/protected species, health and safety, and veterinary care requirements, and based on past discussions with other Bay Area agencies that employ goat grazing vendors to manage vegetation, staff recommends that it is in the best interests of the City to award the contract to ECI.

### **FISCAL IMPACT**

Fiscal year (FY) 2017-18 and 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).

The funds would be disbursed each fiscal year as follows:

<b>Fiscal Year</b>	<b>Proposed Funding</b>
FY 2017-18*	\$172,666.00
FY 2018-19	\$481,667.00
FY 2019-20	\$485,000.00
FY 2020-21	\$485,000.00
FY 2021-22	\$485,000.00
FY 2022-23**	\$242,500.00
<b>Total Funding</b>	<b>\$2,351,833.00</b>

\*2017-18 remaining balance

\*\*2022-23 six (6) months funding

Contract expenditures for FY 2019-23 are contingent upon the availability of funding.

### **PUBLIC OUTREACH / INTEREST**

The City's procurement system, iSupplier was used for distribution of the RFP. The RFP was also formally advertised in the East Bay Express, Oakland Post, and San Francisco Chronicle.

### **COORDINATION**

The City Attorney's Office and the Budget Bureau were contacted to review and provide comments on this report and the Council Resolution.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

ECI has consistently provided exemplary service to the City of Oakland. The previous contract with ECI from 2015-17 yielded maintenance of over nine hundred (900) to one thousand four hundred (1,400) acres annually and minimized the number of incidents in the Oakland Hills high fire severity zones while saving the City thousands of dollars in fire-related response activity in these areas.

ECI's operation provides twenty-four (24) hour supervision with onsite shepherds and continual veterinary evaluation and care. Its operation maintains the highest level of care for its herd animals. They employ a full time certified forester to monitor grazing and to ensure overgrazing does not occur, and threatened or protected plant species are isolated from the herd to prevent damage or loss. ECI is environmentally conscious and sensitive to issues such as erosion, protection of native species, and preservation of riparian habitat.

ECI's past practice has demonstrated its willingness to modify operations, based on threat of fire and fuel load. ECI responds immediately when changes in the grazing schedule occur, relocating a herd to address overgrown vegetation that threatens a neighborhood and/or City infrastructure, as required.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed professional services contract affords no sustainable economic opportunities.

**Environmental:** Goat grazing introduces livestock and fire safety management agricultural practices to the City of Oakland, leading to a fire safe and healthy environment that benefits the entire City by reducing the chance of wildfire. Efficient management and enforcement strategies help to ensure the Oakland Fire Department is able to reduce fuel loads before the peak of the regional fire season, thereby protecting life and property. Additionally, the reduction of potential wildfires will result in less land destruction from fires and reduced air pollution produced by smoke.

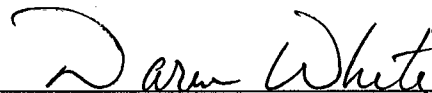
**Social Equity:** The goat grazing technique allows for the preservation of local open spaces that are available for all citizens to use. This fire prevention method keeps our parks and open spaces clear and available for activities such as biking, hiking, dog walking, and picnicking. Furthermore, educational opportunities are provided to local schools who utilize tours to enhance environmental and agricultural awareness, and instruct youth on the specific role and benefits goat grazing has in fire safety within the City of Oakland.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a resolution: 1) waiving the advertising and the fixed, sealed bid, price-based bid process; and 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 December 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.

For questions regarding this report, please contact Vincent Crudele, Vegetation Management Supervisor at (510) 238-7391.

Respectfully submitted,



Darin White  
Fire Chief

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2018 MAY -9 PH 2:24

*Arvid Sill*  
City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ 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 (100009), 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID and PRESIDENT GIBSON  
MCELHANEY

NOES-

ABSENT-

ABSTENTION-

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