

APPROVED AS TO FORM AND LEGALITY

Arwaq: Satt

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) WAIVING THE FIXED, SEALED BID, PRICE-BASED BID PROCESS; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ECOSYSTEMS CONCEPTS, INC. (ECI) FOR GOAT GRAZING SERVICES FOR A TWO YEAR TERM FROM APRIL 1, 2024 THROUGH MARCH 31, 2026, IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) WITH AN OPTION TO EXTEND THE AGREEMENT FOR TWO ADDITIONAL YEARS IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) AND WITHOUT RETURN TO COUNCIL, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000.00) FOR THE ENTIRE FOUR YEAR PERIOD

WHEREAS, the number and severity of wildfires in California has increased dramatically, with 13 of the most destructive fires occurring since 2015, resulting in historic damages; and

WHEREAS, goat grazing has become an important part of the vegetation management strategy employed by the Oakland Fire Department (OFD) – Fire Prevention Bureau (FPB) to reduce fire fuels in areas which are inaccessible to mechanical treatments or too steep for hand crews; and

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

WHEREAS, in 2010, the City Council approved Resolution No. 82798 C.M.S. to enter a four (4) year contract with ECI to provide annual goat grazing services; and

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

WHEREAS, in 2018, the City Council approved Resolution No. 87219 C.M.S. which authorized the City to enter a three (3) year contract with an optional 18-month extension with ECI for annual goat grazing services; and

WHEREAS, the City's current professional services agreement for goat grazing services will expire on March 31, 2024, and as such OFD began to identify funding for future goat grazing services and seek out qualified vendors to provide goat grazing services in the 2024 fire season and beyond; and

WHEREAS, should the proposed fuel reduction work via goat grazing be determined to be a “public works” contract, 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, OFD-FPB released an RFP for Goat Grazing Services on November 10, 2023 through the City of Oakland's procurement system, iSupplier, and publicized its release through formal advertisement in the Oakland Tribune and an announcement email sent to over 20 goat grazing vendors; and

WHEREAS, the Local and Small Local Business Enterprise Program (L/SLBE) requirements were waived by Department of Workplace and Employment Standards after conducting the availability analysis of local firms for goat grazing services; and

WHEREAS, five (5) proposals were submitted in response to the RFP by the following firms listed in alphabetical order: Capra Environmental Services Corps, Chasin Goat Grazing LLC, Ecosystems Concepts, Inc. (ECI), Goats R Us, and Starcreek Land Stewards; and

WHEREAS, a panel of three Oakland Fire Department staff evaluated the proposals using criteria which included relevant experience, qualifications, organization, approach, cost effectiveness, and responsiveness to the RFP; and

WHEREAS, after review of the five (5) proposals to the RFP, Ecosystems Concepts, Inc. was selected as the vendor that was most qualified in terms of relevant experience, qualifications, organization, approach, cost effectiveness, and responsiveness to the RFP; and

WHEREAS, The total one-time cost to implement this project for the initial term of the contract (April 1, 2024 – March 31, 2026) is \$1,600,000, which is partially

included in the FY2023-24 budget in General Purpose Fund (1010), Vegetation Management Organization (20371), Vegetation Management Project (1004383) and the remaining amount will need to be included in future budgets contingent upon the availability of funding and Council adoption; and

WHEREAS, funding for the optional two-year term (April 1, 2026 - March 31, 2028) is contingent upon the availability of funding in future City of Oakland budgets; and

WHEREAS, OFD is seeking Council approval of a professional services agreement with Ecosystems Concepts, Inc. for the initial term of April 1, 2024 – March 31, 2026, with an option to extend the agreement for an additional two-year term of April 1, 2026 - March 31, 2028; and

WHEREAS, approval of this professional services agreement 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 professional services agreement 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 property; and

WHEREAS, goat grazing is the most cost-effective way to clear hazardous fuel loads in the hills area when compared to using hand crews and machinery; 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 their designee is authorized to enter into a professional services agreement with Ecosystems Concepts, Inc. (ECI) for goat grazing services for a two-year term (April 1, 2024 - March 31, 2026), in an amount not-to-exceed one million six hundred thousand dollars (\$1,600,000.00), with an option to extend the agreement for two additional years (April 1, 2026 – March 31, 2028) for an amount not-to-exceed one million six hundred thousand dollars (\$1,600,000.00), and without return to Council, for a total contract amount not-to-exceed three million two hundred thousand dollars (\$3,200,000.00) for the entire four year period; and be it

FURTHER RESOLVED, That the City Administrator or their 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,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California