


City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 DEC 10 PM 1:25

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION: 1) WAIVING THE ADVERTISING AND THE FIXED, SEALED BID, PRICE-BASED BID PROCESS; AND 2) AUTHORIZING THE CITY ADMINISTRATOR OR HER DECIGNEE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ECOSYSTEMS CONCEPTS, INC. (ECI), TO PROVIDE GOAT GRAZING SERVICES IN THE CITY OF OAKLAND FOR A TWO (2) YEAR AND SIX (6) MONTH PERIOD BEGINNING JULY 1, 2015 THROUGH DECEMBER 31, 2017, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-FIVE THOUSAND, FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$675,575.00) FOR THE ENTIRE TWO YEAR (2) AND SIX MONTH (6) PERIOD.

WHEREAS, in 2010, as authorized by Resolution No. 82798 C.M.S, the Oakland Fire Department (OFD) entered into a Specialized Service Agreement with ECI for fire prevention services in the manner of goat grazing; with an expiration date of June 30, 2015; and

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

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 authorizes the City Council to waive advertising of the fixed, sealed bid with award to the lowest bidder process upon a finding that it is in the best interest of the City to do so; and

WHEREAS, Fire Department staff has researched the market and determined that there is only one qualified vendor in the area that performs goat grazing services and meets the City of Oakland's scope of minimum requirements, and wishes to dispense with advertising because that process does not suit this service; and

WHEREAS, staff does not believe it is 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 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 waive the advertising and bidding requirements and instead make a determination of a qualified vendor based on the formal RFP/Q process; and

WHEREAS, OFD began to identify funding for future goat grazing services and to seek out qualified vendors who provide continued goat grazing services and conducted a formal request for proposal process. Therefore on February 15, 2015, an RFQ was published in multiple newspapers: Oakland Tribune, Oakland Post, San Francisco Chronicle and the Sacramento Bee, requesting a response. Direct contact was made to inform vendors of the RFQ publishing, as well as the posting of the RFQ on the City of Oakland's website. After review of the two (2) vendors' responding proposals to the RFQ, one vendor, ECI, was identified as meeting all the qualification criteria and providing all relative documentation of the RFQ; 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 proposed contract are of a professional, scientific or technical and temporary nature, and shall not result in the loss of employment of salary by any person having permanent status in the competitive service; and

WHEREAS, the OFD is seeking Council approval of a contract with ECI for the initial contract period of July 1, 2015 through December 31, 2017; and

WHEREAS, approval of this contract will ensure goat grazing occurs in the Oakland Hills high fire severity zones using the Wildfire Prevention Assessment District (WPAD) identified funding; and

WHEREAS, in 2010, the OFD entered into a four (4) year contract with ECI to provide goat grazing services in the WPAD area for the purpose of reducing hazardous vegetation fuel loads throughout open space areas of City of Oakland owned property; and

WHEREAS, the previous goat grazing contract expired in the middle of the goat grazing season; a new contract with ECI is essential to cover the period beginning July 1, 2015, and extending through December 31, 2017, thereby ensuring the contract does not expire in the height of the season. A longer contract period allows added flexibility to accommodate fluctuations in weather and fuel loads; and

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 vs. goat grazing; now, therefore, be it

RESOLVED: That pursuant to Oakland Municipal Code Section 2.01.050.1.5 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 bidding and the fixed sealed bid, price-based bid process for the proposed goat grazing contract from July 1, 2015 to December 31, 2017 in an amount of six hundred seventy-five thousand, five hundred seventy-five dollars (\$675,575.00), and so waives the requirements; and be it

FURTHER RESOLVED: that the City Administrator or her designee enter into a professional services contract with EcoSystems Concepts, Inc., for the purpose of goat grazing services for a two (2) year and six (6) month contract period of July 1, 2015 to

December 31, 2017, without exceeding the total contract amount of six hundred seventy-five thousand, five hundred seventy-five dollars (\$675,575.00), for approval; and be it

FURTHER RESOLVED: funding for the proposed professional services contract shall be drawn from Wildfire Prevention Assessment District (WPAD) Fund (2321), Fire Marshal's Office, Organization (20311), Services: Contract, Account (54911), Fire Prevention Bureau, Program (PS23); and be it

FURTHER RESOLVED: that the City Administrator or her dECIgne 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 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:

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

NOES-

ABSENT-

ABSTENTION-

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