



Midpeninsula Regional  
Open Space District

R-19-14  
Meeting 19-68  
May 22, 2019

### AGENDA ITEM 3

#### AGENDA ITEM

Contract Amendment with Ecological Concerns, Inc., for Invasive Species Management Work

#### GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to amend a contract with Ecological Concerns, Inc., in the amount of \$196,741, for a total not-to-exceed contract amount of \$1,176,966, to conduct invasive species management work under the Integrated Pest Management Program at multiple Preserves through the end of Fiscal Year 2019-20.

#### SUMMARY

The invasive species management work under the recommended contract amendment consists of manual, mechanical, and the safe application of several herbicides consistent with the Midpeninsula Regional Open Space District's (District) Integrated Pest Management (IPM) Program. The work under the contract amendment will assist the District with controlling non-native plants and weeds at multiple Open Space Preserves (OSP) through the end of Fiscal Year (FY) 2019-20. The cost for these additional services is \$196,741, for a total not-to-exceed amended contract amount of \$1,176,966, of which up to \$400,000 is reimbursable from a grant from the Santa Clara Valley Water District (SCVWD). The proposed FY2019-20 budget includes sufficient funds for this contract amendment.

#### DISCUSSION

##### *Background*

The District manages invasive plants to protect and restore the natural environment and support the conservation grazing program. Field staff, contractors, the San Jose Conservation Corps, and volunteers all assist in vegetation management at District Preserves. The District frequently uses contractors for large invasive infestations or when invasive species control depends on very specific treatment timing. District staff oversee the work of contractors by conducting pre- and post-treatment surveys and provide biological monitoring when working near sensitive areas such as ponds with rare aquatic species. In 2018, 46% of the hours devoted to resource management were completed by contractors, as compared to 31% by volunteers and 23% by staff. The District uses IPM practices when managing invasive plants and weeds, and the contractor is required to follow 36 best management practices to protect the environment and human health.

##### *Request for Bids*

In early 2016, the District released a Request for Bids (RFB) for specific aspects of the IPM Program described below. In April 2016, the Board of Directors (Board) authorized the General

Manager to enter into contract with Ecological Concerns, Inc. (ECI), as the most responsive and responsible bidder. The initial contract had a two-year term with the possibility of extending that term an additional one to two years for Project Sites #1 through #4 (see below) (R-16-36). District staff grouped Projects in Table 1 by common themes (i.e. control of slender false brome) or activities (i.e. chemical treatment of thistles) and includes work at multiple OSPs. In June of 2017, the Board authorized the General Manager to amend the contract with ECI, adding \$200,000 after receiving a grant from the Santa Clara Valley Water District (SCVWD) for invasive vegetation management at Bear Creek Redwoods OSP, identified as Project #5 (R-17-79). In May of 2018, the Board authorized the General Manager to amend the contract with ECI for an additional year of treatment (R-18-48). With the recommended amendment, the multi-year contract will span and cover 4 years of invasive species management work at numerous sites.

Previously, ECI assisted the District in land management activities on approximately 215 acres of District lands. This contract amendment will extend Projects #1 through #4, for an additional 170 acres of continued treatment as listed in Table 1.

**Table 1: Current projects under contract with Ecological Concerns, Inc.**

Project Site #	Fund	Project Name	Acres per year, Ave.	Preserve	Target Specie(s)
1	10	Slender False Brome	5.2	El Corte de Madera	Slender false brome
				La Honda Creek	
				Thornewood	
2	30	Bear Creek Redwoods	44.1	Bear Creek Redwoods	French broom
					Periwinkle
					Stinkwort
3	10	La Honda Creek	11.6	La Honda Creek	French broom
					Purple star thistle
4	10	Thistle and Grass Control	109.0	Long Ridge	Goat Grass
				Los Trancos	Yellow star thistle
				Russian Ridge	Purple star thistle
					Distaff thistle
				Skyline Ridge	Goat grass
					Purple star thistle
Yellow star thistle					
5	30	Riparian Invasive Control	45.1	Bear Creek Redwoods	French Broom
					Periwinkle
					English Ivy

Project #5 (worked funded through the grant from SCVWD) has been removed from this contract and will be completed following the issuance of a new Request for Bids on May 20, 2019. Project #5 is being separated into its own contract to facilitate a more diverse scope of work in future years since the SCVWD grant scope for Project #5 expands beyond Bear Creek Redwoods OSP into other Preserves located within Santa Clara County and includes increased community outreach and involvement through the creation of a native pollinator demonstration garden.

**FISCAL IMPACT**

This contract spans multiple fiscal years as well as multiple funding sources. There are sufficient funds in the amended FY2018-19 budget to cover project costs through the end of this fiscal year. The recommended contract amendment extends into FY2019-20, and sufficient budget will be included as part of the upcoming Budget and Action Plan process. A summary of project costs for this contract amendment is included in the table below.

Project Site #	Fund	Project Name	Project Budget FY2018-19	Project Budget FY2019-20
1	10	Slender False Brome	\$123,000	\$125,000
2	30	Bear Creek Redwoods	\$318,676	\$263,050
3 and 4	10	Invasive Species Management	\$160,799	\$120,000
<b>Totals:</b>			<b>\$602,475</b>	<b>\$508,050</b>

Funding sources include:

*Fund 10 (General Operating Fund) Facility Maintenance – Resource Management & Landscaping*

- FY2018-19 Amended Budget includes \$283,799 for vegetation management under Project Sites #1, #3, and #4.
- FY2019-20 Projected Budget includes \$145,000 for vegetation management under Project Sites #1, #3, and #4.

Work to complete Projects #1, #3, and #4 is not funded by Measure AA.

*Fund 30 (Measure AA Capital Fund) MAA21-007 BCR Invasive Species Removal*

The following table outlines Project Site #2, MAA21-007 BCR Invasive Weed Treatment Project budget, costs-to-date, and fiscal impact of the proposed contract amendment.

Fund 30: MAA21-007	Prior Year Actuals	FY2018-19 Adopted	FY2019-20 Projected	TOTAL
<b>BCR Invasive Weed Treatment MAA21-007 Budget:</b>	<b>\$501,679</b>	<b>\$318,676</b>	<b>\$263,050</b>	<b>\$1,083,405</b>
Spent-to-Date (as of 04/23/019):	(\$501,679)	(\$119,481)	\$0	<b>(\$621,160)</b>
Encumbrances:	\$0	(\$198,251)	\$0	<b>(\$198,251)</b>
ECI Contract Amendment:	\$0	\$0	(\$63,212)	<b>(\$63,212)</b>
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$944</b>	<b>\$199,838</b>	<b>\$250,782</b>

The following table outlines the Measure AA Portfolio 21 budget, costs-to-date, and the fiscal impact related to the contract amendment.

<b>MAA21 Portfolio Allocation:</b>	<b>\$17,478,000</b>
Life-to-Date Spent (as of 04/23/2019):	(\$7,206,211)
Encumbrances:	(\$1,476,629)
Recommended Contract Amendment for FY2019-20:	(\$63,212)
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$8,731,948</b>

## **BOARD COMMITTEE REVIEW**

### *Project #1*

In January of 2016, staff brought before the Planning and Natural Resources (PNR) Committee the Ten-year Status Report and Recommended Continuation of a Slender False Brome Integrated Pest Management Program (R-16-06). The Committee unanimously (3-0) recommended to the full Board the continuation of the Slender False Brome Program on District preserves and nearby private parcels for an approximate cost of \$1,250,000 over the next ten years. The Board considered this item on March 9, 2016 (R-16-21).

The Slender False Brome Management Program is split into two components. Project #1 covers treatment of all known Slender False Brome on District lands. The other component consists of an Agreement with the San Mateo Resource Conservation District to perform outreach and treatment on private lands near District Preserves. This Agreement is currently being revised to free up resources to expand the suite of target species on private lands that have the potential to infest District preserves.

### *Projects #2-4*

A Board Committee did not previously review these projects. The Board originally awarded the contract to Ecological Concerns to address areas of concern identified by staff as the highest priority areas of invasive vegetation requiring treatment. The IPM Coordination Team determined priority projects using the Project Ranking System as outlined in the IPM Program's Guidance Manual ([https://www.openspace.org/sites/default/files/IPM\\_Guidance\\_Manual.pdf](https://www.openspace.org/sites/default/files/IPM_Guidance_Manual.pdf)).

### *Glyphosate in Review*

In October of 2018, Staff discussed the status and use of glyphosate to the PNR Committee (R-18-122). An outside toxicologist determined that given the District's Best Management Practices, Mitigation Measures, and the low level of use on District lands, glyphosate is unlikely to pose significant risk to employees or visitors. In an abundance of caution, staff developed six new recommendations for the IPM program that were later adopted by the Board as a part of the IPM EIR CEQA Addendum to further enhance worker and public safety and reduce the reliance of glyphosate (R-19-11).

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. Public notice was sent to interested parties and tenants by postal or electronic mail.

## **CEQA COMPLIANCE**

The Draft Environmental Impact Report (EIR) prepared for the District's IPM Program, which the Board approved on December 10, 2014 (R-14-148), analyzed the vegetation management activities in the recommended contract amendment and the incorporated mitigation measures have reduced all potential impacts to less-than-significant levels. On February 27, 2019, the Board unanimously voted to adopt a resolution approving an addendum to the Final EIR for the IPM Program (R-19-11). Staff have incorporated the associated mitigation measures and BMPs from the environmental review documents into the project.

**NEXT STEPS**

Upon approval by the Board, the General Manager will amend the contract with ECI for invasive species management. On May 20, 2019, staff will release a new Request for Bids for the implementation of the SCVWD grant (Project Site #5 - BCR) and will return to the Board for authorization to enter into contract with the selected contractor, anticipated in Quarter 1 of FY2019-20.

Responsible Department Head:  
Kirk Lenington, Natural Resources

Prepared by:  
Tom Reyes, IPM Coordinator, Natural Resources