

Agenda Report

June 1, 2015

TO: Honorable Mayor and City Council
FROM: Department of Public Works
SUBJECT: CONTRACT AWARD TO PAN AMERICAN BRUSH CLEARANCE FOR BRUSH CLEARANCE SERVICES FOR AN AMOUNT NOT TO EXCEED \$575,703

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge the project (Contracts for Brush Clearance) to be categorically exempt under Section 21084(a) of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), Subsection (h) of the Guidelines (maintenance of existing landscaping) and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk;
2. Authorize the City Manager to award a contract to Pan American Brush Clearance in the amount of \$575,703 over a three-year period for brush clearance services. This contract will have an option of two one-year extensions not to exceed \$191,901 per year, renewable at the discretion of the City Manager, for a total contract length of five years; and
3. To the extent that some of this work might be viewed as a separate project which should be competitively bid, the City Council shall exempt this transaction from competitive bidding based upon impracticality.

BACKGROUND:

The City of Pasadena manages brush removal in the Arroyo Seco area through an outside contract. Under this service agreement, the contractor removes non-native plants, clears debris from trails and roads, spreads mulch in specified areas, and abates litter and debris from assigned areas. The City has contracted for these services since 1999. Mariposa Landscape, Inc. was the brush clearance contractor from 1999 to 2009 and Pan American Brush Clearance was the contract provider from 2009 to 2014.

Most of the properties subject to this brush clearance are hillside areas and clearance is required by the Pasadena and Los Angeles County Fire Departments. In addition to the

Arroyo Seco locations, this contract will service a few properties that are managed by the City Manager's Office, Economic Development Division.

All brush clearance activities are performed in such a way to sustain the Arroyo Seco's natural environment, and in accordance with the Lower Arroyo Seco Master Plan; Arroyo Seco Design Guidelines; Arroyo Seco Management Plan; and the Tree Protection Ordinance.

On June 23, 2014, City Council awarded a three-year contract to International Environmental Corporation (I.E.C.) for an amount not to exceed \$588,522 to provide these services. The contractor terminated Contract #21,890 on February 20, 2015 claiming the City failed to meet its obligation to pay invoices within the 30-day period established within the terms of the contract. The City demonstrated that the delayed payment was due to the vendor's use of an incorrect email address to submit their invoices. Despite the City's efforts, I.E.C. ended its contractual relationship with the Department of Public Works on February 20, 2015.

In order to restore brush clearance services in and around the hillside areas, the City issued an emergency purchase order contract to Pan American Brush Clearance in March 2015 for an amount not to exceed \$40,000. Pan American Brush Clearance participated in the competitive bid process in June 2014, was the second lowest bidder, and has the equipment and personnel to perform these services. Since Pan American Brush Clearance is honoring its June 2014 pricing, the Department of Public Works recommends that the City Council authorize a contract for an amount not to exceed \$575,703 representing an annual cost of \$191,901 to Pan American Brush Clearance for brush clearance services for three years from the date of execution. The previous I.E.C. contract included a 10 percent contingency so in an effort to mitigate the impact of the 2.4 percent increase to the labor rate in awarding a contract to Pan American Brush Clearance, this new contract only includes a 5 percent contingency amount for emergency services.

The proposed contract with Pan American Brush Clearance fully complies with the Living Wage Ordinances and with the Prevailing Wage Law (Senate Bill 7) per Resolution 9406 adopted by the City Council on December 15, 2014.

The City Council is asked to approve the contract award to services performed by Pan American Brush Clearance without further competitive bidding on the grounds that it is impractical to bid and that the public interest would not be served by bidding. The impracticality doctrine is recognized and created by the case of Graydon v. Pasadena Redevelopment Agency. In that case, it was impractical to bid and the public interest would not have been served by bidding due to operational and safety considerations and the impact on traffic, residents, and local businesses. As in Graydon v. Pasadena Redevelopment Agency, 104 Cal. Appl. 3d631 (1980), the contractor who was selected for related work through a competitive bidding process was already mobilized and capable of performing the work. In this case, Pan American Brush Clearance participated in the competitive bid process in June 2014, was the second lowest bidder, and has the equipment and personnel to continue performing these services.

COUNCIL POLICY CONSIDERATION:

This contract is consistent with the City Council's strategic goals to improve, maintain and enhance public facilities and infrastructure, support and promote the quality of life and local economy, and ensure public safety.

ENVIRONMENTAL ANALYSIS:

This project is categorically exempt from the provisions of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), Subsection (h) of the Guidelines (maintenance of existing landscaping).

FISCAL IMPACT:

The cost of this contract is \$575,703 and the total cost of this action will be \$590,703. Funding for this action exists within the budgeted appropriations in the Department of Public Works, Parks and Natural Resources Division operating budget (budget account 8114-101-765100), and the City Manager's Office, Economic Development operating budget (budget account 8114-101-148140). It is anticipated that all of the costs for this three-year contract will be spent over the next three fiscal years. There are support costs such as contract administration and site inspections which are already included in the Parks and Natural Resources Division operating budget.

The following table represents a summary for this contract.


Base Contract	\$ 548,289
Contingency (5%)	\$ 27,414
Contract Administration/ Inspection	\$ 15,000
Total Fiscal Impact	\$590,703

Respectfully submitted,

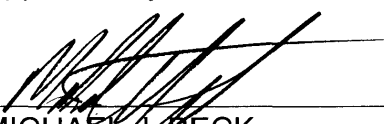


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