

8. Authorization to Amend Contracts with BioMaA's Inc. and Nomad Ecology to Increase the On-call Biomonitoring Services Contracts by \$100,000 Per Year: District-wide
CEQA Determination: Exempt per 14 Cal Code Regs §15301, §15302, §15304, §15307, §15308, §15061(b)(3)



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE July 16, 2024
TITLE Authorization to Amend Contracts with BioMaA's Inc. and Nomad Ecology to Increase the On-call Biomonitoring Services Contracts by \$100,000 Per Year: District-wide
DIVISION Acquisition, Stewardship, and Development
FROM Matthew Graul, Chief of Stewardship
Ken Wysocki, Assistant General Manager of Acquisition, Stewardship and Development
APPROVED Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors i amend contracts with BioMaA's Inc. and Nomad Ecology to increase the on-call biomonitoring services contracts by \$100,000 per year. The capacity of the following firms for on-call biological services will be increased for the remaining three years of the contracts by the following amounts:

- a) BioMaA's, Inc.'s capacity will increase by \$100,000 to \$200,000 annually; and
- b) Nomad Ecology's capacity will increase by \$100,000 to \$200,000 annually.

The capacity of AECOM, Sequoia Ecological Consulting, and Swaim Biological Incorporated will remain unchanged at \$100,000 annually.

BACKGROUND

The East Bay Regional Park District (Park District) requires biological services to comply with regulatory requirements for its construction, routine maintenance, and restoration projects. The biological services typically include pre-construction surveys for wildlife and plants and on-site biomonitoring during project construction. Occasionally, projects will also include long-term post-construction monitoring.

While a limited number of Park District staff are qualified to provide these services, the volume of services required exceeds the capacity of current Park District staffing, mainly because the nature of the work is seasonal, requiring multiple small maintenance projects to be completed simultaneously. Therefore, as in past years, the Park District sought outside consultants to provide as-needed biological services. The Board of Directors awarded similar on-call contracts on February 6, 2018, contributing to the successful completion of many routine maintenance projects. In addition, on-call biologists provide surveys and construction monitoring for newly listed wildlife species that inhabit our parks, like the Crotch's bumble bee, western pond turtle, and longfin smelt.

To continue to meet these obligations, the Park District issued a Request for Qualifications (RFQ) for biological services in July 2021. The Park District received sixteen (16) proposals. A Park District staff selection committee reviewed the proposals based on experience, qualifications, approach, and other factors such as capacity and breadth of species coverage. Based on this evaluation, staff determined the above-referenced five (5) firms to be the highest qualified and most responsive to the request for qualifications.

On November 2, 2021, by Board Resolution 2021-11-302, the Board of Directors approved the execution of five three-year on-call contracts for biological services with an option to renew at the Park District's sole discretion for an additional two years.

On-call contracts for these specialized services are standard best practices for public agencies and large land managers. Given the nature of on-call contracts, the Park District is not obligated to issue specific projects or a certain number of projects to the firm. This gives the firm a greater incentive to complete each job promptly and deliver high-quality services for each project to receive future projects through the contract.

The biological on-call contracts save staff time from processing individual contracts. After several years, some firms' skills and expertise have become critically important for responding timely to biomonitoring requests. Since the issuance of the initial RFQ, the amount of biological monitoring needs has increased, and an additional on-call biological monitoring support beyond what was estimated by staff in 2021 is needed. An example is the need for nesting bird surveys before hazardous tree removal during the nesting bird season (February 1 – August 31), a service that was not considered during initial estimates. To meet this increased need for biological surveys and monitoring, the Park District seeks to increase the capacity of two contracts under the existing biomonitoring on-call.

Given the volume of work anticipated over the next three years, utilizing outside consultants on as-needed biological services supports staff in completing this critical work.

The following table lists the previously approved five (5) biological monitoring firms approved by Board Resolution 2021-11-302, their increased value requested in this board action, and the revised total annual contract amounts.

On-call Biological Firms	Original Annual Value	Amended Annual Increase	Revised Annual Contract Value
1. AECOM	\$ 100,000		\$ 100,000
2. BioMaAs, Inc.	\$ 100,000	\$100,000	\$ 200,000
3. Nomad Ecology	\$ 100,000	\$100,000	\$ 200,000
4. Sequoia Ecological Consulting	\$ 100,000		\$ 100,000
5. Swaim Ecological Consulting	\$ 100,000		\$ 100,000
Annual Capacity Total	\$ 500,000	\$ 200,000	\$ 700,000

Access to a large breadth of firms with overlapping services has allowed for sufficient coverage during urgent and narrow time frames. Ensuring that the Park District has qualified, readily available specialists on-call has helped to improve staff's ability to meet project requirements and fulfill permit conditions in a timely manner.

ANALYSIS

The Park District could require each project manager to solicit individual bids from such firms on a project-by-project basis. This process is time-consuming and limits the Park District's ability to respond quickly to situations where biological services are needed in the immediate term. Since these firms have already been vetted as fully qualified and responsive, establishing on-call contracts allows each project manager maximum flexibility and efficiency in addressing the technical needs of their respective project.

FISCAL IMPACT

These will be on-call capacity contracts with no minimum contract value. These on-call contracts allow project managers to request biological monitoring services necessary to complete Park District projects. Funding for the contracts will be provided by the associated project's budget or operating funds before the work may begin.

ATTACHMENTS

None.



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 -07 -
JULY 16, 2024**

**AUTHORIZATION TO AMEND CONTRACTS WITH BIOMAA'S INC. AND
NOMAD ECOLOGY TO INCREASE THE ON-CALL BIOMONITORING SERVICES
CONTRACTS BY \$100,000 PER YEAR: DISTRICT-WIDE**

WHEREAS, the East Bay Regional Park District (Park District) requires biological services to assist with wildlife and plant surveys and provide compliance monitoring during construction to meet regulatory requirements for its restoration and routine maintenance projects; and

WHEREAS, on July 21, 2021, a Request for Qualifications (RFQs) for On-Call Biological Services was issued, and a Park District staff selection committee reviewed and ranked sixteen proposals, and selected five firms: BioMaAs, Inc., Nomad Ecology, AECOM, Sequoia Ecological Consulting and Swaim Biological Incorporated, to provide expertise in wildlife and plant surveys, and biological monitoring with agency approved biologists and monitors; and

WHEREAS, on November 2, 2021, by Board Resolution 2021-11-302, the board approved the execution of five three-year on-call contracts each for biological services with an option to renew at the Park District's sole discretion for an additional two years; and

WHEREAS, the biological on-call contracts have saved staff time processing individual contracts, and after a couple years, some firms' skills and expertise have been highlighted, and increasing those firms' capacity will continue to aid the Park District's efforts to maintain and restore the lands and stay in permit compliance; and

WHEREAS, on-call contracts for these types of specialized services are a standard best practice for public agencies and large land managers;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes amendments to the BioMaAs, Inc. and Nomad Ecology contracts for on-call biological services and increases capacity by \$100,000 to \$200,000 annually as presented to the Board of Directors on July 16, 2024; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted July 16, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: