

Item 24-0259: Award Single Source K-24 Native Landscape Management Contract to NES Ecological Services - A Division of Robert E. Lee & Associates, in an amount not to exceed \$192,345.12

Utilities Committee

Tue, Mar 12, 2024 4:30PM

Alderson Vered Meltzer (District 2) 01:46

Next, we have 24-0259 award single source K-24 native landscape management contract to NES Ecological Services, a division of Robert E. Lee and Associates in an amount not to exceed \$192,345.12.

Alderson William Siebers (District 1) 02:04

Move for approval.

Alderson Brad Firkus (District 3) 02:05

Second.

Alderson Vered Meltzer (District 2) 02:06

All right, we have a motion and a second. Any comments or questions on this item?

Deputy Director Pete Neuberger (Public Works) 02:12

District Three, again, this is good. So, this would be the second year that we'd be going with NES Ecological Services. For—prior to 2023, we had spent many years working with RES and prior to that working under another name, AES, and staff were impressed with the work that NES did for us last year, and we're happy to be able to recommend working with them again for 2024.

Alderson Vered Meltzer (District 2) 02:47

Thank you. Any questions from the committee? Go ahead, Alder Del Toro.

Alderson Israel Del Toro (District 4) 02:53

Any alternate bids for this project?

Deputy Director Pete Neuberger (Public Works) 02:56

Yeah. So, when we went—last went out for proposals, we had received three proposals initially. This goes back a few years now. So, it was it was RES, NES, and another company called Mergent. And at that point, it was it was—RES just beat out NES just by just by a nose the first time around. Mergent had an okay proposal too but they finished third place in the scoring.

Alderson Israel Del Toro (District 4) 03:33

And so, just a follow up. So, you went with NES instead of RES even though RES had the more competitive proposal?

Deputy Director Pete Neuberger (Public Works) 03:41

So, we originally went with RES for the for the first year or two, and then we were planning to go with them for '23. But right before we took the contract—single source negotiation requests—to committee, RES informed us that they were closing down their Northeast Wisconsin office and would not be able to service a contract for us any further, and it was at that point that we single source negotiated a contract with NES.

Alderson Israel Del Toro (District 4) 04:19

Sorry, may I—another question? Under the vegetation installation task, we see that invasive species and algal control will be controlled through herbicide, mowing, brushing, and controlled burns. Is there a way to specify which type of herbicide to be used or not used in this practice?

Deputy Director Pete Neuberger (Public Works) 04:44

So, we use standard industry chemicals, all of which the contractor is required to have qualified applicators to use. We also use a process where it's—before chemicals are used, a determination is made whether there are cost effective alternatives to chemical use such as cutting or hand pulling. Oftentimes, because of the sheer size of the sites that we have, some of those tools, especially hand pulling, are not practical. But the chemicals—the use of chemicals is vetted prior to use.

Alderson Israel Del Toro (District 4) 05:31

Thank you for explaining that. I guess my more my question is, I understand that there are chemicals out there that are approved for common use and having the right applicators makes sense. But there are also chemicals out there that are known ecological—ecologically problematic. And so, I'm wondering, can a contract like this be refined to include something like non-glyphosate chemicals can—only non-glyphosate chemicals can be approved or used in the maintenance of our stormwater facilities?

Deputy Director Pete Neuberger (Public Works) 06:04

So that question has come up in prior years contracts. It was discussed with the then-contractor, which was RES. We determined at that point to continue allowing the use of glyphosate chemicals. Much of that had to do with the effectiveness of the product, how quickly it becomes inert after placing it, and just the proven track record that glyphosate has. So based on this—that investigation that was done, we made a conscious effort to continue allowing the use of glyphosate through this contract.

Alderson Israel Del Toro (District 4) 06:42

And when did that negotiation or that last conversation take place?

Deputy Director Pete Neuberger (Public Works) 06:44

It was about three years ago.

Alderson Israel Del Toro (District 4) 06:46

Okay. Is there a way to recommend that this item be held until a renewed version of that conversation takes place? Science changes over three years, and we would like to—I personally would like to see alternatives more carefully considered before we start dumping glyphosate into our stormwater retention ponds. Chair?

Alderson Vered Meltzer (District 2) 07:14

Yeah. So, is this a time sensitive item, or would we be able to hold it to have that conversation?

Deputy Director Pete Neuberger (Public Works) 07:21

So, there's one element of this contract that's particularly time sensitive, and that would be the treatment of some aquatic vegetation that cannot be effectively treated after the water temperature in ponds reaches a reaches a certain temperature. So, we may lose the ability to do that if this is delayed. It's somewhat weather dependent, and without being able to predict exactly what the weather is going to be able to do, I can't say with certainty what that would what that would result in for this year.

Alderson Vered Meltzer (District 2) 07:54

So, if we—if we don't hold this item, if we approve it now, would it be possible to still have those conversations about the glyphosate?

Deputy Director Pete Neuberger (Public Works) 08:05

Could you repeat the question please?

Alderson Vered Meltzer (District 2) 08:06

If we approve this now, would it be possible to still have those conversations with the contractor about the chemicals?

Deputy Director Pete Neuberger (Public Works) 08:13

Yes.

Alderson Vered Meltzer (District 2) 08:16

Alder Del Toro, how do you feel?

Alderson William Siebers (District 1) 08:18

We, we could vote on this. It goes to Council. Our expectation is that there would be a discussion prior to Council, and if need be, we could have a special meeting just prior to Council to take it up again if need be.

Alderson Israel Del Toro (District 4) 08:35

I'd be okay with that.

Alderson William Siebers (District 1) 08:37

But I don't know; is that too short of a time period for you?

Deputy Director Pete Neuberger (Public Works) 08:40

We can definitely have that conversation with the contractor prior to Council.

Alderson Vered Meltzer (District 2) 08:44

Attorney Abshire.

Attorney Amanda Abshire (City Attorney) 08:49

Assuming that the committee—just procedurally, assuming that the committee would hypothetically recommend approval, it would go to Council next Wednesday. Right? And so, when you're talking about having a special committee meeting—right?—it would be in the ba—in the hands of the Council. So, what I might recommend in that similar fashion is that at—prior to Council we touch base right with Alder Del Toro or another member of this body, indicate what that substance of that conversation was, and if a member of this committee or any other Council member wishes to either hold the item, referred back to committee, that can be made right at Council next Wednesday.

Alderson Vered Meltzer (District 2) 09:30

That sounds good to me.

Alderson William Siebers (District 1) 09:31

I would—I would just think in regards to the time sensitive aspect. You know, the idea that we need to make a decision on this by, let's say, next Wednesday, and that's, you know...

Attorney Amanda Abshire (City Attorney) 09:54

I see what you're saying. So instead, this item would be held until a special committee meeting next Wednesday.

Alderson William Siebers (District 1) 10:01

Okay.

Attorney Amanda Abshire (City Attorney) 10:01

Is that—

Alderson William Siebers (District 1) 10:02

Yeah.

Attorney Amanda Abshire (City Attorney) 10:03

—maybe another option that—

Alderson William Siebers (District 1) 10:04

Hold it until the next—we could say the next meeting.

Attorney Amanda Abshire (City Attorney) 10:08

Right. And if we schedule a special meeting...

Alderson William Siebers (District 1) 10:10

That would be the next meeting.

Attorney Amanda Abshire (City Attorney) 10:12

I see what you're saying.

Alderson Vered Meltzer (District 2) 10:13

Do we want to schedule a special meeting 15 minutes before Council? Does that sound good? Or half an hour before? What is the committee feel?

Attorney Amanda Abshire (City Attorney) 10:21

I do apologize for interjecting. I think that there may be another committee meeting planning at least one.

Alderson William Siebers (District 1) 10:30

Public safety.

Attorney Amanda Abshire (City Attorney) 10:31

Yes, Safety and Licensing. Perhaps....

Alderson Brad Firkus (District 3) 10:35

Parks and Rec maybe.

Attorney Amanda Abshire (City Attorney) 10:36

There could be another. I don't know for certain. Okay, but those are, those are some of the options, I guess—the paths moving forward that this committee could take.

Alderson William Siebers (District 1) 10:53

I moved that we table for—'til our next meeting.

Alderson Vered Meltzer (District 2) 10:57

I'd like to hear from Alderson Firkus and then Alderson Del Toro.

Alderson Brad Firkus (District 3) 11:01

I—thank you Chair. I was gonna make the recommendation that we act on it today, knowing that we can get the information and that the timeframe wouldn't be that drastically impacted. If we were to have a special meeting next Wednesday prior to the Common Council meeting, really the only way that would in effect this timeline is if we were to learn something and say "No, you know what we want to recommend denial." If we find something, or if we want to say "Hey, we're going to want to refer this back," either of those scenarios is going to be the same as if we pass it today, learn something between now and next Wednesday, and then at Council say, "Hey, let's refer this back or let's do something else with it." I think if we say today, "Let's pass it," and knowing that we could have those other converse—those further conversations, even if it's something that we can't make any substantial changes to the contract until next year's contract, I think that can still happen. But by saying "Let's just approve it today," that at least gives us—that puts us in the best position where if everything comes back in an approving manner, we can get that done next Wednesday. There's no worries about this impeding timeframes for the things that have to be done sooner than later. Thank you.

Alderson Israel Del Toro (District 4) 12:10

I would agree with Alder Firkus. I'm happy to vote on it today. And just to be fully transparent, I am going to vote against, but there's three of you, there's one of me, so. But I do—I think we do—we can have this conversation during Council, and I'd love to hear before then, if you and I can communicate, on on—or you can communicate with the rest of the committee—on what your findings are of that conversation, that would be greatly interesting.

Alderson Israel Del Toro (District 4) 12:38

Just one last question on clarification. On the water treatment for algae, when is that typically applied, and what are the environmental parameters that that needs to be deployed at?

Deputy Director Pete Neuberger (Public Works) 12:48

So, the aquatic vegetation I was talking about wasn't actually algae, it was European Watermilfoil and curly leaf pondweed. So, on the algae question, that's pretty much treated as needed throughout the year. The other ones that I mentioned are treated very early in the season.

Alderson Israel Del Toro (District 4) 13:06

And what is very early?

Deputy Director Pete Neuberger (Public Works) 13:08

Before the water reaches 40 degrees Fahrenheit in waters.

Alderson Israel Del Toro (District 4) 13:12

Thank you.

Alderson Vered Meltzer (District 2) 13:13

Thank you. So, it sounds like we do not need a special meeting. I think that this is a very important conversation to have understanding that approving this and making sure that, you know, we get this contract activated in

time I think is prudent. But I think that just looking at what our options are, we need this work to be done. So, I don't think that I really have a question of whether to approve or deny. I think my question is more, you know, how can we have the right kind of conversation with our contractors so that we move forward in a way that makes us all happy.

Aldersperson Vered Meltzer (District 2) 13:54

Alright, so that said, any other comments? All right. All in favor? Aye. And opposed?

Aldersperson Israel Del Toro (District 4) 14:03

Nay.

Aldersperson Vered Meltzer (District 2) 14:04

All right, that is recommended for approval 3 to 1.