



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: FEBRUARY 3, 2009

ITEM NUMBER:

**SUBJECT: AWARD OF FORMAL BID ITEM NO. 1127 FOR A THREE YEAR PESTICIDE APPLICATION AND RODENT CONTROL CONTRACT**

**DATE: JANUARY 22, 2009**

**FROM: PUBLIC SERVICES DEPARTMENT – MAINTENANCE SERVICES DIVISION**

**PRESENTATION BY: PETER NAGHAVI, PUBLIC SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: BRUCE HARTLEY (714) 754-5123 OR  
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## **RECOMMENDATION:**

1. Award a contract for the pesticide application and rodent control services per Formal Bid 1127 to RPW Services Inc., 2473 E. Orangethorpe Avenue, Fullerton, California, 92831. The term of the contract is three years with the option of renewing for three additional one-year extensions with the expenditure amount not to exceed \$82,000.00 per year.
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement for the contract.
3. Authorize the City Manager to sign for any justified rate increase to the contract within his signing authority and to extend the contract for three additional one-year terms upon recommendation from the Public Services Department.

## **BACKGROUND:**

At the City Council meeting of January 20, 2009, the award of a three year pesticide application and rodent control contract to RPW Services Inc. was continued to the February 3, 2009, Council meeting to provide additional information regarding postings to warn the public of this work as well as possible use of organic-based, low toxicity alternative materials where applicable for the services covered by this contract.

## **ANALYSIS:**

The State of California Department of Pesticide Regulation (CDPR) regulates the purchase, storage, transportation and application of pesticides by public agencies, growers and commercial applicators. They enforce Federal laws set by the Environmental Protection Agency (EPA) as well as all State laws concerning pesticide use. The term pesticide, under federal and state law, includes all insecticides, herbicides, rodenticides, fungicides, miticides, etc. Regardless of the material or its toxicity, they are all collectively referred to as pesticides. Typically, the City of Costa Mesa contracts for the application of herbicides for weed control, rodenticides for the control of burrowing rodents and water-shading materials for the control of algae in aquatic environments. The City does not utilize

this contract for the application of any insecticide, fungicide or miticide; typically the more toxic materials within the 'pesticide' definition. The State of California requires and issues licenses for individuals who make the determination of what material should be applied for a given pest (Agricultural Pest Control Advisers License); for the training, supervision and application of pesticides (Qualified Applicators Certificate). The City staff administering the contract, the contractor's supervisors and the actual pesticide applicators are all licensed appropriately and meet the annual training requirements established by the State to insure adherence to any new laws, regulations and application methods.

The County of Orange is the local agency that enforces the laws and regulations on behalf of the State. Orange County Agricultural Commissioners Office representatives periodically inspect the contractor's application methods and the records of both the contractor and the City to insure compliance.

The specifications for this contract include requirements that the contractor carry appropriate licenses, provide written recommendations for each pesticide applied prior to application, Material Safety Data Sheet information, special insurance, and follow all applicable laws. Additionally, staff has included specific safety requirements for mixing, loading and transporting pesticides; requiring that those activities be performed in the City's Corporation Yard to minimize any chance for public exposure or any accidental spill on the street or on other public property.

The Federal EPA labels for each product specify posting requirements or re-entry restrictions that must be followed when any pesticide is applied to public property or agricultural sites. The minimum requirement is that a site must be posted with a notice that a pesticide has been applied, with the appropriate signal word (Danger, Warning, Caution) until the re-entry requirement is met, only if the site will be unsupervised. Products with a 'Danger' classification may have more stringent re-entry requirements. On City sites, the areas where applications are made are supervised by the contractor and/or City staff to insure any applied product is dry before the public is allowed to re-enter. Typically, this may occur once each year at most City parks or more frequently on sports turf. This meets EPA regulations, as well as State Department of Pesticide Regulation requirements and insures that the City does not rely on posted signs to protect the public from uninformed entry, as the signs may be removed by vandals. Sports turf areas within the City are fenced and with access completely controlled. This prevents potential exposure as well, but does not eliminate the other posting/re-entry requirements.

Of the thirteen products that the specification lists as potentially being applied through this contract, eleven of those products are low toxicity materials carrying a "Caution" label, the lowest level of the EPA classification system. Typically these products are very safe and require only normal work clothes and protective eye protection to apply. Over 90% of the material applied is "Round-Up" a low toxicity weed control product used widely in the industry and by homeowners. This product is available at many retail garden centers.

One herbicide used sparingly to control 'arrundo', a plant that looks like bamboo, carries a "Warning" label, which when applied requires protective clothing and eye protection. This product is one of the few that will control this noxious weed and is used only in the few locations in the City where this invasive weed thrives. Only one product applied under this contract carries a "Danger" designation, indicating a high level of toxicity. This project is a rodent control material that is applied below ground and dissolves, making public contact or non-target exposure nearly impossible. It is the most humane product available for rodent

control and is safe to use in areas where scavenging animals, dogs being walked and birds are prevalent.

When dry products are applied for weed control, they typically are applied on turf or in shrub planters and watered in to dissolve them and get them into the top layer of the soil where public exposure is unlikely. Liquid products are applied to either weeds or turf and allowed to dry

The products specified by the Maintenance Services Division for use on City property are typically those with the greatest efficacy, lowest toxicity and lowest cost. The general control of weeds on un-landscaped areas is performed with "Round Up", a low toxicity, cost effective material used throughout the country by homeowners and professionals. This material degrades quickly when it contacts soil and is rain proof within just a few hours. Alternative materials for general weed control have been found to be much more expensive when the necessary quantities are compared, and are slower to provide control and less resistant to rain or irrigation wash-off. They are typically no less toxic than 'Round Up' which carries the 'Caution' label, not due to toxicity, but because the spray may irritate eyes or other mucous membranes.

For controlling specific weeds, the options are fewer. Typically, when the Maintenance Services Division is controlling grassy or broadleaf weeds growing in sports turf or 'nutsedge' a highly invasive, hard to control weed in planters, there are only a very few low toxicity materials that will provide specific control without damaging the surrounding vegetation. These materials are also low in number due to the extremely stringent requirements the State of California has for registering pesticides for commercial use. California has the highest level of regulation and oversight of any state.

Although not specifically performed for this report, the Maintenance Services Division has tested alternative methods and materials over the years, and although the Division no longer uses some of the rodent control products that created concerns with the public, no safer, more effective alternatives have been found to the current list of products utilized in the maintenance of parks, un-landscaped areas and rights-of-way.

#### **ALTERNATIVES CONSIDERED:**

Contracting out pesticide application and rodent control has proven to be more cost effective than performing this function in house. As an alternative, Parks Maintenance crews could perform the pesticide application and rodent control; however, to accomplish this task would require the purchase of equipment, training and licensing of additional personnel and a shift of Park Maintenance personnel from their current maintenance activities. This alternative is not recommended due to the impact to current maintenance functions.

#### **FISCAL REVIEW:**

The cost of these services is included in Maintenance Services Division's budget. Maintenance staff provides the service schedule to the vendor and is responsible for keeping the cost within the budget constraints. There is \$82,000 available in the FY 08-09 budget for these services.

**LEGAL REVIEW:**

The City Attorney's office has reviewed and approved the attached Professional Services agreement as to form.

**CONCLUSION:**

The award of the proposed three-year contract will allow the Maintenance Services Division to coordinate pesticide application and rodent control each year. This contract is a cost-effective method to ensure that the City is only paying for the services provided. The City provides appropriate oversight to insure that all products are stored, mixed, transported and applied correctly, safely and with public safety and the environment always a priority.

It is recommended that City Council award the three-year price agreement for pesticide application and rodent control per Bid #1127 with a not to exceed amount of \$82,000.00 per year for the first three years and to authorize the Mayor and the City Clerk to execute the Professional Services Agreement. In addition, it is recommended that the City Council authorize the City Manager to sign for any justified rate increase within his signing authority and to authorize the City Manager to extend the contract for an additional three years if the Public Services Department recommends doing so.

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MARC R. PUCKETT  
Director of Finance

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PETER NAGHAVI  
Public Services Director

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BRUCE HARTLEY  
Maintenance Services Manager

ATTACHMENTS: 1. [City Council Agenda Report, January 20, 2009](#)

Distribution: Public Services Director  
City Manager  
City Clerk