

Weed management contractors: Future market and needs

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OK, let's just admit it; this is a confusing area for many people. An overview to clarify some basics about what is legal, required, and advisable under various scenarios will be provided, followed by a Q & A. Specific questions to be addressed: What types of contractors can legally perform weed management work? What are the benefits and disadvantages of the different types of professional licenses? How does one go about finding a contractor and how do you make sure you get the results you're paying for? How does one set up and become a successful wildland weed control contractor? Contracts – Is everything negotiable?

This discussion took a “shotgun approach” to accommodate both clients and contractors. Most of the group seemed to be clients.

Handouts were provided detailing the types of licenses available, the types of contracts usually used, an outline of the topics for discussion, and a packet on how to develop bid specs produced by another environmental contractor.

- 1) The federal gov't has a large number of regulations and guidelines for putting out bids and hiring, but how should clients define their desire and outcomes in these bids?
 - a. Maybe bypass results-based contracts even though results-based outcomes are generally desirable.
 - b. Have a detailed scope of work to avoid a change order and corresponding increase in price.
 - c. Clients may not know exactly what they want, which can be difficult for the contractor. Competing contractors may be less careful to help clients figure out what they want and end up underbidding.
- 2) Suggested performance measures that have worked for Shelterbelt?
 - a. Keep things flexible – maybe by using a Time and Materials contract with a Not-to-Exceed time and 95-98% endpoint.
 - b. Acknowledge risk
 - c. Absolutes (such as eradication) are not desirable – they can end up in nasty negotiations with lawyers.
 - d. Share communication and knowledge, understanding of the variability involved between the two partners is best.
- 3) When do you pay your contractor?
 - a. Fixed price contracts with stepwise triggered payments.
 - b. Invoice retention – 10% released at a given milestone. Plus endpoint payment retention.
 - c. *Alloptions are open!* But your terms will influence what kind of bids you get as a client.
- 4) Writing an RFP

- a. Different levels of cost estimate will trigger different regulations for state / federal clients and change how bids are put out.
 - b. “Best value” is determined by the RFP, which may be written to avoid the lowest bid!
 - c. Liability issues influence RFP writing.
 - d. Amount of variability can influence a fixed price contract, so it becomes a gamble with how many bids one will get for a project. A different bid type might be better for high variability projects.
 - e. Have a 20% contingency for time and materials contracts. Provides a “bonus” for getting work done quickly
 - f. Weed world is small! Contractors don’t want a bad reputation.
- 5) What happens when the goal isn’t met?
- a. Mark wasn’t sure because it hasn’t happened to him.
 - b. Go into negotiations?
 - c. Mark recommends getting feedback throughout the project to avoid that issue.
 - d. Shared responsibilities should be built into the contract.
 - e. Monitoring throughout the time period is key.
 - f. Contract specs determine who can apply.
- 6) How do you find a list of contractors to mail your request?
- a. CalIPC Proceedings
 - b. Word of mouth
 - c. Check with other agencies
 - d. Army Corps of Engineers made a self-reporting list with a disclaimer for wetland delineation.
 - e. SERCal newsletter
- 7) Should a client pay for travel and hotel?
- a. Possibly more for out-of-the-way counties.
 - b. Depends on how far they’re going because travel increases the overhead.
 - c. Business operations may not accommodate longer distance travel at all.
 - d. Some contractors travel widely, some not. Some used to and failed.
 - e. If you like the contractor enough, it may be worth it to pay travel.
- 8) Where do clients find business?
- a. People approach them.
 - b. Referrals
 - c. Public record from past projects
 - d. “Via?” online – send emails on contracts available for public work.
 - e. The government has a list of preferred contractors they can use for a work order.
 - Simplifies process for agencies
 - Still competitive, but can be set to be an “on-call” basis for long-term contracts.
 - f. Contractors will work with clients to build the contract, and often prefer this course.
 - Many will help design the project pro bono because it increases their chance of getting the bid.

- Some risk to them in doing this.
 - But clients are more likely to get the contractor they want.
 - g. Contractors will also help write grants because it allows for a sole-source funding situation, as opposed to general fund. Can help bypass some of these bidding regulations?
 - h. Can bring agricultural or forestry people in as contractors
 - May bring different skills and equipment
 - Safety standards may be very different.
 - Make sure all the basic safety requirements etc. are in the contract from the beginning, and understood!
 - i. Avoid nozzleheads with little environmental or ecological knowledge.
 - Contractors! You should go advertise at WSSA (weed science society!) because there are few people in wildland or natural areas work sponsoring there.
- 9) General suggestions and comments.
- a. CA Conservation Corps has no overhead and streamlined contracting process with some agencies
 - CalIPC is trying to help mentor CCC to improve their weed knowledge
 - b. Temporary hires and prison crews are also cheap, but the work may not be of a high quality.
 - c. Public regulations require that some disadvantaged people must be included in public projects, and have to be hired off a list.
 - They are sent to join the contractor's crew.
 - Labor laws dictate that the employer (contractor) must train and supervise disadvantaged employees hired through this process.
 - d. There's a *shortage* of licensed contractors.
 - e. Contractors can hire subcontractors or clients can hire multiple contractors to divvy up large jobs into different specialities.
 - f. Ask contractors to itemize their costs if you want – big clients always will. Then you can compare contractors more directly and know which are a better fit for your needs.
 - g. Because weed work is time and season dependent, develop contracts with flexible plans built in.
 - A good contractor will help you write this.
 - Sometimes less skilled contractors are easier to accommodate.