

Breakout Session

Working with Contractors: Habitat-Oriented RFPs and Specifications

10 September 2019

Session Objectives:

- Revisit **key take-aways from panel discussion** that will help us find ways to incentivize habitat creation, enhancement, and management through contract mechanisms
- Develop a **wish list of tools, guidelines, templates, case studies, or other resources** that are needed to help organizations adopt better contracting practices to promote habitat
- **Identify and prioritize products** that the ROWHWG can create that will be broadly applicable to our diverse participants

Summary:

- The group identified a “wish list” of tools and products for the ROWHWG to develop in order to help organizations work better with contractors to promote habitat:
 1. Define “green” contractor (start by coming up with another name besides “green”)
 2. Habitat specification with visual aids and plant IDs (similar to what NRCS provides)
 3. Develop specifications (or pre-qualification requirements) for contractor training and certification related to habitat practices
 4. Develop template contracts and boilerplate language and deliverables that promote habitat practices, include language that can also be incorporated into vegetation management plans
- The group identified that there is a need for better communication (the earlier the better!) and additional training for contractors.
- There is an opportunity to share both contracting success stories and failures to learn from one another.
- Standard definitions, language, training, and tracking could help streamline the process for organizations and increase industry uptake.

1. Reactions from yesterday’s Contracting Panel

- What do we define as success in a ROW?
 - Establishing vegetation? Do you have success criteria? It could mean erosion control, stewardship, vegetation, etc. what is success defined to you?
 - Success to us looks like conveying the right language to contractors, where we can move towards a successful contract and create pollinator habitat with a common understanding.
 - Long term establishment; each project is different regarding diversity but the overarching goal is to ensure that the habitat will be there long term.
 - Successful contracts; procurement language is based on minimizing risk, how can we take the risk language and broaden it while still protecting ourselves?
- Department of Transportation (DOT) perspective
 - From a DOT perspective, our plans are very outdated. We are working on correcting that now in an attempt to create a smoother transition.
 - Within a DOT, we can standardize expectations (e.g., seed mixes) but the working group could help by coming up with baseline information. We can learn from these

meetings; we need to know what unnecessary underlying factors in the contracts drive up costs

- Suggestion to include Federal Highway representatives to hear our concerns
- Utility perspective
 - The onus seems to be on the project lead instead of the contractor to ensure success in habitat practices
 - Important to integrate habitat discussions early into the planning process, i.e., at pre-construction meetings, yearly meetings with vendors, and in long-range plans
 - How difficult is it to get a utility to change the way they do things? Need to be proactive not reactive; needs to be a program not a project

2. Opportunities for the ROWHWG to help organizations adopt better contracting practices to promote habitat creation, enhancement, and maintenance

1. Communications and engagement

- We need better partnerships with contractors so that we are all on the same page. Some companies have the same contractors for years and the proper communication is not there
- Where/what are the contractor meetings – we need to go to them!
- Involve contractors early in the process (pre-bid meetings) to define expectations immediately
- Engage procurement upfront (identify qualified contractors)
- You can have great communication with a partner but can lack the proper data. This creates inefficiencies.
- Are there listservs that contractors can view?

2. Contract and RFP examples

- We need universal definitions/languages for contracts and RFPs that we all agree on
- Case studies for demonstration and analysis of success factors
- Separate green contracts from general contracts; address delay concerns
- Programmatic “GGC” – qualified contractors are at the top and the larger company is importing crews
- Need specifications for herbicide contracts that include more defined outcomes – what needs to be removed or added to enhance habitat
- Template contracts that list out tasks and deliverables

3. Accreditation training, certifications, specifications

- Training goes hand in hand with specifications
 - Need annual training/teaching/accreditation for contractors
 - A better definition is needed for targeted herbicide application because it is used often in the CCAA. Ensure that our contractors have the same IVM goal and definition that we do
 - The turnover is on the boots on the ground guys; maintenance is responsible for continuing enhancement. We have to be realistic with ourselves, if we cannot

figure out herbaceous exotic natives ourselves then they won't either. How can we make the training/communication less overwhelming?

- Create incentives for training – maintenance crews can receive pay grade during the length of a rotation. With incentives, people stick around for longer.
- Plant identification has been swept under the rug for years but it's a huge component; more training is necessary
- Define *green* contractor
 - Come up with another word than green because it comes off as a premium but we want this to become the new standard.
 - This should be broader than green contracting, this should be everything from quarterly meetings to very hands-on projects.
 - We have to first decide what the objective is; the contractors will follow as long as we know what we want first
 - There is a new definition of IVM which includes pollinator habitat. This may be something we can leverage with vegetative management departments

4. Tracking

- We do not have standard ways of tracking quality habitat; especially starting to succession and that needs to be improved. Our contractors are not trained for enhancement.
- There is a lack of reporting and tracking which will be used for the CCAA. There is a disconnect with our contractors reporting
- ATC uses ArcGIS online to track seed mixes. We use a pollinator layer to communicate to the veg. managers and maintenance crew where there are areas with special projects. There is a communication need but it is on our end to pass on the message
- Documentation expectations in contracts; ensure that acreages and conservation measures are reported properly
- Need reliable software systems that are paperless and compatible (e.g., web based for certain aspects such as herbicide application, assumed competency level)

5. Tools and Best Management Practices

- Tools
 - Habitat specification with visual aids/plant ID (e.g., NRCS)
 - Scoring system for contractor certification
 - Contract mechanism for extending/supporting handoff from establishment to management
- Best Management Practices
 - Contractor accountability – define vegetative cover
 - ROW organization controlling inventory (seed, herbicide, etc.)
 - Push NRCS to develop standard ecological site descriptions taking DOT concerns into account
 - Long-range ROW management plan put in place

- Peer pressure leadership and bring them to the ROWHWG meeting
- Data collection to see what our contractors are doing
- Reward documentation of enhancement activities in contracts
- Share listservs where communicating contracts

6. Find the success stories/case studies and figure out what made it work

- Success stories
 - We are in control of our destiny, our company has a corporate responsibility group with environmental as one of the pillars. We need to continue to place measurable values and benefits. We need the documentation to tell the story.
 - Reward documentation of enhancement activities that are defined in advance – Reward excellence above adequacy
 - Share both the successful/unsuccessful contracts so we can learn from each other
 - We share the cost-savings webinar with our clients; need more webinars that can be used to inform our clients

3. What needs to be done, who needs to be involved, potential funding, timeline, final product/outcome, etc.?

- What needs to be done
 - Define vegetative cover, success, contractor accountability – create a standard definition
 - Training is needed down to the crew level; training should be part of accreditation requirement to encourage more frequent training
 - Separate green contracts from general contracts. We cannot expect for contractors to wait few years for greater coverage.
 - Involve contractors earlier, maybe at pre-bid meetings to help define the goal. The contractors need to understand the bigger picture (e.g., why we mow)
 - Engage procurement earlier – low bid often leads to less qualified contractors which potentially lead to long term problems down the road. Investing in a qualified contractor in the bid can help you avoid expensive problems
 - Green contractor standards and licensees vary; but it would be helpful to learn from each other. There are some standards (e.g., NRCS) that we can borrow to start
- Who needs to be involved
 - Suggestion to include Federal Highway representatives to hear our concerns
 - Bring supervisors to next ROWHWG meeting to peer pressure them, they can learn a lot from this group and see the needs
 - Existing standards within NRCS; ensure that seed blends are developed in an ecological way. These standards do not exist in every state but this group can help convey the need
 - Land Improvement Contractors Association (LICA) has drainage earth moving certifications. We create the trainings and they tie into NRCS standards. The ROWHWG can define the standards and present them to LICA. The system is out there; you just have to develop the standards.