



MEMORANDUM

TO: Mayor and Council

FROM: James Scarboro, Purchasing Officer *Jan*

DATE: August 14, 2017

SUBJECT: Item 42 – Energized Distribution Line Clearance Services
Follow up regarding questions raised at the May 18, 2017 Council Meeting

Item 42 on the August 17, 2017 Council agenda is for the approval of two contracts to provide energized line clearance services for Austin Energy's electrical distribution system. This item originally went before Council on May 18, 2017. The purpose of this memorandum is to address questions raised during that meeting concerning this item.

Background

The May 18, 2017 Council agenda included a request to authorize contracts with Asplundh Tree Expert Co. and Wright Tree Service Inc. to provide line clearance services on Austin Energy's energized distribution lines. This recommendation was made in response to a Request for Proposals, which evaluated the offers from five respondents. Line clearance services include tree pruning and removal of various types of vegetation growing around energized electrical lines, utility easements, and rights-of-way requiring specialized equipment and staff with specialized training.

An evaluation team with expertise in this area evaluated the offers and scored Asplundh Tree Expert Co. and Wright Tree Service Inc. as the best to provide these services based on technical solutions, demonstrated experience, cost, and local presence.

During discussion of this item, a number of issues were raised by speakers on behalf of Garcia Tree Trimming Company (GTT), one of the respondents to the solicitation not recommend for contract award. Council postponed the item to allow staff time to respond and provide additional information on the issues described below.

How were M/WBE subcontract goals assigned for this project?

The Small Minority Business Resources (SMBR) Department assigns MBE/WBE subcontract goals to solicitations based on the types of work to be performed in the resulting contracts and the availability of City certified MBE and WBE firms that perform these types of work. Over 90% of the work to be performed under the resulting contracts was for tree trimming services for "Utility Lines (Energized)" of which there was only one certified MBE and no WBEs available. The remaining work to be performed

was predominantly comprised of hauling services and herbicides at 3% for each. Other work included first aid kits, ice and gasoline for smaller percentages. As there were sufficient quantities of certified firms available for the hauling services work, SMBR assigned subcontract goals in the amount of 4.2% MBE and 1.86% WBE respectively.

What are Austin Energy's requirements to qualify to perform line clearance work on energized distribution lines?

Austin Energy requirements, which are based on federal safety standards, state that:

All work shall be done in a thorough and professional manner in accordance with the Contract Documents, Specifications and acknowledged Industry Standards. Deviations from the Contract Documents, and Specifications or Industry Standards shall not be permitted without the prior written consent of Owner. These standards include but are not limited to:

- OSHA 29CFR 1910.269 Electric Power Generation, Transmission, & Distribution
- ANSI A300, (Part 1) – 2008 Pruning - "Tree, Shrub and Other Woody Plant Management Standard Practices (Pruning)"
- ANSI Z133- 2012, "For Arboricultural Operations – Safety Requirements"
- City of Austin Environmental Regulations and other applicable Federal, State and Local Ordinances and laws

Any material, method, or procedure specified by reference to a specific standard or specification, such as a commercial standard, federal or state specification, industry or government code, trade association code or standard, or other similar standard, shall comply with the requirements in the latest revision thereof and any amendments or supplements thereto.

Qualified Line Clearance Contractor

https://www.osha.gov/SLTC/etools/electric_power/overheadlinework_lineclearance.html

Line-clearance tree trimmers are workers that have received specialized training so they can work within 10 feet of energized power lines and equipment. These workers must:

- Determine the voltage(s) of any lines that may pose a hazard before work begins. Alternatively, all lines must be considered as operating at the voltage of the line with the highest voltage. [See [1910.269\(r\)\(1\)\(i\)](#)].
- Ensure their body parts and any ladders, platforms, or aerial devices being used remain outside the minimum approach distance from any energized part. [See [1910.269\(r\)\(1\)\(iii\)](#) and [\(v\)](#)].
- Use only insulated tools and equipment to remove branches and limbs that are in contact with, or are within the minimum approach distance of, energized parts. [See [1910.269\(r\)\(1\)\(iv\)](#)].
- Not work during adverse weather conditions (high winds, icing, thunder and lightning, etc.) that make the work hazardous. Line-clearance tree trimming personnel may, however, begin work on storm restoration efforts in the aftermath of a storm (that is, in less severe weather conditions) if they have been trained in the special hazards involved with this type of work. These employees may perform work in any type of weather if the lines and circuits in the area have been deenergized per the requirements of [1910.269\(m\)](#). Also see [1910.269\(r\)\(1\)\(vi\)](#) and [CPL 02-01-038, Appendix B, Item 16](#).

In addition to these specific operational requirements, line-clearance tree trimmers must also:

- Be trained and certified in, and observed (at least annually) to be complying with, safety-related work practices and procedures (including emergency procedures).
- Follow the [medical and first aid](#) provisions of [1910.269\(b\)](#).
- Be provided a [job briefing](#) before starting a job or if expected conditions change.
- Properly wear approved PPE, including [fall protection equipment](#), when needed.
- Comply with material handling and mechanical equipment (for example, [aerial lift](#)) requirements outlined in [1910.269](#).

While line-clearance tree trimmers can work alone, a second line-clearance tree trimmer must be within voice range of the first line-clearance tree trimmer if: [See [1910.269\(r\)\(1\)\(ii\)](#)].

- The trimmer will approach within 10 feet of any conductor energized at more than 750 volts.
- Parts are energized at more than 750 volts and branches or limbs are being removed from within the minimum approach distance.

Roping is necessary to remove branches or limbs from conductors or equipment.

Why was GTT scored so low for their Technical Experience when they have successfully worked as a contractor for Austin Energy and surrounding electrical co-ops?

Solicitation responses must include sufficient detail and specificity so that the evaluation committee can determine if the response meet and/or exceed the solicitation's requirements. The experience requirements in the solicitation included the following.

- i. Contractor must demonstrate a minimum of five (5) years of work as a successful energized utility line clearance Contractor.
- ii. A minimum of five (5) positive references where the Contractor has provided services of a similar size and scope within the last three (3) years.

GTT did not provide sufficient evidence beyond the minimum requirements for the evaluation committee to definitively determine the quality and extent of their experience as a successful energized line clearance Contractor.

Why were the concerns with the “English only” document raised by one of the speakers?

Although such a document does not exist, the Energized Line Clearance solicitation specifies that certain supervisory staff be able to communicate in English:

- iv. **Working Foreman B** - (Foreman trainee), Contractor written certification verifying all requirements are met and Owner's written acceptance.
 - a. 18 months of experience as a tree trimmer, and/or Owner and Contractor written approval.
 - b. Meets all conditions and abilities required in subordinate positions.
 - c. Speaks English and able to read and write in English and able to communicate with customers and Owner personnel concerning work.
 - d. Able to read a map and route crew(s) to work site in most efficient manner.
 - e. Familiar with all Contractor and Owner reporting procedures and able to take over a crew in an emergency.

Based on GTT's cost proposal, years of experience, and being a local and minority owned company, why wasn't GTT awarded the contract or higher points under Technical Experience?

The evaluation of GTT's proposal was based solely on the evaluation criteria in the solicitation and the information provided by GTT in their proposal.

Price. GTT's price was among the lowest price received and they received a high score for their price proposal. As price is but one of the solicitation's evaluation criteria, low price alone is not sufficient to receive the highest overall score.

Experience. While GTT has not performed work directly for the City of Austin, GTT did indicate in its response that they had performed related work for another contractor and an outside communications company associated with the installation of communication lines on Austin Energy poles. Communication lines however are not energized lines. Communication line work does not constitute the same level of training, skill, or experience as work performed in the proximity of energized lines. Any firms providing energized line clearance on Austin Energy's lines must first be qualified by Austin Energy before they can perform work, whether this work be under a City of Austin contract or under a contract with another company that is accessing Austin Energy poles. According to Austin Energy's records GTT was not authorized to perform energized line clearance work on Austin Energy poles.

Local Preference. GTT's proposal received 10 points, the highest number of points available, for local preference.

Minority Owned. The City's current MBE/WBE program administered by SMBR is limited to subcontract goal-setting as set forth in City code. SMBR evaluated this solicitation and assigned MBE/WBE subcontract goals as outlined earlier in this memo. GTT's proposal was evaluated and found to be in compliance with the solicitation's assigned MBE/WBE subcontract goals. Beyond this subcontract program there are no statutory or regulatory means to give preference to MBE/WBE certified offerors.

Additional Information

On May 12, 2017, the Purchasing Office received a Notice of Protest and Request for Debrief from GTT regarding the Transmission Energized Line Clearance Project (solicitation number TVN0061) and Distribution Energized Line Clearance Project (solicitation number TVN0062). The Purchasing Office denied GTT's protest of solicitation no. TVN0061 as GTT did not respond to this solicitation. The Purchasing Office denied GTT's protest of TVN0062 protest because: 1) the protest was over a month past the protest due date; and 2) it included no legal or factual errors within the solicitation award that provided a basis upon which to affirmatively grant the protest. Although the protest was denied, the Purchasing Office accepted GTT's request for a debriefing.

On June 8, 2017, the Purchasing Office held a debriefing meeting with GTT to review the City's evaluation of their proposal and to answer any questions GTT had about the evaluation process. At this meeting, Purchasing Office staff informed GTT of their ability to submit a further protest based on any new information revealed during this meeting. No subsequent protest was received.

Staff Recommendation

The Purchasing Office and Austin Energy recommend approval of the proposed contracts with Asplundh Tree Expert Co. and Wright Tree Service Inc. for energized distribution line clearance services. Please do not hesitate to contact me at (512) 974-2050 or james.scarboro@austintexas.gov if you have questions.