

ORDINANCE/RESOLUTION REQUEST

All Fields must be completed

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: **09/3/2021**

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Type of Request:

- ☒ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☐ Rezoning/Text Amendment
- ☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change
- ☐ Other:

2. Title: Approves US Dept of Agriculture Animal & Plant Health Inspection Service (APHIS) Wildlife Services contract execution, No. 202055858.

3. Requesting Agency: Department of Aviation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Dave LaPorte	Name: Carolina Flores
Email: Dave.Laporte@flydenver.com	Email: Carolina.Flores@flydenver.com

5. General description or background of proposed request. Attach executive summary if more space needed:

The purpose of this contract is to provide a cooperative wildlife management program which is a requirement of Federal Aviation Regulation (FAR) Part 139.337 at Denver International Airport (DEN). The mission of this wildlife management program contract is to provide wildlife management services to DEN to reduce conflicts between people and wildlife and to increase aircraft safety. The US Department of Agriculture-Wildlife Services (USDA-WS) currently has primary responsibility for responding to all threats caused by wildlife at DEN. The focus is to help promote the safe operation of aircraft by working with airport managers and operators to document, assess, and manage wildlife hazards at DEN.

Wildlife-related events at airports can result in monetary losses, equipment and infrastructure damage, and human injuries or death. Maintaining aviation safety is the top concern of United States Department of Agriculture animal and Plant Health Inspection Service (APHIS) working with DEN to reduce wildlife hazards; such as human injuries and loss of life are the most significant consequences of wildlife strikes with aircraft.

The driving need for this contract is to support, maintain and implement the Wildlife Hazard Management Plans (WHMP) required by the Federal Aviation Administration (FAA) and to enhance compliance with the requirements of FAR Part 139.337 at DEN. This objective also involves technical assistance and direct management of hazardous wildlife and assistance with wildlife attractant management efforts on and near DEN.

6. City Attorney assigned to this request (if applicable): Deborah Overn

7. City Council District: 11

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: BR21 1045

Date Entered: _____

Revised 03/02/18

Key Contract Terms

Type of Contract: Professional Services > \$500K

Vendor/Contractor Name: US Dept of Agriculture Animal & Plant Health Inspection Service (APHIS) Wildlife Services

Contract control number: 202055858

Location: Denver International Airport

Is this a new contract? ☒ Yes ☐ No **Is this an Amendment?** ☐ Yes ☒ No **If yes, how many?** _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

01/01/2022 – 12/31/2026 5 years

Contract Amount (indicate existing amount, amended amount and new contract total): new contract total:

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
N/A	N/A	\$3,069,878.02

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
N/A	N/A	01/01/2022 – 12/31/2026

Scope of work:

PROJECT SCOPE

- 1) Enhanced identification and assistance in alleviating of wildlife hazards to aviation.
- 2) Coordinating a Wildlife Hazard Committee and holding monthly meetings.
- 3) Assistance with strategic planning of wildlife management program.
- 4) Support on wildlife damage management issues with regulatory agencies, the public, or others.
- 5) Report preparation on wildlife species presence and seasonal and behavioral activity of wildlife (using quantitative data).
- 6) Compliance with FAA requirements for Wildlife Hazard Assessments (WHA), Annual Monitoring Reports, and Wildlife Hazard Management Plans.
- 7) Enhanced training for airport personnel.
- 8) Maintaining wildlife management data.
- 9) Requisition of required Federal and State permits for wildlife depredation, trapping, and relocation.

Was this contractor selected by competitive process? Non-Competitive Professional Preference **If not, why not?**

As a service of the United States Federal Government, the USDA APHIS-WS is the only vendor that can provide a comprehensive, wildlife program for airports, at the scope and size DEN's 53 square miles requires. The USDA-WS began providing wildlife related services to DEN in 1999. USDA-WS has continued to provide wildlife-related services to maintain compliance with FAR 139 AC150/5200-36A. There are over one dozen certificated airports across Colorado that consult with the USDA on a technical and operational basis, and approximately four hundred twenty (420) airports nationwide consult similarly with the USDA-WS. The USDA-WS has been instrumental in assisting DEN in meeting FAA requirements over the past years and the continuation of this inter-governmental agreement best serves the traveling public, enhancing safe air carrier operations.

The USDA-WS is the only provider that has an established history working with the FAA on wildlife issues, as evident through the

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Memorandum of Understanding implemented in 2005 between USDA Wildlife Services and the Federal Aviation Administration. Through the 20-year relationship with DEN, they've gained indispensable and intimate knowledge of the wildlife and area-specific habitats on DEN property that cause a threat to human health and safety, and how to effectively mitigate those threats.

As a federal agency, the USDA is able to manage species such as protected birds and threatened or endangered species more efficiently than a private contractor. USDA is the only wildlife services provider that can directly apply for required National Environmental Policy Act permits. Furthermore, the USDA-WS provides several permitting options that DEN would not be able to obtain through a private contractor, including those associated with trapping and relocation of endangered species and Bald Eagle permitting. The USDA has a liaison with US Fish and Wildlife that allows them to obtain permits to manage federally protected birds. If DEN were to contract privately, the contractor would have to consult with USDA in situations involving protected birds or endangered species. This extra layer of consultation could cause a decrease in efficiency and reduce response times by a private contractor.

The USDA can also administer chemical immobilization. This is most commonly used for captive animals in a controlled environment, research, trapped animals, and dealing with potentially dangerous species to create low risk to human and animal safety. USDA-WS also brings a plethora of partnerships and working history with all airport stakeholders to include the FAA, TSA, and state and local authorities.

The USDA is the only vendor that is self-insured (as the Federal Government), reducing costs, and mitigating risk posed to the DEN due to carrying and discharging firearms (in accordance with the FAA Wildlife Hazard Management Plan) in a TSA-controlled Secure Area. In addition, Government employees pass an extensive background check and are also federally certified to carry firearms.

The USDA- WS provides advanced training opportunities such as the National Training Academy for Wildlife Services personnel. Other wildlife service providers to airports must obtain this training from the USDA. The USDA also provides a full media relations and public affairs division and a national research division funded by the FAA. USDA manages the wildlife strike database to further help reduce bird/mammal strikes.

Lastly, the USDA is a federal government entity and is not allowed to bid on requests for proposals. This has been verified by DEN Legal.

Has this contractor provided these services to the City before? ☒ Yes ☐ No
Since 2005

Source of funds: O & M, Airside Operations, Cost Center 6042110

Is this contract subject to: ☐ W/MBE ☐ DBE ☐ SBE ☐ XO101 ☐ ACDBE ☒ N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract? N/A

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