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OAKLAND  
2016 JAN 28 AM 8:54

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Brooke A. Levin  
Director, Public Works

**SUBJECT:** Sanitary Sewers Root Foaming

**DATE:** December 11, 2015

City Administrator Approval

Date:

1/26/16

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For On-Call Sanitary Sewer Root Foaming Services FY 2015-16 (Project No. C457112) And With Contractor's Bid In The Amount Of Five Hundred Twenty-Two Thousand Four Hundred Ninety Dollars (\$522,490.00).**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute a construction contract with Duke's Root Control, Inc. in the amount of \$522,490.00. The Root Foaming Program is required to reduce the number of sanitary sewage overflows and backups caused by root intrusion into sewer lines. Root foaming application has resulted in the reduction of sanitary sewer backups and damage to private and public properties. The work for this project is located throughout Oakland as shown in **Attachment A**.

## BACKGROUND / LEGISLATIVE HISTORY

On December 10, 2015, the City Clerk received one bid for this project in the amount of \$522,490.00 as shown in **Attachment B**. Duke's Root Control, Inc. is deemed the lowest responsive and responsible bidder therefore is recommended for the award. The Engineer's estimate for the work is \$542,215.00. This project is part of the City's annual Sanitary Sewer Rehabilitation program intended to improve the sanitary system conditions throughout Oakland, and is required under the 2014 Sewer Consent Decree.

## ANALYSIS AND POLICY ALTERNATIVES

The objective of root foaming treatment is to control tree root growth in sewers and reduce the number of sanitary sewer overflows related to root intrusion inside public sewer pipes. The herbicide used by this Contractor for this treatment is Razorooter™ II root control, composed of Diquat dibromide. The herbicide is registered for use in sewers by the United States

Item: 3  
Public Works Committee  
February 9, 2016

Environmental Protection Agency (EPA) and the California Department of Pesticide Regulation. As required by the State, the Contractor has a state pesticide applicator's license and will only apply root foaming to sewer lines selected by the City. The majority of the sewer lines are located in easements where access is limited for equipment and staff and where tree roots are most common.

Work is scheduled to begin in March 2016 and should be completed by August 2016. The contract specifies \$500.00 in liquidated damages per calendar day if the contract is not completed within 120 working days. The project schedule is shown in **Attachment B**.

The Local/Small Local Business Enterprise and Trucking programs were waived for this contract as a result of an availability analysis performed by the Social Equity Division of the Department of Contracting and Purchasing, shown in **Attachment C**. Root Foaming is specialty work and there are only three contractors available statewide.

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer flows during storm events. This project is part of the City-wide program to improve pipe conditions and reduce sanitary sewer overflows.

### **FISCAL IMPACT**

The total one-time cost to implement this project C457112 is \$522,490.00, which is included in the FY 2015-16 Budget in Fund 3100 – Sewer Service Fund, Organization 92244 - Sanitary Sewer Design Organization, Account 57417 - Sewers Account.

The project goal is to reduce short term maintenance demands, resolve root issues in steep, hard to access easements in the Oakland hills and help comply with regulatory requirements. Root foaming application has resulted in the reduction of sewer backups, damage to private and public properties, and citizen claims. Funding for this project is included in the Fiscal Year 2015-16 Capital Improvement Project budget.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The Contractor Performance Evaluation for Duke's Root Control, Inc. from a previously completed project is satisfactory and is included as **Attachment D**.

### **PUBLIC OUTREACH / INTEREST**

The Contractor will notify the residents in the area several days in advance of the application of the root foaming product. Prior to starting work, residents who are affected by work in the easement will be notified individually of the work schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge.

## **COORDINATION**

The work to be done under this contract was coordinated with Oakland Public Works (OPW) Bureau of Infrastructure and Operations and Contracts and Compliance Division. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractors are all verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The Local/Small Local Business Enterprise and Trucking programs were waived for this contract as a result of an availability analysis performed by the Social Equity Division of the Department of Contracting and Purchasing.

**Environmental:** The root foaming of the sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay.

**Social Equity:** This project is part of the citywide program to eliminate wastewater overflows, thereby benefiting all Oakland residents.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For On-Call Sanitary Sewer Root Foaming Services FY 2015-16 (Project No. C457112) And With Contractor's Bid In The Amount Of Five Hundred Twenty-Two Thousand Four Hundred Ninety Dollars (\$522,490.00).

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,



BROOKE A. LEVIN  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, Assistant Director  
Bureau of Engineering & Construction

Reviewed by:  
Gus Amirzehni, P.E., Division Manager  
Engineering Design and R.O.W. Mgmt Division

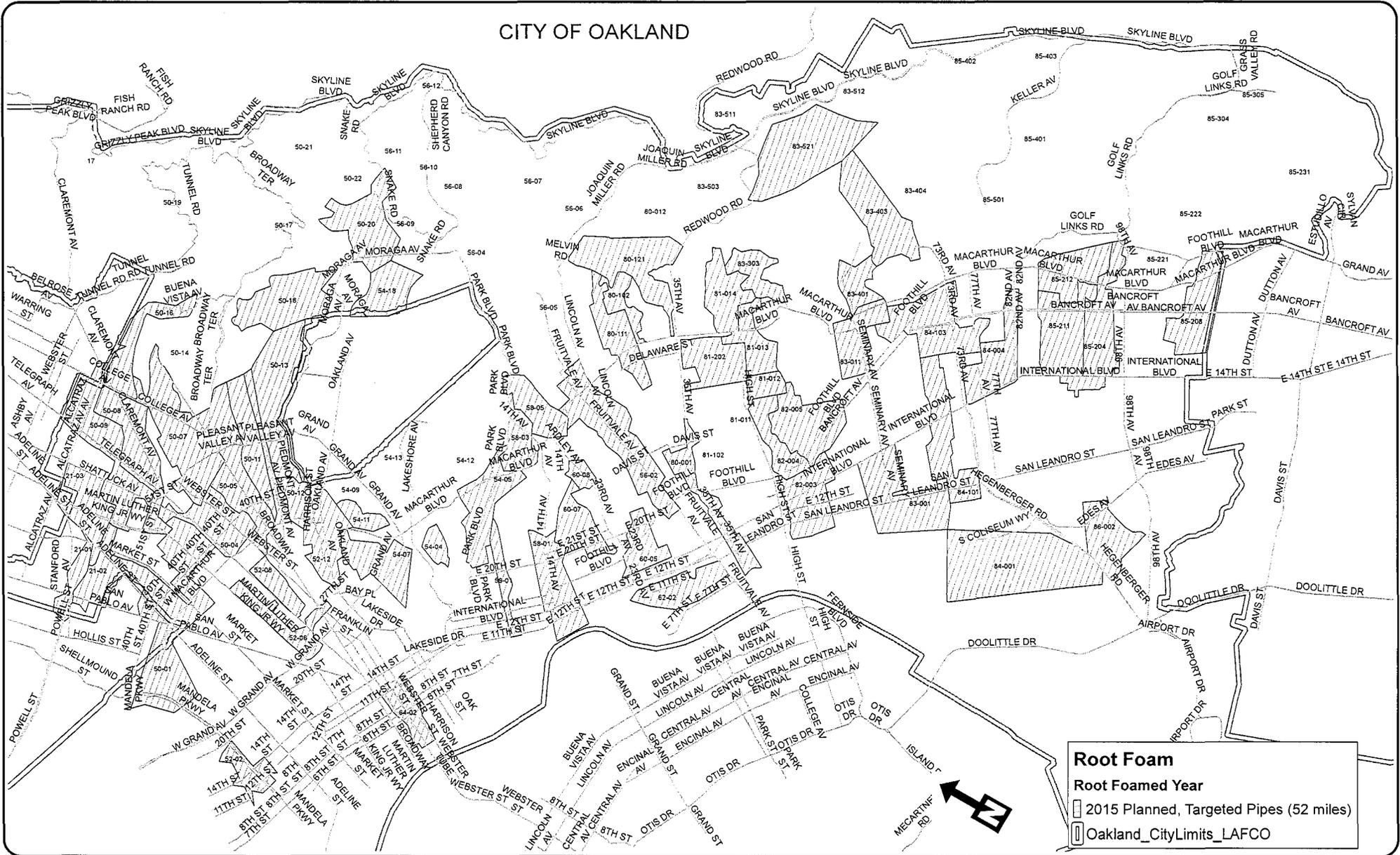
Prepared by:  
Jimmy Mach, P.E., Supervising Civil Engineer  
Engineering Design and R.O.W. Mgmt Division

*Attachments (4):*

- A: Project Location Map*
- B: Project Construction Schedule*
- C: Contracts & Compliance Unit Compliance Evaluation*
- D: Contractor Performance Evaluation*

*Attachment A*

# CITY OF OAKLAND





*Attachment C*

**On-Call Sanitary Sewer Root Foaming FY 2013-14  
(Project No. C457111)**

**Department of Contracting and Purchasing  
Compliance Evaluation**



# INTER OFFICE MEMORANDUM

TO: David Ng,  
Civil Engineer

FROM: Deborah Barnes, Director  
Contracts and Compliance

*Deborah Barnes*

SUBJECT: Compliance Analysis  
C457112-Sanitary Sewer Root Foaming FY 2015-2016

DATE: December 29, 2015

The City Administrator's Office, Contracts and Compliance Unit reviewed one (1) bid in response to the above project. Based on the results of an availability analysis, the 50% L/SLBE participation requirement has been waived. This memorandum provides a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive with EBO Policies		Proposed Participation					Earned Credits and Discounts			Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points			
Duke's Root Control, Inc.	\$522,490.00	0%	0%	0%	0%	NA	NA	NA	NA	Y	

Comments: Based on the results of an availability analysis, the 50% L/SLBE participation requirement has been waived. The firm is EBO compliant.

Should you have any questions you may contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.



**For Informational Purposes**

Listed below is the overview of compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Contractor Name: Duke's Root Control, Inc.  
 Project Name: NA  
 Project No. NA

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	NA	If no, shortfall hours?	NA
Were all shortfalls satisfied?	NA	If no, penalty amount	NA

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	NA
Were shortfalls satisfied?	NA	If no, penalty amount?	NA

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

		50% Local Employment Program (LEP)						15% Apprenticeship Program				
Total Project Hours	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**Comments:** No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Duke's Root Control, Inc. They have not completed any project for the City of Oakland in the last fiscal year.

Should you have any questions, you may contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.

**City Administrator's Office**



**Contracts and Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C457112

**PROJECT NAME:** Sanitary Sewer Root Foamign FY 2015-16

**CONTRACTOR:** Duke's Root Control, Inc.

<b><u>Engineer's Estimate:</u></b> \$542,215.00	<b><u>Contractors' Bid Amount</u></b> \$522,490.00	<b><u>Over/Under Engineer's Estimate</u></b> \$19,725.00
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<b><u>Discounted Bid Amount:</u></b> NA	<b><u>Amount of Bid Discount</u></b> NA	<b><u>Discount Points:</u></b> NA
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1. Did the 50% local/small local requirements apply? **NO**
  
2. Did the contractor meet the 50% requirement? **NA**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0.0%**
  
3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **0.00%**
  
4. Did the contractor receive bid discounts? **NA**

(If yes, list the percentage received) **0.00%**
  
5. Additional Comments.

**Based on the results of an availability analysis, the 50% L/SLBE business requirement has been waived.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

**12/29/2015**

Date

**Reviewing Officer:**

*Sydney Hoag*

**Date:** **12/29/2015**

**Approved By:**

*Shelley Darenstung*

**Date:** **12/29/2015**

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Sanitary Sewer Root Foamng FY 2015-16													
Project No.: C457112		Engineers Est: 542,215					Under/Over Engineers Estimate: 19,725						
Discipline	Prime & Subs	Location	Cert. Status	LBE 25%	SLBE 25%	*VSLBE/LPG double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Duke's Root Control, Inc.	Syracuse, NY	UB							522,490.00	C		
<b>Project Totals</b>				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$522,490.00		\$0.00	\$0.00
				0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.											<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NP6LBE = NonProfit Small Local Business Enterprise						UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

**Schedule L-2  
City of Oakland  
Public Works Agency  
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C457111

Work Order Number (if applicable): \_\_\_\_\_

Contractor: Duke's Root Control

Date of Notice to Proceed: 8/18/2014

Date of Notice of Completion: 3/20/2015

Date of Notice of Final Completion: 3/20/2015

Contract Amount: \$642,078.05

Evaluator Name and Title: Shirley Kwan/Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

**ASSESSMENT GUIDELINES:**

<b>Outstanding</b> (3 points)	Performance among the best level of achievement the City has experienced.
<b>Satisfactory</b> (2 points)	Performance met contractual requirements.
<b>Marginal</b> (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
<b>Unsatisfactory</b> (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

Unsatisfactory  
 Marginal  
 Satisfactory  
 Outstanding  
 Not Applicable

**WORK PERFORMANCE**

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**TIMELINESS**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" type="checkbox"/>	

**FINANCIAL**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?  Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<b>Overall, how did the Contractor rate on financial issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**COMMUNICATION**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
22	<b>Overall, how did the Contractor rate on communication issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" type="checkbox"/>	

**SAFETY**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.					Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>		

## OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2.0</u>	X 0.25 =	<u>0.50</u>
2. Enter Overall score from Question 13	<u>3.0</u>	X 0.25 =	<u>0.75</u>
3. Enter Overall score from Question 18	<u>2.0</u>	X 0.20 =	<u>0.40</u>
4. Enter Overall score from Question 22	<u>3.0</u>	X 0.15 =	<u>0.45</u>
5. Enter Overall score from Question 28	<u>2.0</u>	X 0.15 =	<u>0.30</u>

TOTAL SCORE (Sum of 1 through 5): 2.40

OVERALL RATING: Satisfactory

Outstanding:	Greater than 2.5
Satisfactory	Greater than 1.5 & less than or equal to 2.5
Marginal:	Between 1.0 & 1.5
Unsatisfactory:	Less than 1.0

### PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

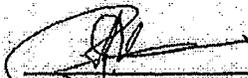
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

**COMMUNICATING THE EVALUATION:** *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

  
Contractor / Date 4/20/2015

  
Resident Engineer / Date 3/24/15

  
Supervising Civil Engineer / Date 3/24/15

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

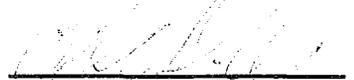
Question 13:

The contractor completed the project 118 days ahead of contract time allowed.

Question 22:

The crew members reported their work locations and provided progress reports daily as requested. When there were staffing changes or the contractor was not planning on work, I was informed ahead of time.

When crew members encountered issues in the field, they immediately contacted Sewer Maintenance department and me to address/resolve the problem.

  
\_\_\_\_\_  
City Attorney

2016 JAN 28 AM 8:56

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO DUKE'S ROOT CONTROL, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR ON-CALL SANITARY SEWER ROOT FOAMING SERVICES FY 2015-16 (PROJECT NO. C457112) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED NINETY DOLLARS (\$522,490.00)**

**WHEREAS**, on December 10, 2015, only one bid was received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Root Foaming FY 2015-16 (Project No. C457112); and

**WHEREAS**, Duke's Root Control, Inc., is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, funding for this project is available in the following project account as part of FY 2015-16 CIP budget:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C457112; \$522,490.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, Duke's Root Control, Inc. complies with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

**RRESOLVED:** That the City Administrator is authorized to award a construction contract for the Sanitary Sewer Root Foaming FY 2015-16 (Project No. C457112) to Duke's Root Control, Inc., the lowest responsive and responsible bidder, in an amount of Five Hundred Twenty-Two Thousand Four Hundred And Ninety Dollars (\$522,490.00) for project C457112 and in accordance with plans and specifications for the Project and contractor's bid dated December 3, 2015; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$522,490.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$522,490.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with Duke's Root Control, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**3**

**PUBLIC WORKS CMTE.  
FEB 09 2016**