



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAR 27 AM 10:42

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: On-Call Sanitary Sewers Root Foaming

DATE: February 28, 2013

City Administrator
Approval

Date

3/26/13

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution awarding a construction contract to Root Tamers, the lowest responsive and responsible bidder, for On-Call Sanitary Sewer Root Foaming Services FY 2012-13 (Project No. C457110), in accord with the specifications for the project and contractor's bid in the amount of Five Hundred Thirty-Five Thousand Eight Hundred Twenty-Five Dollars (\$535,825.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Root Tamers in the amount of \$535,825.00. 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.

BACKGROUND/LEGISLATIVE HISTORY

On February 7, 2013, the City Clerk received two bids for this project in the amount of \$535,825.00, and \$782,787.50 as shown in *Attachment A*. Root Tamers is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$500,000.00.

List of Bidders

Company	Bid Amount
Engineer's Estimate	\$500,000.00
Root Tamers	\$535,825.00
Duke's Root Control	\$782,787.50

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ANALYSIS

The objective of root foaming treatment is to reduce the number of sanitary sewer overflows related to root intrusion and establish a multi-year treatment cycle. Sanifoam Vaporooter, composed of metam-sodium, is the root foaming chemical used by Root Tamers. The chemical is listed by the International Programme on Chemical Safety (IPCS) on the State of California website as a category II active pesticide. The Contractor is required to have 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 the Oakland hills where access is limited for equipment and staff. Root foaming is applied directly to the roots in the sanitary sewer line via a hose that extends throughout the entire length of each sewer section. The root foaming application period will begin in May 2013 and end in April 2014.

Under the proposed contract of the specialty work to be performed by Root Tamers, 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 and is shown in **Attachment B**. Root Foaming is a specialty work and there are only three contractors available statewide.

Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

PUBLIC OUTREACH/INTEREST

Construction is scheduled for one calendar year and shall start from the date of the Notice to Proceed. The Contractor will notify the residents in the area several days in advance of the application of the root foaming product.

COORDINATION

Offices consulted in the preparation of this report are the following:

- Office of the City Attorney
- City Budget Office
- Public Works Agency – Department of Infrastructure and Operations

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with Root Tamers in the amount of \$535,825.00.

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:**
The Engineer's estimate for the work is \$500,000.00.

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The contractor bid price is \$535,825.00.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$535,825.00

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C457110	\$535,825.00

4. FISCAL IMPACT:

Approval of this resolution will authorize the City Administrator to execute a construction contract with Root Tamers in the amount of \$535,825.00. This project will reduce short term maintenance demands and reduce worker's compensation claims due to injuries resulting from tree root removal. Root foaming application has resulted in the reduction of sewer backups, damage to private and public properties, and citizen claims.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Root Tamers from a previously completed project is satisfactory and is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: Maintenance of Oakland's physical assets sustains the economic vitality of neighborhoods throughout Oakland.

Environmental: The root foaming of the sanitary sewers will eliminate the possibility of sanitary sewer leakage and overflows and thus prevent potential harm to the environment. The program will help improve water quality in the Bay and connecting waterways, and extend the life expectancy of the City's sanitary sewer system. The chemical will be applied in a manner that protects neighborhoods, creeks and storm drains.

Social Equity: This project is part of the citywide program to eliminate wastewater overflows thereby benefiting all Oakland residents. This program will treat all sewer lines throughout the City that are plagued with root intrusion and experience backups.

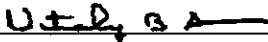
CEQA

CEQA is not required for a root foaming contract.

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

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director,
PWA, Department of Engineering and Construction

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

Prepared by:
Allen Law, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

Attachments:

- Attachment A – List of Bidders and Project Construction Schedule
- Attachment B – Contracts & Compliance Unit Compliance Evaluation
- Attachment C – Contractor Performance Evaluation

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Attachment B



INTER OFFICE MEMORANDUM

TO: Gunawan Santoso,
Civil Engineer

FROM: Deborah Barnes, Manager
Contracts and Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Sanitary Sewer Root Foaming FY 2012-13
C457110 Rebid #2

DATE: February 28, 2013

The City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids 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 to EBO Policies		Proposed Participation					Earned Credits and Discounts			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	Oakland Workforce Preference Points	
Root Tamers	\$535,824.25	NA	NA	NA	NA	NA	NA	NA	NA	Y
Duke's Root Control Inc.	\$782,787.50	NA	NA	NA	NA	NA	NA	NA	NA	Y

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

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

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Root Tamers
 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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	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	C	D	D	E	F	G	H	I	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 Root Tamers. 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 at (510) 238-3723.

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C457110

PROJECT NAME: Sanitary Sewer Root Foamign FY 2012-13 Rebid # 2

CONTRACTOR: Root Tamers

<u>Engineer's Estimate:</u> \$500,000	<u>Contractors' Bid Amount</u> \$535,824.25	<u>Over/Under Engineer's Estimate</u> -\$35,824.25
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<u>Discounted Bid Amount:</u> NA	<u>Amount of Bid Discount</u> NA	<u>Discount Points:</u> 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%**
 - b) % of SLBE participation **0%**
 - c) % of VSLBE participation **0%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **0%**
- 4. Did the contractor receive bid discounts? **NA**
 - (If yes, list the percentage received) **0%**
- 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.

2/28/2013

Date

Reviewing Officer:

Stephan Huang

Date: 2/28/2013

Approved By:

Shelley Dorensburg

Date: 2/28/2013

LBE/SLBE PARTICIPATION BIDDER 1

Project Name:		Sanitary Sewer Root Foamrig FY 2012-13 Rebid # 2												
Project No.:		Engineers Est:			500,000			Under/Over Engineers Estimate:				-35,824		
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	Root Tamers	Redding	UB							535,824.25	C			
Project Totals				\$0	\$0	\$0	\$0	\$0	\$0	\$535,824.25			\$0	
				0%	0%	0%	0%	0%	0%	100%		0%	0%	
Requirements: 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 LPG/VSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LSE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C457110

PROJECT NAME: Sanitary Sewer Root Foamign FY 2012-13 Rebid # 2

CONTRACTOR: Duke's Root Control, Inc.

<u>Engineer's Estimate:</u> \$500,000	<u>Contractors' Bid Amount</u> \$782,787.50	<u>Over/Under Engineer's Estimate</u> -\$282,787.50
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<u>Discounted Bid Amount:</u> Na	<u>Amount of Bid Discount</u> NA	<u>Discount Points:</u> NA
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1. Did the 50% local/small local requirements apply? NO
2. Did the contractor meet the 50% requirement? NO
 - a) % of LBE participation 0%
 - b) % of SLBE participation 0%
 - c) % of VSLBE participation 0%
3. Did the contractor meet the Trucking requirement? NA
 - a) Total SLBE/LBE trucking participation 0%
4. Did the contractor receive bid discounts? NA

(If yes, list the percentage received) 0%

5. Additional Comments.

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

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

2/28/2013

Date

Reviewing
Officer:

[Signature]

Date: 2/28/2013

Approved By:

[Signature]

Date: 2/28/2013

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Sanitary Sewer Root Foamng FY 2012-13 Rebid # 2														
Project No.: C487110			Engineers Est: 500,000				Under/Over Engineers Estimate: -282,788							
Discipline	Prime & Subs	Location	Cert: Status	LBE 25%	SLBE 25%	*VSLBE/L PG 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							782,787.50	C			
Project Totals				\$0	\$0	\$0	\$0	\$0	\$0	\$782,787.50		0	\$0	
Requirements: 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.														
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise						UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic HA = Native American O = Other NL = Not Listed MO = Multiple Ownership		

Attachment C

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

Project Number/Title: 188440

Work Order Number (if applicable): _____

Contractor: Root Tamers

Date of Notice to Proceed: February 14, 2012

Date of Notice of Completion: September 21, 2012

Date of Notice of Final Completion: _____

Contract Amount: \$325,000.00

Evaluator Name and Title: Sidney Kong

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:

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

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</u>	X 0.25 =	<u>0.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>0.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>0.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>0.3</u>

TOTAL SCORE (Sum of 1 through 5): 2.3

OVERALL RATING: 2.3

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.

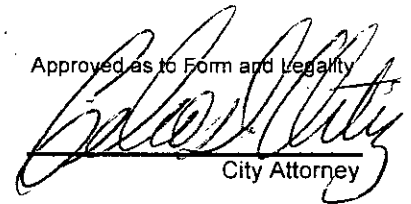
The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

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

Javad Syam 10/22/12 [Signature] 10/18/12
Contractor / Date Resident Engineer / Date

Supervising Civil Engineer / Date

OAKLAND CITY COUNCIL



City Attorney

2013 MAR 27 AM 10:45 **RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROOT TAMERS, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR ON-CALL SANITARY SEWER ROOT FOAMING SERVICES FY 2012-13 (PROJECT NO. C457110) IN ACCORD WITH THE SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS (\$535,825.00)

WHEREAS, on February 7, 2013, two bids were received by the Office of the City Clerk of the City of Oakland for On-Call Sanitary Sewer Root Foaming Service FY 2012-13 (Project No. C457110); and

WHEREAS, Root Tamers, a Contract Compliance certified contractor as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C457110; \$535,825.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

WHEREAS, 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 Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, and 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, Root Tamers complies with all Contract Compliance requirements; and

WHEREAS, the City Administrator has determined 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 services; now, therefore, be it

RESOLVED: That the construction contract for On-Call Sanitary Sewer Root Foaming Services FY 2012-13 (Project No. C457110) is hereby awarded to Root Tamers in accordance with the project specifications and the contractor's bid therefore, dated February 7, 2013, for the amount of Five Hundred Thirty-Five Thousand Eight Hundred Twenty-Five Dollars; and be it

FURTHER RESOLVED: That the City Council hereby approves the specifications prepared at the direction of the Assistant Director of the Public Works for this project, are hereby approved; and be it

FURTHER RESOLVED: That the amount of the revolving Payment and Performance Bonds in the amount of \$100,000 will be required; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with Root Tamers on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, KALB, KAPLAN, GIBSON MCELHANEY, REID, SCHAAF, and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION –

ATTEST: _____

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