



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: As-Needed Sanitary Sewer Root
Foaming (Project No. 1006860)

DATE: November 13, 2023

City Administrator Approval


Jestin Johnson (Nov 30, 2023 21:08 PST)

Date: Nov 30, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For Fiscal Year (FY)2024-FY 2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) And With Contractor's Bid For An Amount Of One Million, Seven Hundred Thirty-Four Thousand, Twenty-Six Dollars (\$1,734,026.00); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

The As-Needed Sanitary Sewer Root Foaming Project is part of the City of Oakland (City) ongoing program to reduce sanitary sewer overflows caused by root intrusion into the City's sewer collection system and to comply with the Sewer Consent Decree's annual requirement of treating fifty (50) miles of sewer mains to control excessive roots in the collection system.

The City issued a Notice of Inviting Bids for the Fiscal Year (FY) 2024-FY 2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) on July 28, 2023, with two (2) bids received on September 14, 2023. Duke's Root Control, Inc. was deemed the lowest responsive and responsible bidder, with a bid for an amount of \$1,734,026.

Approval of the proposed resolution will authorize the City Administrator to enter into a construction contract with Duke's Root Control, Inc. in the amount of \$1,734,026 for the FY 2024-FY 2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860).

BACKGROUND / LEGISLATIVE HISTORY

On September 22, 2014, a Sewer Consent Decree regulated by the US Environmental Protection Agency (EPA) took effect, mandating the City to reduce the amount of stormwater

Public Works And Transportation Committee
December 12, 2023

inflow and infiltration (I&I) in the sanitary sewer system, reduce the frequency of sanitary sewer overflows (SSOs), and reduce discharges into San Francisco Bay during storm events. Under the 2014 Consent Decree, the City is required to reduce the number of sanitary sewer overflows and backups caused by root intrusion into the City's sewer collection system.

To comply with the 2014 Consent Decree, the City has implemented a long-term mandated sanitary sewer capital improvement program (CIP) to reduce stormwater I&I in the sanitary sewer system and reduce SSOs. The CIP Program is part of the Asset Management Implementation Plan And Sewer System Management Plan ([AMIP](#)) originally established in October 19, 2011 and last revised and adopted in December 2019 ([Resolution Number 87954 C.M.S.](#)).

ANALYSIS AND POLICY ALTERNATIVES

The As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) is part of the City's annual CIP to reduce SSO frequencies during storm events. This project contributes to meeting the annual requirements of treating fifty (50) miles of sanitary sewer pipes to control excessive roots in the collection system.

The proposed work consists of applying a chemical root control agent (root foam) to sanitary sewer pipelines ranging in size from 6" diameter to 16" diameter located within the City streets and backyard easements. The work location for this project is Citywide, as shown in **Attachment A**.

On July 28, 2023, the City issued a Notice of Inviting Bids for the As-Needed Sanitary Sewer Root Foaming (Project No. 1006860). On September 14, 2023, the City Clerk received two (2) bids for this project in the amount of \$1,734,026 and \$1,984,413.50 from Duke's Root Control, Inc. and Nor-Cal Pipeline Services, respectively, as shown in **Attachment B**. Duke's Root Control, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award.

The Local/Small Local Business Enterprise (L/SLBE) and Trucking programs do not apply to this contract due to the specialty nature of the work, as shown in the availability analysis performed by the Department of Workplace and Employment Standards provided in **Attachment C**. Root foaming is a specialty work, and there are only three contractors available statewide.

Construction is scheduled to begin in March 2024 and complete by March 2027. The contract specifies \$1,500 in liquidated damages per calendar day should the contractor cause the work to be delayed. The project schedule is shown in **Attachment B**.

The Engineer's estimate for the work is \$2,281,756. Staff has reviewed the submitted bids for the work and determined that the bid is responsive and reasonable for the current construction market condition.

The proposed policy action to approve this construction contract supports the sanitary sewer program, maintains compliance with the 2014 Consent Decree, and supports the Citywide priority of building a **vibrant and sustainable infrastructure**.

The proposed work requires specialized professional and technical services and is temporary in nature. The City lacks the equipment and qualified personnel to perform the work, and entering into this contract will not result in the loss of employment or salary by any person having permanent status in competitive service. As noted below, the labor unions have been informed of the project, and no comments were received.

Adoption of the proposed resolution will allow the City Administrator or designee to execute a construction contract with Duke's Root Control, Inc. and proceed with the As-Needed Sanitary Sewer Root Foaming Project. Alternatively, if the proposed resolution is not adopted, the project, and compliance with the 2014 Consent Decree, will be delayed.

The root foam locations are Citywide. The root program uses Info360 Asset software to generate the list of pipes for treatment each year. The treatment locations apply a decision tree in the software. The decision tree incorporates several sources of data which includes risk factors, closed-circuit television video (CCTV) findings, historical maintenance records, historical pipe rehabilitations, and historical sanitary sewer overflows. The risk factors are comprised of two major categories: likelihood of failure (LOF) and consequence of failure(COF). The various factors of LOF and COF as shown in **Attachment E**.

Social equity factors were used in the selection process under COF. Staff used the State's DAC Mapping [Tool](#) to prioritize disadvantaged communities from Census Data. Furthermore, the selected pipes for root foaming are prioritized based on equity impacts in accordance with City's Capital Improvement Program prioritization process, implemented in the Fiscal Year (FY) 2021-23 Capital Improvement Program.

FISCAL IMPACT

Approval of this proposed Resolution authorizes the City Administrator to award a construction contract to Duke's Root Control, Inc. for an amount of One Million, Seven Hundred Thirty-Four Thousand, Twenty-Six Dollars (\$1,734,026.00).

Funding for this construction contract is available in the Adopted Fiscal Year 2023-2025 Capital Improvement Program Budget in the Sewer Service Fund (3100), Sanitary Sewer Design Organization (92244), and Sanitary Sewer Root Foaming Project (1007103). As shown in **Attachment B**, the total project cost for each of the fiscal years 2023-2025 are in **Table 1** below.

Table 1: Funding Sources

Fund Source	Organization	Project	Fiscal Year	Amount
3100 – Sewer Service Fund	92244 – Engineer Design: Sanitary Sewer	1000835 – Sanitary Sewer Root Foaming	2022	\$1,234,026

3100 – Sewer Service Fund	92244 – Engineer Design: Sanitary Sewer	1007103 – Sanitary Sewer Root Foaming	2023	\$500,000
Total Funding				\$1,734,026.00

There is no impact on the General Purpose Fund, and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

Staff provided notice to labor representatives per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional and Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) Local 1021, and International Brotherhood of Electrical Workers (IBEW).

Notifications of solicitations were distributed by several means. Specifically, the City’s iSupplier system, was utilized to notify Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Companies registered in iSupplier can search for City projects using a specific North American Industry Classification System (NAICS) code (note, newly registered firms must wait a few days before receiving access to review proposal requests in this system).

In addition to iSupplier and the established disparity outreach list, OPW-CCD also utilizes the free website [CIPLIST.com](https://ciplist.com) [https://ciplist.com/https://ciplist.com/plan/?Oakland/city/9392/plan/5132](https://ciplist.com/plan/?Oakland/city/9392/plan/5132) to announce and distribute solicitations to plan rooms and builders’ exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPLIST.com, any company or entity may register to be automatically notified of all City’s solicitations without restrictions.

The legal notice for the RFB was advertised on July 28, 2023. Legal notices were printed in the East Bay Times and Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times publications to supplement and ensure the information reaches L/SLBE in Black, Indigenous, People of Color communities with potential contractors/consultants.

OPW-CCD held a virtual pre-bid meeting with the DWES and the Project Manager on August 8. This meeting served a few purposes: to discuss with potential contractors how contracts are established with the City, to make those in attendance aware of possible upcoming work, to allow for opportunities for contractors to network and partner on upcoming work, and to discuss the current project bid specifically.

Furthermore, staff presented this project in an in-person contractor community event at City Hall on March 23, 2023. OPW, DWES, and the Oakland Department of Transportation (OAKDOT) participated in the event, "Doing Business with Oakland Public Works (OPW) and the Oakland Department of Transportation (OAKDOT)". Approximately eighty (80) people attended, which comprised about one-third (1/3) of prime contractors, one-third (1/3) of specialty contractors, and one-third (1/3) of professional firms. OPW staff presented the RFB advertised for the As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) along with other upcoming construction bidding opportunities in the next three months. Poster boards describing the upcoming bidding opportunities were displayed, and project managers were available to answer questions about the projects. Project flyers were also distributed.

The presentation focused on OPW's objectives to increase the number of contractors that bid on construction contracts and the number of contracting and bid opportunities available to L/SLBE contractors.

In addition, the City's business development contractor resource center, Merriwether and Williams, presented at the March 23rd "Doing Business with Oakland" event a description of its services for small contractors, which range from one-on-one support with back office administrative management, construction contract focused loans, and training for small minority construction contractors.

The event successfully provided information about the City's L/SLBE Program for capacity building and technical assistance resources. Following the presentations, there was an opportunity for the attendees to network and speak with City staff.

Current and upcoming projects accepting submissions are on our webpage at <https://ciplist.com/plan/?Oakland>. As part of an ongoing equity initiative, OPW-CCD will partner with the Business Assistance Center to identify grant funding to establish a Contract Assistance Center to assist contractors through the City's contracting process.

General notices have been sent out to the community about this project. Prior to the start of construction of this project, the immediate neighboring residents and establishments affected by the work will be notified of the construction activities and receive project contact information at least 72 hours in advanced. Temporary construction fencing, protective mitigation measures, and compliance with the Americans with Disabilities Act (ADA) shall be implemented to minimize disruptions to the public.

COORDINATION

The work to be done under the contract was coordinated with the OPW Bureau of Maintenance and Internal Service. This report and resolution have been reviewed by the Office of the City Attorney and the Budget Office. In addition, DWES provided the compliance analyses of submitted firms.

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 in **Attachment D**.

SUSTAINABLE OPPORTUNITIES

Economic: A functioning sanitary sewer system improves the community and makes Oakland more attractive for residents and businesses. Sanitary Sewer overflows cause financial hardships and result in stipulated penalties by the EPA between \$100 and \$25,000 per event.

Environmental: The improvements to the sanitary sewer system will reduce the possibility of overflows, thereby benefiting the environment.

Race & Equity: The Root Foaming project has prioritized disadvantaged communities in the selection of pipes, as indicated in the analysis and policy alternatives section. Social equity factors were used in the selection process under COF. Projects are prioritized based on equity impacts in accordance with City's Capital Improvement Program prioritization process, implemented in the Fiscal Year (FY) 2021-23 Capital Improvement Program.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

The project and the action being undertaken to implement it are exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

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 And Responsible Bidder, In Accordance With Project Plans And Specifications For The Fiscal Year (FY) 2024-FY 2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860) And With Contractor's Bid For An Amount Of One Million, Seven Hundred Thirty-Four Thousand, Twenty-Six Dollars (\$1,734,026.00); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Jimmy Mach, Wastewater Engineering Management Division Manager, at 510-238-3303.

Respectfully submitted,


Harold (Ellen) Duffey (Nov 30, 2023 18:01 PST)

G. HAROLD DUFFEY
Director, Oakland Public Works

Reviewed by:
Siew-Chin Yeong, Assistant Director
Bureau of Design & Construction

Reviewed by:
Jimmy Mach, P.E., Division Manager
Wastewater Engineering Management Division

Prepared by:
David Ng, P.E., Supervising Civil Engineer
Wastewater Engineering Management Division

Attachments (5):

- A: Project Location Map
- B: List of Bidders and Project Construction Schedule
- C: Contract Compliance Availability Analysis for As-Needed Sanitary Sewer Root Foaming
- D: Contractor Performance Evaluation
- E: Decision Tree