

CITY OF OAKLAND

2010 JUN 30 AM 11:02

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: July 13, 2010

RE: **Resolution Awarding A Construction Contract To Duke's Root Control, Inc. For The Sanitary Sewer Root Foaming 2009 - 2011 Project (Project No. P188440) In Accord With The Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or designee, to award a construction contract in the amount of \$325,000.00 to Duke's Root Control for the Sanitary Sewer Root Foaming 2009 - 2011 (Project No. P188440). This program continues the City's Root Foaming Program, which is intended to treat the sanitary sewer lines that have tree roots. A continuous root foaming program will curb the growth of tree roots in sanitary sewer pipes and aid the City in reducing the sanitary sewer overflows and worker's compensation claims due to injuries resulting from tree root removal.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award an on call construction contract to Duke's Root Control, Inc. in the amount of \$325,000.00. Funding for this project is available in Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project P188440; \$325,000.00.

BACKGROUND

On October 29, 2009, the City Clerk received three bids for this project in the amounts of \$264,656.25, \$286,884.00 and \$478,581.25 as shown in *Attachment A*. Duke's Root Control, Inc. is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the work is \$325,000.00. The two lowest bidders, Root Tamers and Pacific Sewer Maintenance Corporation, specified the use of a herbicide that is not approved and were deemed non-responsive.

An availability analysis was conducted and the results of the research found that there were no certified firms that provide the services as defined in the Scope of Services. No trucking will be required for this project. The contractor is required to have 50% of the work hours performed by

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Oakland residents, and 50% of all new hires are to be Oakland residents. The Local/Small Local Business Enterprise Program (L/SLBE) availability analysis was performed and waived by the Contract Compliance Division of the Department of Contracting and Purchasing since it was determined that the availability of certified firms was not sufficient to satisfy the 20% L/SLBE requirement. The City's database of certified firms does not contain at least three firms listing sanitary sewer root foaming contractors or vendors.

The City has approximately 300 miles of sanitary sewer lines throughout Oakland that are located in easements where access is limited, and where there are many trees. These lines are highly susceptible to root intrusion, which causes blockages and can lead to sanitary sewer overflows if left untreated. The root foaming program augments the traditional method of removing roots which requires hand rodding with a hole saw to cut off the roots in the pipe.

KEY ISSUES AND IMPACTS

Work is scheduled for one calendar year and shall start from the date of the Notice to Proceed. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time is exceeded.

Intrusion of tree roots into sanitary sewer lines causes accelerated deterioration of sewer lines, leading to sewer blockages and overflows. These overflows are a direct violation of the Clean Water Act and impact water quality, aquatic life, and public safety and cause damage to private and public properties. In most overflow cases, the City finds that the sewer line was plugged with tree roots.

The City's Root Foaming Program will make a significant improvement to sewer line maintenance.

PROJECT DESCRIPTION

The objective is to reduce the number of sewer overflows related to tree root intrusion, and establish a two-year treatment cycle. Under this contract, approximately 300,000 lineal feet of sewer lines will be treated and guaranteed for two years. The Contractor 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/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 August 2010 and end in July 2011.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation is not available. Duke's Root Control, Inc. has not completed a previous project with the City that required a Contractor Performance Evaluation.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. 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 sewer leakage and overflows and thus prevent potential harm to groundwater resources and the bay. 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.

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

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities. Access during construction will be maintained. All work will be performed underground; therefore, will not impact disability and senior citizen access.

RECOMMENDATION AND RATIONALE

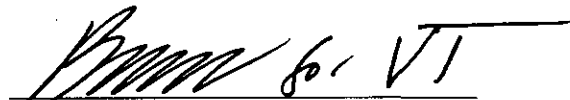
It is recommended that the construction contract be awarded to Duke's Root Control, Inc., the responsive and responsible bidder, in the amount of \$325,000.00 for the Root Foaming Project (Project No. P188440). There are sufficient funds in the project account. The Root Foaming Program is needed to reduce the number of sewage overflows and backups caused by root intrusion into sewer lines. Root foaming application has resulted in a reduction of sewer backups, worker's compensation claims, and damage to private and public properties.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

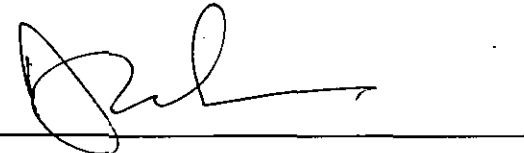


Vitaly B. Troyan, P.E.
Public Works Agency Interim Director

Reviewed by:
Bruce Saunders, Assistant Director
Department of Infrastructure and Operations

Prepared by:
Allen Law, P.E., Supervising Civil Engineer

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Attachment A

Contract Compliance Review

Memo

Department of Contracting and Purchasing
Social Equity Division



To: Allen Law – Supervising Civil Engineer
 From: Sophany Hang - Acting Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick - Contract Administration Supervisor
 Date: **December 3, 2009**
 Re: P188440-Sanitary Sewer Root Foaming 2009-2011

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the services as defined in the Scope of Services. Therefore, the minimum 20% L/SLBE participation requirement was waived for this project. This memorandum provides a preliminary review for compliance with the Equal Benefits Ordinance (EBO) and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount		
Root Tamers	\$264,656.25	0%	0%	0%	NA	NA	NA	NA	NA	N
Pacific Sewer Maintenance Corp	\$286,884.00	0%	0%	0%	NA	NA	NA	NA	NA	N
Duke's Root Control, Inc.	\$478,581.25	0%	0%	0%	NA	NA	NA	NA	NA	Y

Comments: As noted above, Root Tamers and Pacific Sewer Maintenance Corp are not EBO compliant. They will have to come into compliance prior to contract award.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N

Comments: NA

For Informational Purposes



Listed below is the lowest responsible bidder's compliance with the 50% Local Employment (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	D	E	F	G	H	I	J			
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.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: P188440

PROJECT NAME: Sanitary Sewer Root Foaming 2009-2011

CONTRACTOR: Root Tamers

Engineer's Estimate: \$325,000.00	Contractors' Bid Amount \$264,656.25	Over/Under Engineer's Estimate \$60,343.75
Discounted Bid Amount: \$0	Amount of Bid Discount \$0	Discount Points: 0%

- 1. Did the 20% requirements apply? **NO**

- 2. Did the contractor meet the 20% requirement? **NA**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0%**

- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **NA**

- 4. Did the contractor receive bid discounts? **NA**
 - (If yes, list the percentage received) **0%**

5. Additional Comments.

At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project

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

12/3/2009

Date

Reviewing Officer:

Shelley Danenberg

Date:

12/3/09

Approved By:

Shelley Danenberg

Date:

12/3/09

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00			Under/Over Engineers Estimate: 60,343.75							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Root Tamers	Redding	UB						264,656.25	C		
Project Totals				\$0 0%	\$0 0%	\$0 0%	\$0 0%	\$0 0%	\$264,656.25 100%		\$0 0%	\$0 0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			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		
Legend				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						

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: P188440

PROJECT NAME: Sanitary Sewer Root Foaming 2009-2011

CONTRACTOR: Pacific Sewer Maintenance Corp

Engineer's Estimate: 325,000.00	Contractors' Bid Amount \$286,884.00	Over/Under Engineer's Estimate \$38,116.00
Discounted Bid Amount: \$0	Amount of Bid Discount \$0	Discount Points: 0%

- 1. Did the 20% requirements apply? **NO**

- 2. Did the contractor meet the 20% requirement? **NA**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0%**

- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **NA**

- 4. Did the contractor receive bid discounts? **NA**
 - (If yes, list the percentage received) **0%**

5. Additional Comments.
At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project

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

12/3/2009

Date

Reviewing Officer:

Stephen King

Date:

12/3/09

Approved By

Shelley Darenburg

Date:

12/3/09

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00				Under/Over Engineers Estimate: 38,116.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Pacific Sewer Maintenance Corp	Oceanside	UB						286,884.00	C		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$286,884.00		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			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		
Legend				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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: P188440

PROJECT NAME: Sanitary Sewer Root Foaming 2009-2011

CONTRACTOR: Duke's Root Control, Inc.

Engineer's Estimate: \$325,000.00	Contractors' Bid Amount \$478,581.25	Over/Under Engineer's Estimate (\$153,581.25)
Discounted Bid Amount: \$0	Amount of Bid Discount \$0	Discount Points: 0%

- 1. Did the 20% requirements apply? **NO**

- 2. Did the contractor meet the 20% requirement? **NA**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0%**

- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **NA**

- 4. Did the contractor receive bid discounts? **NA**
 - (If yes, list the percentage received) **0%**

5. Additional Comments.
At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
12/3/2009
Date

Reviewing Officer: *Stephy Harg*

Date: 12/3/09

Approved By: *Shelley Darenburg*

Date: 12/3/09

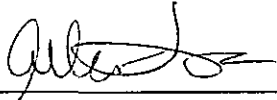
LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00				Under/Over Engineers Estimate: -153,581.25						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Duke's Root Control, Inc.	Syracuse	UB						478,581.25	C		
Trucking	Fed Ex Ground	Syracuse	UB			No dollars amount listed				NL		
Product Supplier	Sewer Sciencs, Inc.	Syracuse	UB			No dollars amount listed				NL		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$478,581.25		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			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		
Legend				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

**ORACLE
Funding
Project: P188440**

					Funds Available (USD): Budget	Funds Available (USD): Encumbrance	Funds Available (USD): Actual	Funds Available (USD): Funds Available
3100	92244	52512	P188440	IN05	1,950.00	0.00	0.00	1,950.00
3100	92244	53511	P188440	IN05	1,363.53	0.00	0.00	1,363.53
3100	92244	53611	P188440	IN05	1,000.00	0.00	0.00	1,000.00
3100	92244	54011	P188440	IN05	35,250.00	0.00	0.00	35,250.00
3100	92244	54711	P188440	IN05	1,000.00	0.00	476.44	523.56
3100	92244	54721	P188440	IN03	480.00	0.00	480.00	0.00
3100	92244	54721	P188440	IN05	1,520.00	0.00	0.00	1,520.00
3100	92244	57417	P188440	IN05	325,000.00	0.00	0.00	325,000.00

Signature: 

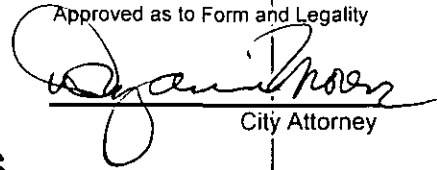
Project Manager: Allen Law x6939

Date: May 25, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 JUN 30 PM 12:00 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR THE SANITARY SEWER ROOT FOAMING 2009 - 2011 PROJECT (PROJECT NO. P188440) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00)

WHEREAS, on October 29, 2009, three bids were received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Root Foaming 2009 - 2011 Project (Project No. P188440); and

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

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. P188440; \$325,000.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance required; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Administrator has determined that the performance of this contract is in the public interest because of economy or better performance; 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 the Sanitary Sewer Root Foaming 2009 - 2011 Project (Project No. P188440) is hereby awarded to Duke's Root Control, Inc. in accordance with the project plans and specifications and terms of its bid therefore, dated October 29, 2009, in the amount of three hundred twenty-five thousand dollars (\$325,000.00); and be it

FURTHER RESOLVED: That the specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$325,000.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$325,000.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a construction contract with Duke's Root Control, Inc. 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 construction 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California