

OAKLAND CITY COUNCIL

RESOLUTION NO. 78980 2004 DEC -1 PM 2:59  
C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*Recin V. Giasso*

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH DUKE'S ROOT CONTROL, INC. IN AN AMOUNT NOT TO EXCEED \$447,000 TO ROOT FOAM SEWER LINES FOR THE PERIOD OF JANUARY 2005 TO DECEMBER 2006**

**WHEREAS**, it is in the best interest of the City to implement a root foaming program to reduce the amount of sewer overflows that damage public and private property and contaminate creeks, lakes, and other waterways; and

**WHEREAS**, a root foaming program will reduce the number of sewer claims for damage to private property; and

**WHEREAS**, Diquat is the active ingredient in root foaming and environmentally safe and registered with the EPA and Department of Pesticide Regulation; and

**WHEREAS**, Duke's Root Control, Inc. is licensed with the California Department of Pesticide Regulation; and

**WHEREAS**, Duke's Root Control, Inc. will comply with the policies and procedures set forth in the City's Integrated Pest Management Program; and

**WHEREAS**, a sole source contract will be executed with Duke's Root Control, Inc. who has exclusive rights to use Razorooter II (Diquat) for root foaming applications; and

**WHEREAS**, \$223,000 is available in the Sewer Service Fund (Fund 3100, Account 54919, Program IN03) in project P188420 and \$224,000 is available in the Sewer Service Fund (Fund 3100, Account 54919, Program IN03) in project P188430; and

**WHEREAS**, the City Council finds that this contract is for services of a professional, scientific, or technical nature and that the performance of services under this contract is in the public interest because of safety and economy; and

**WHEREAS**, the City Council finds that 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

**RESOLVED**, that the City Council authorizes the City Administrator or her designee to negotiate and execute a contract with Duke's Root Control, Inc. in an amount not to exceed \$447,000 to root foam sewer lines; and be it

**FURTHER RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to take whatever steps may be necessary to effect said contract, including without limitation, payment requests, execution of agreements and amendments, except for any increases in price; and be it

**FURTHER RESOLVED**, that the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED**, that the contract is for two years for the period of January 2005 to December 2006; and be it

**FURTHER RESOLVED**, that all root foaming of sewer lines is guaranteed for two years from date of application; and

**FURTHER RESOLVED**, that this resolution has been approved by the Office of the City Attorney as to form and legality and a copy is on file in the Office of the City Clerk.

**DEC 21 2004**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_ 2004

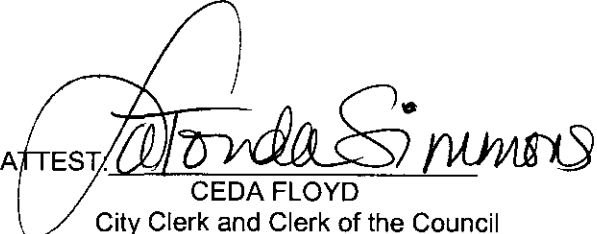
**PASSED BY THE FOLLOWING VOTE:**

AYES—BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE —

NOES— 0

ABSENT— 0

ABSTENTION— 0

ATTEST,   
CEDA FLOYD  
City Clerk and Clerk of the Council  
Of the City of Oakland, California

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