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OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY -1 PM 1:32

# AGENDA REPORT

**TO:** FRED BLACKWELL  
CITY ADMINISTRATOR

**FROM:** Brooke A. Levin  
Interim Director, OPW

**SUBJECT:** On-Call Sanitary Sewers Root Foaming

**DATE:** March 17, 2014

City Administrator  
Approval

Date:

4/28/14

**COUNCIL DISTRICT:** City Wide

## **RECOMMENDATION**

Staff recommends that the City Council adopt a resolution authorizing the City Administrator, or his designee to award a construction contract to Duke's Root Control, Inc., the only responsive and responsible bidder, for on-call sanitary sewer root foaming services FY 2013-14 (Project No. C457111) in accordance with plans and specifications for the project and with contractor's bid in the amount of Five Hundred Forty-four Thousand Three Hundred Seventy Dollars (\$544,370.00).

## **OUTCOME**

Approval of this resolution will authorize the City Administrator to execute a construction contract with Duke's Root Control, Inc. in the amount of \$544,370.00. 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 13, 2014, the City Clerk received only one bid for this project in the amount of \$544,370.00 as shown in *Attachment A*. 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 \$596,131.00.

This project was first bid on November 14, 2013 and one bid was received from Root Tamers which was deemed non-responsive.

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### List of Bidders

Company	Bid Amount
Duke's Root Control, Inc.	\$544,370.00
<i>Engineer's Estimate</i>	<i>\$596,131.00</i>

### ANALYSIS

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. 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 Environmental Protection Agency (EPA) and the California Department of Pesticide Regulation. 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 easements in the Oakland hills where access is limited for equipment and staff and where tree roots are most common. 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 July 2014 and end in July 2015.

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 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 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. Actual application has no impacts to adjacent residences.

### COORDINATION

The work to be done under these contracts was coordinated with:

- Oakland Public Works Department – Bureau of Infrastructure and Operations

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- In addition, the following reviewed this report and resolutions:
  - Office of the City Attorney
  - City Budget Office

**COST SUMMARY/IMPLICATIONS**

Approval of the resolution will authorize the City Administrator to execute construction contract in the amount of \$544,370.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

FUNDING SOURCE	AMOUNT
On-Call Sanitary Sewer Root Foaming Services FY 2013-14 (Project No. C457111)	\$544,370.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$547,545.00

3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C457111	\$544,370.00

4. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute construction contract in the amount of \$544,370.00. 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**

Duke's Root Control, Inc. has not performed any work in Oakland since the evaluation program was initiated. Therefore, there is not any Contractor Performance Evaluation for Duke's Root Control, Inc. However, staff has confirmed that status of their state contractor's license and that there are no complaints lodged against them.

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**SUSTAINABLE OPPORTUNITIES**

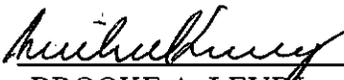
**Economic:** Maintenance of Oakland’s physical assets sustains the economic vitality of neighborhoods throughout Oakland.

**Environmental:** The root foaming of the sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. Best Management Practices for the protection of storm water runoff during construction will be required.

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

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

Respectfully submitted,

  
for BROOKE A. LEVIN  
Interim Director, Oakland Public Works

Reviewed by:  
Michael Neary, P.E., Assistant Director,  
OPW, Bureau of Engineering and Construction

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

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

Attachments:

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

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*Attachment B*

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

**Department of Contracting and Purchasing  
Compliance Evaluation**



CITY OF OAKLAND

# INTER OFFICE MEMORANDUM

**TO:** David Ng,  
Civil Engineer

**FROM:** Deborah Barnes, Manager  
Contracts and Compliance

**SUBJECT:** Compliance Analysis

**DATE:** February 26, 2014

C457111-Sanitary Sewer Root Foaming FY 2013-14 Rebid

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 to 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.	\$544,370.00	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. The firm is EBO compliant

Should you have any questions you may contact Sophany Hang, Acting 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:** 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.

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 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 at (510) 238-3723.



## **Contracts and Compliance Project Evaluation Report**

**Project No:** C457111

**Project Name:** Rebid-Sanitary Sewer Root Foaming FY 2013-14

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

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractor's Bid Amount:</u></b>	<b><u>Under/Over Engineer's Estimate:</u></b>
\$596,131.00	\$544,370.00	\$51,761.00
<b><u>Discounted Bid Amount:</u></b>	<b><u>Amount of Bid Discount:</u></b>	<b><u>Discount Points:</u></b>

**1. Did the 50% Local/Small Local requirement 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/LPG participation 0.00%

**3. Did the contractor meet the Trucking requirement?** NA

a) % of SLBE/LBE trucking participation 0.00%

b) % of VSLBE trucking participation

**4. Did the Contractor receive any bid discount?** NA

*(if yes, list the percentage received)*

**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 initiating department.** 2/26/2014

**Reviewing Officer:** Sophany Hang

**Reviewing Officer Date:** 2/26/2014

**Approved By:** Shelley Darenatus

**Approved By Date:** 2/26/14

Monday, February 24, 2014

**LBE/SLBE/VSLBE/LPG PARTICIPATION**

**Bidder 1**

Project Name: Rebid-Sanitary Sewer Root Foaming FY 2013-14

Project No: C457111

Engineers Estimate: \$596,131.00

Under/Over Engineers Estimate: \$51,761.00

No. Discipline	Contractor	Cert. Location	Status	LBE	SLBE	*VSLBE/LPG (2x value)	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	Duke's Root Control, Inc.	Syracuse,	UB	0.00	0.00	0.00	0.00	0.00	544,370.00	C		
<b>Project Totals:</b>				0.00	0.00	0.00	0.00	0.00	544,370.00			
				0.00%	0.00%	0.00%	#Num!	0.00%	100.00%			

**REQUIREMENTS:** The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirements.

Total LBE \ SLBE Dollars and Percents:	<b>\$0.00</b>	<b>0.00%</b>	Total Bid Amount: <b>\$544,370.00</b>
Total VSLBE \ LPG Dollars and Percents:	<b>\$0.00</b>	<b>0.00%</b>	Total Participation of
Total LBE \ SLBE Trucking Dollars and Percents:	<b>\$0.00</b>	<b>#Num!</b>	VSLBE / SLBE / LBE / LPG: <b>0 . 0 0 %</b>

LBE = Local Business Enterprise	UB = Uncertified Business
SLBE = Small Local Business Enterprise	CB = Certified Business
VSLBE = Very Small Local Business Enterprise	MBE = Minority Business Enterprise
LPG = Locally Produced Goods	WBE = Women Business Enterprise
NPSLBE = NonProfit Small Local Business Enterprise	
NPLBE = NonProfit Local Business Enterprise	

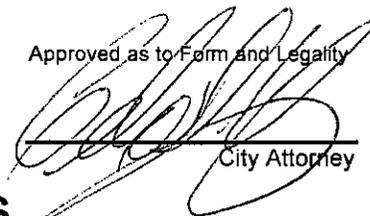
**ETHNICITY:**

AA = African American	NA = Native American
AI = Asian Indian	O = Other
AP = Asian Pacific	NL = Not Listed
C = Caucasian	MO = Multiple Ownership
H = Hispanic	

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2014 MAY -1 PM RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO DUKE'S ROOT CONTROL, INC., THE ONLY RESPONSIVE AND RESPONSIBLE BIDDER, FOR ON-CALL SANITARY SEWER ROOT FOAMING SERVICES FY 2013-14 (PROJECT NO. C457111) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED FORTY-FOUR THOUSAND THREE HUNDRED SEVENTY DOLLARS (\$544,370.00)**

**WHEREAS**, on February 13, 2014, only one bid was received by the Office of the City Clerk of the City of Oakland for Sanitary Sewer Root Foaming FY 2013-14 (Project No. C457111); and

**WHEREAS**, a previous bid received for this project on November 14, 2013 was deemed non-responsive; and

**WHEREAS**, Duke's Root Control, Inc., 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. C457111; \$544,370.00; 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**, based on an availability study, all Contract Compliance requirements have been waived for this project; 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 2013-14 (Project No. C457111) is hereby awarded to Duke's Root Control, Inc. in accordance with the project specifications and the contractor's bid therefore, dated February 13, 2014, for the amount of Five Hundred Forty-Four Thousand Three Hundred Seventy Dollars; 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 his/her designee, 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 his 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 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