



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director, OPW

SUBJECT: Sanitary Sewer Root Foaming And
On-Call Sanitary Sewer Professional
Engineering Services

DATE: August 17, 2020

City Administrator Approval

Date:

Sep 2, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Legislation:

- 1. Resolution Awarding A Construction Contract To Nor-Cal Pipeline Services, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Specifications For Sanitary Sewer Root Foaming FY 2019-22 (Project No. 1000835) And With Contractor's Bid In The Amount Of One Million Nine Hundred Twenty-Two Thousand Three Hundred Twenty-One Dollars And Thirty-Five Cents (\$1,922,321.35).**
- 2. Resolution Authorizing The City Administrator Or Designee To Enter Into On-Call Sanitary Sewers Professional Engineering Services Agreements, Each For A Duration Of Five Years, With The Following Firms:**
 - A) Tier-One Firms Each For An Amount Not-To-Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) With: 1) Schaaf & Wheeler Consultant Engineers, 2) NBA Engineering, Inc., and 3) Black & Veatch Corporation;**
 - B) Tier-Two Firms Each For An Amount Not-To-Exceed Eight Hundred Fifty Thousand Dollars (\$850,000.00) With: 1) BKF Engineers, and 2) Wood Rogers, Inc.**

EXECUTIVE SUMMARY

Approval of the proposed resolutions will authorize the City Administrator or designee to enter into a construction contract with Nor-Call Pipeline Services for sanitary sewer root foaming, in the amount of \$1,922,321.35 and to enter into on-call professional engineering services agreements with Schaaf & Wheeler Consultant Engineers, NBA Engineering, Inc., Black & Veatch Corporation, BKF Engineers, and Wood Rogers, Inc., each for a period of five (5) years to provide on-call sanitary sewers professional engineering services. Both resolutions are in support of the sanitary sewer program and 2014 Sewer Consent Decree.

City Council
September 15, 2020

BACKGROUND/LEGISLATIVE HISTORY

The Sanitary Sewer Root Foaming FY 2019-22 (Project No. 1000835) supports the City's root foam program to reduce sanitary sewer overflows caused by root intrusion into the City's sewer collection system. Additionally, this contract will satisfy the Sewer Consent Decree's annual requirement of treating fifty (50) miles of sewer mains to control excessive roots in the collection system. The work for this project is located citywide, as shown in **Attachment A**.

The professional services agreements are needed to provide on-call sanitary sewer professional engineering services to assist Oakland Public Works with technical and engineering services to support the delivery of sanitary sewer related programs.

ANALYSIS AND POLICY ALTERNATIVES

The objective of the root foaming treatment to be facilitated by the Sanitary Sewer Root Foaming FY 2019-22 (Project No. 1000835) is to control excessive tree roots in the City's sewer collection system and reduce the number of sanitary sewer overflows related to root intrusion. The herbicide to be used is trademarked as ROOTX, which contains Dichlobenil and have been 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. Root foaming is applied directly to the roots in the sanitary sewer mains from a hose that extends throughout the entire length.

Root foaming for FY 2019-20 is scheduled to begin in November 2020 and should be completed by June 2021. The contract specifies \$500.00 in liquidated damages per calendar day if the contract is not completed by June 30th of each year. The project schedule for all three fiscal years is shown in **Attachment B**.

The Local/Small Local Business Enterprise (L/SLBE) and Trucking programs were waived for this contract due to the specialty nature of the work, as shown in the availability analysis performed by the Social Equity Division of the Department of Contracting and Purchasing, in **Attachment C1**.

Regarding the professional services for on-call sanitary sewers professional engineering services, the City issued a Request for Qualifications (RFQ) in March 2020, and six (6) firms submitted their Statement of Qualification (SOQ).

Staff reviewed the proposals and evaluated for:

1. Business and organization experience; licenses; disputes; construction claim matters and suits;
2. Compliance with safety, workers compensation, prevailing wage, and apprenticeship laws;
3. Local/Small Local Business Enterprise Program; and
4. Project Experience, Team, Approach, and Reference Review.

Staff reviewed proposals and recommended five (5) of the firms to enter into professional service agreements. All selected firms are required to be compliant with the City's Equal Benefits Ordinance. The Department of Workplace and Employment Standards has verified the L/SLBE information for each firm (see **Attachment C2** – Contract Compliance Analyses dated May 5, 2020, and August 3, 2020). One (1) firm did not meet the L/SLBE certification requirement.

The on-call contracts will be utilized for various projects as they arise. Typically, as a project is identified, the City will issue a request-for-bid from on-call consultants service with the appropriate expertise to submit proposals meeting the project scope of work, schedule, and budget. The successful bidder will be issued a Task Order for the project. There is neither a minimum amount of work implied nor guaranteed nor appropriation made as a result of this action. The dollar amount will vary for each individual task order, but the cumulation will not exceed the approved contract amount for each contractor. Throughout the contract life, the contractors will be required to meet City's Compliance programs continuously via interval reviews.

The City is in need of technical and engineering services to provide technical assistance and support the design and delivery of projects. The On-Call Sanitary Sewer Professional Engineering Services contracts will provide the means for delivering technical support and projects in a timely and cost-effective manner. Approval of this contract will reduce the staff time needed for selecting consultants for projects, thereby providing cost-savings to the City. The on-call contract will improve Department efficiency by enabling staff to quickly respond to urgent and unforeseen demands such as sewer emergency repairs during storm events, or providing expertise that cannot be accommodated in a timely manner by issuing an individual RFP. The on-call contract also helps staff respond to numerous regulatory requirements that necessitate quick analysis to meet newly developed approaches and strategies.

FISCAL IMPACT

Approval of Resolution #1 authorizes the City Administrator to award a construction contract to Nor-Cal Pipeline Services, Inc. in an amount not to exceed one million nine hundred twenty-two thousand three hundred twenty-one dollars and thirty-five cents (\$1,922,321.35). Funding is available in the Adopted Fiscal Year 2019-21 Capital Improvement Program Budget in the Sewer Service Fund (3100), Sanitary Sewer Design Organization (92244), and Sanitary Sewer Root Foaming Project (1000835). As shown in **Attachment B**, the total project cost for each of the fiscal years 2019-2022 are:

Fiscal Year	Total Cost
FY 2019-20	\$691,054.60
FY 2020-21	\$611,542.80
FY 2021-22	\$619,723.95

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

Approval of Resolution #2 authorizes the City Administrator to execute an on-call sanitary sewers professional engineering services agreement for on-call, and as-needed, professional engineering services. The on-call professional services may be required for projects funded by various capital improvement funds and will be funded through appropriations within various individual projects. Available funding will be identified for the individual project prior to the performance of the professional services. The approval of the contract agreements will not result in the additional appropriation of funding, and no additional funding is requested. The contract agreement for each Tier 1 contractor will be for an amount not to exceed three hundred and fifty thousand dollars (\$350,000). The contract agreement for each Tier 2 contractor will be for an amount not to exceed eight hundred and fifty thousand dollars (\$850,000).

PUBLIC OUTREACH / INTEREST

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with Local 21, Service Employee International (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the Sanitary Sewer Root Foaming and RFQ.

A legal advertisement for the Sanitary Sewer Root Foaming and RFQ was formally advertised in a total of six (6) newspapers in various languages, including the Daily Pacific Builder, El Mundo, The Korea Times (S.F.), East Bay Times, Oakland Post, and World Journal. The City's web-based procurement system iSupplier and CIPlist.com were utilized for distribution of the RFQ with documents available free of charge online.

For the sanitary sewer root foaming project, the Contractor will notify the residents in the area several days in advance of the application of the root foaming product. Prior to starting construction, residents who are affected by work in the easement will be notified individually of the construction schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge.

COORDINATION

The work to be done under the contract was coordinated with Oakland Public Works (OPW) Bureau of Maintenance and Internal Service. This report and resolution have been reviewed by the Office of the City Attorney and the Budget Bureau. In addition, the Department of Workplace and Employment Standards provided the compliance analyses of submitted firms.

PAST PERFORMANCE, EVALUATION, AND FOLLOW-UP

All four (4) Tier II firms selected through the process are certified local firms. Three (3) of these firms have worked with the City through past or existing on-call contracts or were selected through an RFP process for different City projects. NBA Engineering is a local firm that has not worked on City projects in the past.

SUSTAINABLE OPPORTUNITIES

Economic: A functioning sanitary sewer system improves the community and makes Oakland more attractive for residents and businesses. Sewer overflows cause economic hardships and result in fines by the United State Environmental Protection Agency (EPA) of a maximum of \$27,500.00 per day.

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

Race and Equity: This project is part of the citywide program to eliminate wastewater discharges and overflows, thereby benefiting all Oakland residents with decreased sewer overflows and improved infrastructure.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Resolutions:

1. Resolution Awarding A Construction Contract To Nor-Cal Pipeline Services, The Lowest Responsive And Responsible Bidder, In Accordance With Project Specifications For Sanitary Sewer Root Foaming FY 2019-22 (Project No. 1000835) And With Contractor's Bid In The Amount Of One Million Nine Hundred Twenty-Two Thousand Three Hundred Twenty-One Dollars And Thirty-Five Cents (\$1,922,321.35).
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Edward D. Reiskin, City Administrator

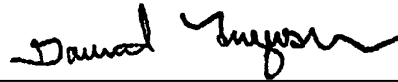
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Date: August 17, 2020

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

Respectfully submitted,



DAVID FERGUSON

Interim Director, Oakland Public Works

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Attachments: (4)

A: Project Location Map

B: List of Bidders and Project Construction Schedule

C1: Contract Compliance Availability Analysis for Sanitary Sewer Root Foaming

C2: Compliance Analysis for Qualification (RFQ) On-Call Sanitary Sewers Professional Engineering Services 2020