

MEETING DATE: 3/1/10

AGENDA ITEM: Approval to (1) Amend Existing Agreement with Duke's Root Control, Inc. by an Additional \$50,000 and (2) Waiver of the Formal Competitive Bidding Process as Authorized by § 3.07.065(C) of the Culver City Municipal Code to Enter into a new Three-Year Agreement with Duke's Root Control, Inc. at \$100,000 per year.

ATTACHMENTS

		<u>Pages</u>
1	Proposal from Duke's Root Control, Inc.	1
2	Cost schedule agreement between City of Los Angeles & Duke's Root Control, Inc.	2
3	City of Los Angeles-Bureau of Sanitation Joint Board Report indicating results of RFP process	3-5



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1-800-44-ROOTS
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February 15, 2010

Mr. Eric Mirzaian
Sr. Management Analyst
City of Culver City
9505 W. Jefferson Blvd.
Culver City, CA 90232

Dear Mr. Mirzaian:

Duke's agrees to extend our current contract prices below through the current fiscal year ending June 30, 2010:

6", 8", 10" = \$.68/ft

12" = \$1.50/ft

At the end of the fiscal year, we have agreed to extend to you the current City of Los Angeles' contract pricing thru December 2012:

6" = \$1.02

8" and 10" = \$1.03

12" = \$1.24

Additionally, per your request, I have included your account activity under our current contract for your review (attachment). Please call me if you have any questions.

Sincerely,

Thomas Edwards

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EXHIBIT A- PROJECT SERVICES COST SCHEDULE
Duke's Root Control, Inc.

<u>Pipe Size</u>	<u>Cost per Linear Foot</u>
6-inch	\$1.02 / linear foot
8-inch	\$1.03 / linear foot
10-inch	\$1.03 / linear foot
12-inch	\$1.24 / linear foot
14-inch	\$1.52 / linear foot
15-inch	\$1.75 / linear foot
18-inch	\$2.29 / linear foot

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Scope of Services

The purpose of the root control application is to continue to support the following City goals and objectives in a cost effective manner:

1. Protect public and employee health and safety;
2. Reduce, and mitigate to the greatest extent possible, all avoidable wastewater overflows; and
3. Avoid to the greatest extent possible permit or regulatory violations.

The City is seeking qualified state licensed chemical root control applicators to apply a restricted use foam product containing the active ingredients metam-sodium and dichlobenil, or diquat. The selected applicator(s) shall provide the services outlined below:

1. Plan, schedule and implement the application of root control product, containing metam-sodium and dichlobenil, or diquat to identified sewers that are 6 to 18 inches in diameter underneath City streets or in right-of-way/easements. Use specialized equipment capable of foaming selected sewer pipes;
2. Determine the appropriate product dosage levels to adequately treat root infested pipes;
3. Coordinate and communicate all activities with the City, document all work, including the date, location, sewers treated (upstream and downstream maintenance holes), volume of product used, any complications/observations, monitoring activities, etc.

The City needs to award the contract to a qualified applicator to continue implementation of the Chemical Root Control Program that is fully aligned with the City's goals/objectives of reducing sewage spills.

Selection of Proposal

On November 7, 2008, the Board authorized the Bureau to release the RFP for sewer chemical root control services.

In response to the advertised RFP, the City received three (3) proposals from Pacific Sewer Maintenance (PSM) of Visalia, California, Root Tamers (Tamers) of Redding, California, and Duke's Root Control, Inc. (Duke's) of Syracuse, New York on January 7, 2009.

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RFP Selection Criteria

As set forth in the RFP, each proposal was reviewed and ranked as follows:

Evaluation Criteria	Percent Range
1. Record of Past Performance – Proven experience of at least five (5) years and a successful track record of applying root control chemicals in over 500,000 linear feet of sanitary sewers, and performed at least ten (10) other chemical root treatment projects in the United States.	30%
2. Operational Proposal – State-of-the-art industry knowledge and proven ability to deliver the project effectively and efficiently while working cooperatively with the City.	40%
3. Cost – Demonstrate financial strength. Provide overall as well as detailed costs for the root treatment of sewers.	30%
Total Percentage	100%

RFP Evaluation Process

After the initial review of the proposals by an evaluation panel of two (2) senior members of the Wastewater Collection Systems Division engineering staff, the City invited each proposer for an interview. The interviews were conducted on January 28th and 29th of 2009.

In the interview, the panel evaluated the proposers based on the records of past performance, operational knowledge and experience, as well as cost in accordance the selection criteria set forth in the RFP. All three (3) contractors were rated as listed below:

	PSM	Tamers	Duke's
Record of Past Performance (Maximum score 30)	17	20	29
Operational Proposal (Maximum score 40)	25	23	40
Cost/Financial Strength (Maximum score 30)	20	17	25
Total points (Maximum score 100)	62	60	94

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RFP Evaluation Results

Duke's has demonstrated excellent knowledge and experience in providing the services to the City and has an excellent record of past performance, having worked with the City to provide the same services since September 2002. Duke's has thorough knowledge of the methods that are required to meet the City's goals and objectives, and is very familiar with the City's collection system operation, as well as the regulations in sewer root-control chemical application. The estimated cost to treat 6.6 million feet of pipe over a three year period, proposed by Duke's, is \$6,898,466, which is the lowest among the three (3) proposers (1.7% lower than PSM and 5.0% lower than Tamers).

PSM and Tamers demonstrated knowledge of root control treatment for sewer systems, but they were not selected. As stated above, their bids were higher than Duke's. Moreover, Tamers's bid was not reasonably balanced, and this firm's work history did not satisfy the minimum requirement of five (5) years experience as required by the RFP. PSM had been a root control contractor for the City until recently. On May 11, 2009, the City terminated the contract with PSM for failing to fulfill its obligations, as evidenced by an increase of sewage spill overflows (SSOs) from pipes that were reportedly treated by PSM. Due to poor performance, it is in the City's best interest not to enter into a contract with PSM at this time.

Based on the aforementioned, the panel decided to recommend awarding the contract to Duke's Root Control, Inc.

Proposed Term of Agreement and Estimated Value of the Contract

The term of the proposed agreement shall be three (3) years from the date of execution. Approximately 450 miles of sewers are targeted for treatment on a yearly basis. The cost ceiling is \$7,500,000 during the three (3) year contract term.

Notification Of Intent to Contract

The required "Notification of Intent to Contract" was filed with the City Administrative Office (CAO) Clearing House on November 27, 2007.

Charter Section 1022

The CAO made a Charter Section 1022 determination on October 21, 2008 and concluded that it is more feasible to contract out this work, based upon the lack of available City staff, as well as the degree of specialization and experience required to handle and administer restricted root control pesticides.