

**City of Culver City, California  
Agenda Item Report**

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| Meeting Date: 3/1/2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Item Number: <u>C-2</u>                                                                           |  |
| <b>CITY COUNCIL AGENDA ITEM: Approval of an Amendment to an Existing Professional Services Agreement with Duke's Root Control, Inc. to Increase the Authorized Amount of the Agreement for this Fiscal Year and Extend the Term of the Agreement to December 31, 2012.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                   |  |
| Contact Person/Dept.: Eric Mirzaian/PW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Phone Number: (310) 253-6410                                                                      |  |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                 |  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Action Item: <input checked="" type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |  |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Date: _____                                                                                       |  |
| Public Notification (E-mail) Meetings and Agendas-City Council (02/24/2010)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                   |  |
| Department Approval:<br>Charles D. Herbertson (02/18/10)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | City Attorney Approval:<br>Carol Schwab (by H. Baker) (02/22/10)                                  |  |
| Chief Financial Officer Approval:<br>Mark Scott (by N. Kimball)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | City Manager Approval:<br>Mark Scott (02/24/10)                                                   |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends that the City Council approve an amendment to the existing professional services agreement with Duke's Root Control, Inc. (Duke's) to increase the authorized amount of the agreement for this fiscal year by \$50,000 (for a total amount not-to-exceed amount of \$300,000 and extend the term of the agreement to December 31, 2012 at a rate of \$100,000 per year.</p> <p><b><u>BACKGROUND:</u></b></p> <p>There are approximately 86 miles of sewer mains that the City maintains. These mains can be impacted by tree and plant root intrusion. Root intrusion causes a variety of negative impacts on the City's system. These impacts range from sewage stoppages, sewage overflows, increased maintenance/utility costs and accelerated deterioration. In 2006, the City entered into a five-year agreement with Duke's to provide root intrusion treatment on the sewer mains. With the services provided by Duke's, the City was able to establish a maintenance program to specifically address the root intrusion problem and treat approximately 8 miles of affected sewer mains each year. The root intrusion maintenance is accomplished through the application of herbicides to dissolve the roots and inhibit root re-growth. The crews performing the maintenance and the herbicides used are required to comply with all Federal, State and local ordinances pertaining to the type of work, particularly the laws and ordinances relating to transportation of material (United States Department of Transportation), the application of sewer root control herbicides (United States Environmental Protection Agency), and traffic safety regulations. All work will be performed by certified pesticide applicators licensed with the California Department</p> |  |                                                                                                   |  |

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of Pesticide Regulation. These types of herbicides used, if applied correctly, are approved for use in sewer lines and treatment facilities.

**DISCUSSION:**

The current agreement with Duke's was established at a not-to-exceed amount of \$250,000, which was fulfilled this year. This equated to \$0.68 per linear foot of treatment for six and eight inch lines. Duke's has agreed to charge the same rate for additional round of treatment at the current rate of \$0.68 per lineal foot through June 30, 2010; thus requiring Council approval to amend the agreement by an additional not to exceed amount of \$50,000 to treat 8 miles of sewer main.

Beginning on July 1, 2010, Duke's has agreed to charge the unit price of \$1.02 per linear foot for 6" sewer mains and \$1.03 per lineal foot for 8" sewer mains as part of an extended agreement term (through December 31, 2012) for a not to exceed amount of \$100,000 per year.

**Competitive Process**

The City Charter excludes maintenance and repair from the formal bidding requirement for public works projects. The root intrusion treatment is considered to be maintenance of the sewer mains. In addition, this is an agreement for professional services, which is also exempt from the formal bidding process. Notwithstanding, staff is recommending that the City enter into an agreement with Duke's under the same terms as the City of Los Angeles' recent agreement with Duke's, which was awarded through a formal competitive bidding process. Staff has reviewed the terms and agreement between Duke's and the City of Los Angeles and is comfortable with the bidding process utilized and the subsequent terms.

Duke's has indicated to Staff that the price of herbicides and dissolvers has increased in recent months. Thus it would be advantageous to accept the same terms that were proposed to the City of Los Angeles through their competitive bid process. The herbicides and dissolvers used by Duke's have proven to be very effective in controlling root intrusion in the City's sewer mains without harming trees. Since implementing this maintenance program, emergency responses to treated areas have declined; thus allowing sewer maintenance staff to focus on preventative maintenance on other sewer mains throughout the City.

**FISCAL ANALYSIS:**

Based on the annual anticipated costs of \$50,000 for the current fiscal year and \$100,000 per year for the subsequent three years, and the anticipated reduction in potential emergency repairs in the treated areas, there are sufficient funds allocated for this agreement in the enterprise Sewer Fund Capital Improvement Program 20400230 (Sewer Localized & Emergency Repairs) for this service.

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There are sufficient funds in the Sewer fund to cover funding for future fiscal years.

**ATTACHMENTS:**

1. Quote from Duke's Root Control, Inc.
2. City of Los Angeles Contract with Dukes' Root Control, Inc. (Cost schedule page only)
3. City of Los Angeles-Bureau of Sanitation Joint Board Report (Scope of Service, Selection of Proposal, RFP Selection/Evaluation Process, and RFP Results sections only)

**MOTION:**

That the City Council:

1. Approve an amendment to the existing professional services agreement with Duke's Root Control, Inc. to increase the authorized amount of the agreement for this fiscal year by \$50,000 (For a total not-to-exceed amount of \$300,000) and extend the term of the agreement to December 31, 2012 at a rate of \$100,000 per year, and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.