



Date: February 19, 2013
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Donald F. Greeley, Director, Water Management
Subject: Contract CCC-1 - Residential Backflow Prevention Assembly Testing and Minor Repair Contracts

Executive Summary

The City of Durham Department of Water Management requires the annual testing of all backflow prevention assemblies (BPA) connected to the City of Durham distribution system. This requirement includes irrigation systems installed on residential properties connected to the City’s system. Tests must be conducted by testers licensed with the City of Durham; once tests are complete, reports must be filed with the Cross-Connection Control Program within the Department. If a test fails indicating a lack of adequate backflow prevention, repairs to the assembly are required within 30 days of the test failure. To assist residential customers in completing annual backflow preventer testing requirements, the Department will initiate a new Residential Backflow Prevention Assembly Testing Program beginning in 2013. Residential customers may “opt-in” and allow the City of Durham to manage the annual testing and repair process. If residential customers choose not to participate in the “opt-in” program, they will be responsible for ensuring that annual testing is conducted by a certified tester.

Customers choosing to participate in the program will be assessed an annual fee for participation in the program. The annual fee includes one BPA test, minor repairs if the test fails and one re-test of the BPA after minor repairs are complete. The Department does not have staff to perform the testing so the testing will be contracted out to certified companies. The Department solicited proposals from certified companies to perform the work and are recommending the City enter into two-year contracts with Acme Services of Durham, Inc. (dba Ben Franklin Plumbing) and Brown Brothers Plumbing and Heating Company, Inc. (Brown Brothers).

Recommendations

The Department of Water Management recommends that the City Council:

1. Authorize the City Manager to execute the following two contracts for Residential Backflow Prevention Assembly Testing and Minor Repairs for 2013-2014:
 - a. A two-year contract with Acme Services of Durham, Inc. for the amount not to exceed \$68,000, and
 - b. A two-year contract with Brown Brothers Plumbing and Heating, Inc. for the amount not to exceed \$71,000.00.
2. Authorize the Department of Water Management to assess \$85.00 per annual testing activity for each year of the contract for customers enrolling in the program.
3. Adopt an ordinance amending Chapter 15, Part 15-116 (Backflow Preventer Permit) of the City’s Fee Schedule with an effective date of April 1, 2013.

Background

Chapter 70, Article VII of the City of Durham Ordinance sets forth requirements to protect the City’s drinking (potable) water system from sources of contamination. One such requirement is the annual testing of backflow preventers which are installed to prevent cross connections. After an approved backflow prevention assembly has been installed, inspected and tested, it must be re-tested annually by individuals who have been certified by an approved testing school. Currently, Cross Connection Control program staff track 3,822 irrigation system backflow preventers and 10,560 non-irrigation backflow preventers which are connected to the City of Durham’s water distribution system. These devices are owned by 4,781 customers who are required to properly maintain their BPAs; proper maintenance includes annual testing by certified testers. The City maintains a list of certified testers from which customers may choose; the list is posted on the webpage and a web link is provided in the annual testing notification letter. Testers approved by the City of Durham are also approved to test in other jurisdictions that have reciprocity with the City of Durham. Likewise, testers approved by other jurisdictions with reciprocity are accepted for testing in the City of Durham.

To assist residential customers in completing annual backflow preventer testing requirements, the Department will initiate a new Residential Backflow Prevention Assembly Testing and Repair Program beginning in 2013. Residential customers may “opt-in” and allow the City of Durham to manage the annual testing and repair process. If residential customers choose not to “opt-in” they will be responsible for ensuring that annual testing is conducted by a certified tester.

Customers choosing to participate in the program will be assessed an annual fee for the annual testing. The annual fee includes the cost of performing the required test, materials and labor for minor repairs should the test fail, and a retest after the minor repairs are made. Minor repairs are repairs that can be completed with a rubber replacement kit or seat replacement; all repairs that cannot be completed with the rubber replacement kit/seat replacement are the customer’s responsibility. The Department does not have staff to perform the testing so this testing will be contracted out to certified companies.

Issues and Analysis

The Department solicited proposals from Contractors to perform these tests for residential irrigation customers and to make minor repairs as required to ensure adequate backflow prevention. Once selected, the contractors would be utilized in a residential BPA testing program administered by the Department. The solicitation requires the contractor to perform the testing of approximately 400 BPAs per year: approximately 100 hours of minor repairs are anticipated. The contract term will be for two years, with unit prices provided for each of the two years of the contract.

The Department received proposals from proposed contractors for the above-referenced testing and repair contract. An addendum to the request for proposals was issued to include the option that the City may contract with two contractors to perform the work. The proposals were evaluated based upon the firm’s demonstration that it has the best combination of qualifications, experience and price to perform the proposed work.

Below is a summary of the seven proposals received:

Plumbing and Pipe Technologies	\$55,000.00
Tom Bacon Plumbing, Inc	\$55,400.00
PlumbV	\$57,800.00

Acme Services of Durham, Inc	\$68,000.00*
Brown Brothers Plumbing and Heating	\$71,000.00*
Blake Quality Plumbing Services	\$75,000.00
Sparrow and Sons	\$85,000.00

*Contractors recommended for award

The two Contractors recommended for award displayed significant experience testing and repairing residential BPAs, and maintain the required staffing levels to meet the testing requirements listed above. The Contractors not recommended for award either are more expensive than the selected firms, did not submit the required EO/EA documentation or could not demonstrate significant testing experience or sufficient staffing.

Alternatives

One alternative would be to reject all proposals and continue to require affected customers to solicit proposals from contractors directly. This alternative (which is the current system) requires customers to contact licensed plumbers and schedule the testing and necessary repairs without City involvement. Customers could see widely varying prices for this service under this alternative; this is an ongoing complaint that has been expressed to City staff many times in the past.

A second alternative would be to reject all proposals and perform all tests and repairs with City staff. To perform these tasks at the desired level of service would require substantial additional funding for City staff and other resources (vehicles, test equipment, repair parts, etc.). Further, City staff could not perform the testing in the time frame required for less than the pricing received in the proposals.

Financial Impacts

For budgetary purposes, the Department will fund this initiative with revenue charged to the customer for these services, and record the revenue in a new account (5100P000-650101 Backflow Device Inspection.) Such charges will be posted to the customer’s water account, minimizing cost and effort of collection. Expenditures will be budgeted as Special Contractual Services in the division of Regulatory Compliance 5100P200-728600.

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposals submitted by Acme Services, dba Ben Franklin Plumbing Durham, NC and Brown Brothers Plumbing and Heating, Inc. and has determined that they are in compliance with the Ordinance to Promote Equal Business Opportunities in City contracting.

SDBE REQUIREMENTS

There were no goals for this project.

Workforce Statistics

Workforce statistics are as follows:

	Acme Services of Durham		Brown Brothers Plumbing and Heating, Inc	
Total Workforce	20		93	
Total Females	3	15%	6	7%

Total Males	17	85%	87	93%
Black Males	2	10%	15	16%
White Males	15	75%	67	72%
Other Males	0	0%	5	5%
Black Females	1	5%	0	0%
White Females	2	10%	6	7%
Other Females	0	0%	0	0%

Attachments:

Ordinance Revising Chapter 15, Part 116 of the Fee Ordinance Agreement (example to be used for both contracts)