



Office of the City Manager

CONSENT CALENDAR
March 21, 2023

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Contract: JV Lucas Paving, Inc. for Street Rehabilitation FY 2023 Project

RECOMMENDATION

Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 23-11558-C; and 2) accepting the bid of the lowest responsive and responsible bidder, JV Lucas Paving, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$10,203,711.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the FY 23 Street Capital Improvement Program budget, Transportation Capital Improvement Program budget and an allocation by the City Council from the General Fund. Funding in the amount of \$55,592 is subject to appropriation in the FY 24 Street Capital Improvement Program budget. No other funding is required, and no other projects will be delayed due to this expenditure.

Low bid by JV Lucas Paving, Inc.	\$9,276,100.38
10% Contingency	\$927,610
Total construction cost	\$10,203,711

FY 2023 Street Capital Improvement Program Funds

State Transportation Tax (127)	\$444,303
Road Maintenance & Rehabilitation Account/SB1 (127)	\$1,700,000
Measure F Vehicle Registration Fee (133)	\$155,000
Measure BB Local Streets and Roads (134)	\$2,980,000
Capital Improvement Fund (501) <i>FY 23 Streets Baseline</i>	\$1,545,336
Capital Improvement Fund (501) <i>FY 23 New PCI Allocation</i>	\$3,250,000
	<u>\$10,074,639</u>

FY 2024 Street Capital Improvement Program Funds

Capital Improvement Fund (501) <i>FY 24 Streets Baseline</i>	\$55,592
	<u>\$10,130,231</u>

FY 2023 Transportation Capital Improvement Program Funds

General Fund (011).....\$73,480

Total construction cost \$10,203,711

CURRENT SITUATION AND ITS EFFECTS

The Street Rehabilitation FY 2023 Project (Specification No. 23-11558-C) was released for bids on January 11, 2023, and bids were opened on January 31, 2023. Seven non-local bids were received, from a low of \$9,276,100.38 to a high of \$12,708,071.65 (see Attachment 3, Abstract of Bids). The engineer’s estimate for the project was \$10.2 million.

On February 1, 2023, the City received a bid protest from the second-lowest bidder, Bay Cities Paving & Grading, Inc. The general basis for the protest was that the JV Lucas Paving, Inc. bid was non-responsive because the bid did not comply with the following requirements in the Specifications: 1) Failure to sign the bid’s signature page, the Project’s General Provisions defines a proposal as: “The written offer of the bidder for the work when made out and submitted on the prescribed form, properly signed and guaranteed.”, 2) Failure to list TMI’s subcontract amount, Section 201.4, proposal form, of the bid’s General Provisions provides: “All proposals shall give the prices proposed, and shall be signed by the Bidder, who must give his address. The Bidder shall fill out all blanks in the proposal form as therein required.”, and 3) The City retains the right to reject JVL’s bid due to its irregularities, Section 201.5, Rejection of Proposals Containing Alterations or Irregularities, “Proposals may be rejected if they show any alterations of form, additions not called for, conditional bids, incomplete bids, or irregularities of any kind.”

A copy of the bid protest was sent to JV Lucas Paving, Inc. to provide them an opportunity to respond to the protest issues. City staff and the City Attorney’s office carefully reviewed and investigated the bids, protest, and response. Subsequently, City staff concluded that the basis of the protest was not material and would not significantly impact the bid. JV Lucas Paving, Inc.’s bid should be deemed responsive.

JV Lucas Paving, Inc. is the lowest responsive and responsible bidder. References for JV Lucas Paving, Inc. were provided and checked out satisfactorily. Staff recommends that a contract for this project be awarded to JV Lucas Paving, Inc.

The Street Rehabilitation FY 2023 Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Streets throughout Berkeley are scheduled for rehabilitation as part of the City’s *Five-Year Street Rehabilitation Plan*. Berkeley maintains a rolling *5-Year Street Rehabilitation Plan* for resurfacing and repaving City streets. The plan is generated with the aid of a Pavement Management System developed by the Metropolitan Transportation Commission. The

plan was most recently updated for Fiscal Years 2023 through 2025 by Resolution 70,204-N.S. adopted by Council on January 25, 2022. The *Street Rehabilitation and Repair Policy* created by Resolution 55,384-N.S. and most recently updated by 70,204-N.S. to include equity, contains the basic criteria for developing the plan and includes the following:

- To the extent financially practical, implementation of the paving plan shall advance City plans, e.g., Complete Streets Policy, Vision Zero Policy and Action Plan, Pedestrian Plan, and Bicycle Plan.
- Rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible.
- Strive to maintain all roads within the primary transportation network (arterials, collectors, bus routes, existing and proposed low-stress bikeway network, and equity zone) at a target PCI (Pavement Condition Index) of 70.
- The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, political influence, or demographic characteristics of the residents of each area. The newly established Equity Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City.
- Coordination with sewer, water, electrical, telecom, undergrounding, and other activities.

This contract is for the construction of approximately 5.9 miles of City streets and consists of rehabilitation and surface seal of selected streets as shown in Attachment 2: Location Map & List of Streets. This includes the advancement in a schedule of all but one of the streets planned for FY 2024 and Derby Street between Sacramento Street and Telegraph Avenue from FY 2025. Grizzly Peak Boulevard was originally advanced as well, but could not be as EBMUD has water line replacements in this segment. For that reason, this segment remains scheduled for FY 2024. The contract also includes the installation of six-speed tables and a traffic diverter on Tenth Street between University Avenue and Bancroft Way in response to a City Council referral for George Florence Park Traffic Calming.

In addition to street pavement, the project incorporates many other improvements to selected streets in compliance with the Berkeley Complete Streets Policy (Resolution No. 65,978-N.S.), the Americans with Disabilities Act, and stormwater best management practices. Among the Complete Streets improvements included are Bicycle Plan and Pedestrian Master Plan recommendations to install a transit lane on Durant and to paint high visibility crosswalks at multiple locations. Additional infrastructure repairs including curb ramps, curbs, drainage inlets and pipes, gutters, and speed tables are also included in this project. Taken together, all of the non-repaving related costs represent approximately 30% of the construction costs.

The project plans and specifications have gone through planning, coordination with outside utility companies, preliminary cost estimates, field investigations, surveys, and extensive design prior to being released for bid.

The plans and specifications are on file in the Public Works Department. In accordance with the requirements of the California Environmental Quality Act (CEQA), this project has been determined to be categorically exempt because it consists of maintenance of existing streets and does not expand their use beyond existing conditions.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. JV Lucas Paving, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project includes rubberized hot mix asphalt treatments which will divert waste tires from local landfills.

RATIONALE FOR RECOMMENDATION

This street repair project is part of the City's ongoing annual program to rehabilitate deteriorated streets throughout the City. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this pavement rehabilitation project. The City could choose not to proceed with this project. However, City streets would then continue to deteriorate, drainage improvements would not be made and complete street bicycle and pedestrian elements would not be installed, affecting use by the community and others.

CONTACT PERSON

Ron Nevels, Interim Manager of Engineering, Public Works (510) 981-6439
Farid Javandel, Deputy Director of Public Works, Transportation and Engineering (510) 981-7061

Attachments:

- 1: Resolution
- 2: Location Map & List of Streets for Project
- 3: Abstract of Bids

RESOLUTION NO. ##,###-N.S.

CONTRACT: JV LUCAS PAVING, INC. FOR STREET REHABILITATION FY 2023
PROJECT

WHEREAS, the Street Rehabilitation FY 2023 Project is part of the City's ongoing Street Capital Improvement Program to rehabilitate deteriorated streets located throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Street Rehabilitation FY 2023 Project; and

WHEREAS, an invitation for bids was duly advertised, bids were opened on January 31, 2023; and

WHEREAS, upon receipt of a bid protest, review of the submitted bids, and careful consideration, the basis of the protest was found to be not material and would not significantly impact the bid; and

WHEREAS, JV Lucas Paving, Inc. was determined to be the lowest responsive and responsible bidder; and

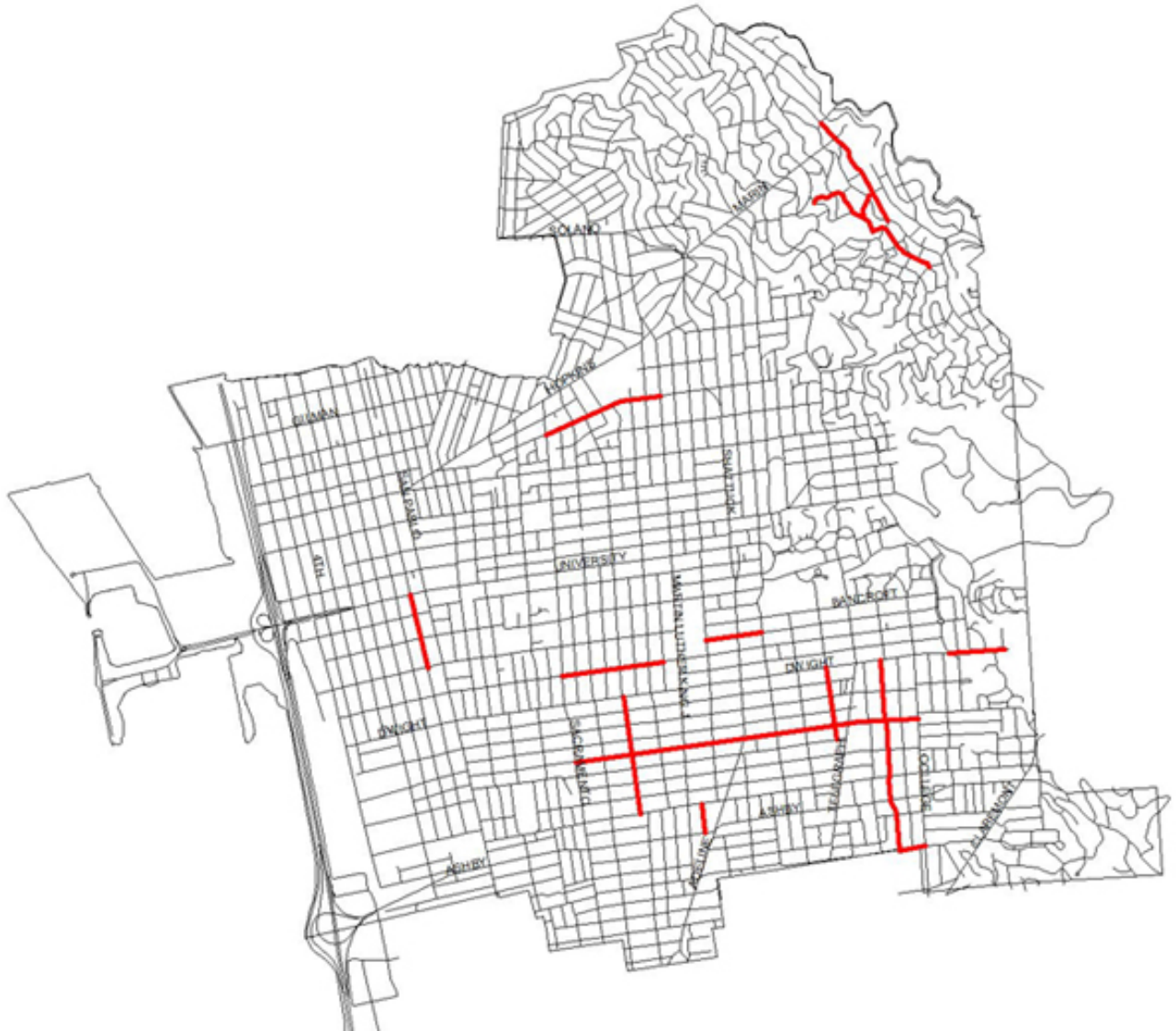
WHEREAS, funding is available in the FY 2023 and FY 2024 budgets in the Street Capital Improvement Program State Transportation Tax (Fund 127), Measure F Vehicle Registration Fee (Fund 133), Measure BB Sales Tax (Fund 134), Capital Improvement Fund (Fund 501), and General Fund (011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 23-11558-C for the Street Rehabilitation FY 2023 Project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to JV Lucas Paving, Inc. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders, until completion of the project in accordance with the approved plans and specifications with JV Lucas Paving, Inc. for the Street Rehabilitation FY 2023 Project, in an amount not to exceed \$10,203,711, which includes a 10% contingency for unforeseen circumstances. A record signature copy of the said agreement and any amendments are to be on file in the Office of the City Clerk.

Street Rehabilitation FY 2023



Street	From	To
Channing	Sacramento	McKinley
Creston	Sunset	Grizzly Peak (S)
Dana	Dwight	Ward
Derby	Sacramento	College
Durant	Milvia	Fulton
Dwight	Piedmont	End
Hillegass	Dwight	Woolsey
Latham	Miller	Grizzly Peak
McGee	Dwight	Russell
Miller	Poppy	Shasta
Otis	Russell	Ashby
Rose	Sacramento	Martin Luther King Jr.
Woolsey	Hillegass	College
Speed tables/diverter on:		
Tenth	University	Bancroft



City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

Spec. No. 23-11558-C

Bid Date: 1/31/2023

FOR: [Street Rehabilitation FY 2023](#)

required w/ bid

	Bidders	Base Bid A	Base Bid B	Total Base A+B	Bid Bond	Experience - Fin. Qual.	Taxpayer ID	Nuclear Free	Opp.States	Sanctuary City	EBO
1	Bay Cities Paving and Grading	\$ 7,810,271.24	\$ 1,749,728.76	\$ 9,560,000.00	x	x	x	x	x	x	x
2	Gallagher and Berk	\$ 8,018,331.00	\$ 1,766,085.00	\$ 9,784,416.00	x	x	x	x	x	x	x
3	Ghilotti Brothers Inc	\$ 10,026,267.35	\$ 2,681,804.30	\$ 12,708,071.65	x	x	x	x	x	x	x
4	Ghilotti Construction Company	\$ 8,794,091.94	\$ 2,054,716.08	\$ 10,848,808.02	x	x	x	x	x	x	x
5	Lucas Paving	\$ 7,765,783.38	\$ 1,510,317.00	\$ 9,276,100.38	x	x	x	x	x	x	x
6	MCK Inc.	\$ 8,268,207.65	\$ 2,072,123.00	\$ 10,340,330.65	x	x	x	x	x	x	x
7	Teichert Construction	\$ 9,058,199.94	\$ 1,698,436.06	\$ 10,756,636.00	x	x	x	x	x	x	x
8											
9											
10											

Bid Recorder: Roopreet Soorma
 Bid Opener: Josh Roben
 Project Manager: Wendy Wong

Roopreet Soorma
Roopreet Soorma (Feb 1, 2023 12:29 PST)
Josh Roben
Josh Roben (Feb 1, 2023 15:51 PST)
Wendy Wong

Date Feb 1, 2023
 Date Feb 1, 2023
 Date Feb 1, 2023












23-11558-C Bid Abstract

Final Audit Report

2023-02-01

Created:	2023-01-31
By:	Josh Roben (JRoben@cityofberkeley.info)
Status:	Signed
Transaction ID:	CBJCHBCAABAACcJauAQQBhiE3QzfVlasEuF6LRpGYNO7

"23-11558-C Bid Abstract" History

-  Document created by Josh Roben (JRoben@cityofberkeley.info)
2023-01-31 - 11:43:32 PM GMT
-  Document emailed to Wendy Wong (WWong@cityofberkeley.info) for signature
2023-01-31 - 11:46:03 PM GMT
-  Email viewed by Wendy Wong (WWong@cityofberkeley.info)
2023-02-01 - 7:03:53 PM GMT
-  Document e-signed by Wendy Wong (WWong@cityofberkeley.info)
Signature Date: 2023-02-01 - 7:12:46 PM GMT - Time Source: server
-  Document emailed to Roopreet Soorma (rsoorma@cityofberkeley.info) for signature
2023-02-01 - 7:12:48 PM GMT
-  Email viewed by Roopreet Soorma (rsoorma@cityofberkeley.info)
2023-02-01 - 8:28:50 PM GMT
-  Document e-signed by Roopreet Soorma (rsoorma@cityofberkeley.info)
Signature Date: 2023-02-01 - 8:29:01 PM GMT - Time Source: server
-  Document emailed to Josh Roben (JRoben@cityofberkeley.info) for signature
2023-02-01 - 8:29:02 PM GMT
-  Email viewed by Josh Roben (JRoben@cityofberkeley.info)
2023-02-01 - 11:50:53 PM GMT
-  Document e-signed by Josh Roben (JRoben@cityofberkeley.info)
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