



Office of the City Manager

CONSENT CALENDAR  
May 14, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phillip L. Harrington, Director, Department of Public Works  
Subject: Contract: ERA Construction Inc. for Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Gilman Railroad Pedestrian Crossing Safety Project (“Project”), Specification No. 18-11244-C;
2. Accepting the bid of the lowest responsible bidder, ERA Construction Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with ERA Construction Inc. until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$377,764.

FISCAL IMPACTS OF RECOMMENDATION

Funding of \$377,734 is available in the FY 2019 budget in the Caltrans Grant Fund (344-54-622-668-0000-000-431-665110) and in the Measure BB – Local Street and Road Fund (134-54-622-668-0000-000-431-665110).

Low bid by ERA Construction Inc.	\$	328,464
15% contingency	\$	49,300
<b>Total NTE construction</b>	<b>\$</b>	<b>377,764</b>

The Contract Management System (“CMS”) No. for the contract is AAX6X.

CURRENT SITUATION AND ITS EFFECTS

This is the second of two related Council Reports pertaining to the Project, and both are scheduled for the same Council meeting in the following sequential order:

- Acceptance of Amendment to Grant Funding Agreement. This is necessary to secure the remaining construction funds for the Project.
- Contract Award for Construction Contract. This is required to enter into a construction contract with a contractor to perform the work of this Project.

On April 16, 2019, eight bids were opened for the Project, with bids ranging from \$328,464 to \$478,908.50. The low bidder was ERA Construction Inc. at \$96,536 below the Engineer's Estimate of \$425,000. Staff has verified that ERA Construction Inc. is the lowest responsive and responsible bidder, in accordance with the Public Contract Code.

The Living Wage Ordinance does not apply to this Project as Department of Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. ERA Construction Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement (CWA) does not apply because the construction cost of this Project is below the \$500,000 threshold for CWA eligibility.

The Gilman Railroad Pedestrian Crossing Safety Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

The sidewalks along Gilman Street at the Third Street railroad crossing end approximately 150 feet short of the boundaries of the crossing at the northeast, northwest, southeast, and southwest quadrants. Pedestrians traveling along Gilman Street must traverse an uneven, unpaved area to continue across the railroad tracks.

In May 2014, at the request of Union Pacific Railroad (UPRR), City staff met with Caltrans and UPRR staff at the Gilman Street/Third Street railroad intersection to evaluate potential pedestrian safety improvements. This evaluation led to a series of recommendations, including improved railroad crossing signals, improved street signage, and completion of the sidewalk along Gilman Street at this intersection. UPRR will install improved railroad crossing signals. The City has already installed improved street signage and intends to construct sections of concrete sidewalk to fill in existing gaps adjacent to the railroad tracks at this intersection under the contract with ERA Construction Inc.

On June 28, 2016, Council authorized the City Manager to accept an award of \$310,500 from Caltrans for the construction of concrete sidewalk infill at the four quadrants described above at the Gilman Street/Third Street railroad crossing. Service Contract No. 75LX291 was executed on February 28, 2017, between the City and Caltrans in the amount of \$310,500 for the construction of this Project.

Since that time, detailed design has occurred culminating in a final design, and construction costs have escalated. The total estimated construction cost is anticipated to exceed the original funding amount. City staff have recently discussed this discrepancy with Caltrans, and as a result, the City and Caltrans intend to execute an amendment to the Service Contract, which will increase the award from Caltrans to match the estimated construction cost. Pending Council's acceptance of the amendment

to the Service Contract, which is detailed in a separate Council Report, this Council Report requests authorization for the City Manager to execute a contract and any amendments, extensions, and/or change orders with ERA Construction Inc. until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$377,764 as specified in the amended funding agreement.

#### ENVIRONMENTAL SUSTAINABILITY

In addition to improving pedestrian safety, completion of this Project is expected to reduce the amount of airborne road dust particles that currently result from foot traffic as pedestrians traverse the existing unpaved area.

#### RATIONALE FOR RECOMMENDATION

The City has a policy to infill sidewalk gaps, and this Project will be funded by a Caltrans monetary award that requires no local matching funds.

#### ALTERNATIVE ACTIONS CONSIDERED

The City may reject the construction bids; however this alternative action would result in the City having to use its own funds to infill the concrete sidewalk gap at this location as part of its ongoing sidewalk completion program.

#### CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works Department, (510) 981-7061  
Kenneth Jung, Associate Civil Engineer, Public Works Department, (510) 981-7028

#### Attachments:

- 1: Resolution
- 2: Abstract of Bids

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

CONTRACT: ERA CONSTRUCTION INC. FOR GILMAN RAILROAD PEDESTRIAN  
CROSSING SAFETY PROJECT

WHEREAS, the Gilman Railroad Pedestrian Crossing Safety Project will fill in gaps in the existing sidewalk along Gilman Street at the Third Street railroad crossing, in keeping with a City policy to fill in sidewalk gaps; and

WHEREAS, the City and the California Department of Transportation have executed Service Contract No. 75LX291, in which the California Department of Transportation agrees to reimburse the City of Berkeley up to \$310,500 for the construction of this Project; and

WHEREAS, the Council of the City of Berkeley has accepted an amendment to the aforementioned Service Contract to increase the amount of funding to \$473,000 and extend the expiration date to December 31, 2020; and

WHEREAS, an invitation for bids was duly advertised and ERA Construction Inc. was the lowest responsive and responsible bidder; and

WHEREAS, funding is available in the FY 2019 budget in the Caltrans Grant Fund (Fund 344) and in the Measure BB – Local Street and Road Fund (Fund 134); and

WHEREAS, the contract has been entered into the Citywide contract database with Contract Management System (CMS) No. AAX6X, no other funding is required, and no other project will be delayed due to this expenditure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 18-11244-C for the Gilman Railroad Pedestrian Crossing Safety Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of the lowest responsive and responsible bidder, ERA Construction Inc.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications with ERA Construction Inc. for the Gilman Railroad Pedestrian Crossing Safety Project, in an amount not to exceed \$377,764, which includes a 15% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

ATTACHMENT 2  
CITY OF BERKELEY  
ABSTRACT OF BIDS

For: Gilman Railroad Pedestrian Crossing Safety Project

Spec. No. 18-11244-C

Bid Opening: April 16, 2019, 2:00 PM

Item No.	Est. Qty	Unit	Description	ERA Construction Inc. San Pablo, CA		Sposeto Engineering Inc. Livermore, CA		California Highway Construction Group, Inc. Concord, CA		Gruendl Inc. DBA Ray's Electric Oakland, CA	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	TRAFFIC CONTROL	\$ 32,000.00	\$ 32,000.00	\$118,000.00	\$118,000.00	\$22,905.50	\$22,905.50	\$60,000.00	\$60,000.00
2	1	LS	CONSTRUCTION AREA SIGNS	\$ 3,872.00	\$ 3,872.00	\$4,700.00	\$4,700.00	\$3,575.00	\$3,575.00	\$6,000.00	\$6,000.00
3	1	LS	WATER POLLUTION CONTROL	\$ 4,480.00	\$ 4,480.00	\$10,000.00	\$10,000.00	\$4,550.00	\$4,550.00	\$8,000.00	\$8,000.00
4	1	LS	CONSTRUCTION STAKING	\$ 7,680.00	\$ 7,680.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
5	1	LS	MOBILIZATION/DEMObILIZATION (7%)	\$ 13,747.20	\$ 13,747.20	\$29,800.00	\$29,800.00	\$26,000.00	\$26,000.00	\$27,000.00	\$27,000.00
6.1	1	LS	SITE CLEARING & GRUBBING	\$ 13,056.00	\$ 13,056.00	\$41,000.00	\$41,000.00	\$17,500.00	\$17,500.00	\$10,000.00	\$10,000.00
6.2	300	LF	REMOVE CURB	\$ 11.52	\$ 3,456.00	\$24.00	\$7,200.00	\$15.50	\$4,650.00	\$10.00	\$3,000.00
6.3	687	SF	REMOVE CONCRETE DRIVEWAY	\$ 12.80	\$ 8,793.60	\$12.00	\$8,244.00	\$6.50	\$4,465.50	\$11.00	\$7,557.00
6.4	137	SF	REMOVE CONCRETE SIDEWALK	\$ 14.08	\$ 1,928.96	\$12.00	\$1,644.00	\$10.00	\$1,370.00	\$11.00	\$1,507.00
6.5	3,112	SF	REMOVE AC BASE AND SURFACING	\$ 10.24	\$ 31,866.88	\$12.00	\$37,344.00	\$5.50	\$17,116.00	\$12.00	\$37,344.00
6.6	1	LS	REMOVE RAILROAD TIES	\$ 5,760.00	\$ 5,760.00	\$1,200.00	\$1,200.00	\$5,500.00	\$5,500.00	\$5,000.00	\$5,000.00
6.7	3,348	SF	REMOVE AND REPLACE CONCRETE SIDEWALK	\$ 17.92	\$ 59,996.16	\$18.00	\$60,264.00	\$24.00	\$80,352.00	\$27.00	\$90,396.00
6.8	370	SF	REMOVE AND REPLACE CONCRETE DRIVEWAY	\$ 28.16	\$ 10,419.20	\$18.00	\$6,660.00	\$27.60	\$10,212.00	\$30.00	\$11,100.00
6.9	2	EA	RELOCATE ROADSIDE SIGN	\$ 704.00	\$ 1,408.00	\$250.00	\$500.00	\$300.00	\$600.00	\$400.00	\$800.00
6.10	2	EA	REPLACE MONUMENT	\$ 3,840.00	\$ 7,680.00	\$8,500.00	\$17,000.00	\$2,500.00	\$5,000.00	\$6,500.00	\$13,000.00
6.11	1	EA	ADJUST UTILITY BOX TO GRADE	\$ 2,304.00	\$ 2,304.00	\$450.00	\$450.00	\$270.00	\$270.00	\$1,000.00	\$1,000.00
6.12	1	EA	ADJUST SD JUNCTION BOX TO GRADE	\$ 3,200.00	\$ 3,200.00	\$950.00	\$950.00	\$700.00	\$700.00	\$1,500.00	\$1,500.00
7	1,787	SF	CONCRETE SIDEWALK	\$ 13.44	\$ 24,017.28	\$14.00	\$25,018.00	\$22.00	\$39,314.00	\$20.00	\$35,740.00
8	294	LF	CURB AND GUTTER (TYPE A2-6)	\$ 57.60	\$ 16,934.40	\$86.00	\$25,284.00	\$98.00	\$28,812.00	\$67.00	\$19,698.00
9	19	LF	2' CONCRETE CURB AND GUTTER	\$ 96.00	\$ 1,824.00	\$86.00	\$1,634.00	\$127.00	\$2,413.00	\$67.00	\$1,273.00
10	82	LF	CONCRETE ROLLED CURB	\$ 70.40	\$ 5,772.80	\$83.00	\$6,806.00	\$130.00	\$10,660.00	\$70.00	\$5,740.00
11	31	LF	CONCRETE RATAINING CURB	\$ 83.20	\$ 2,579.20	\$40.00	\$1,240.00	\$162.00	\$5,022.00	\$67.00	\$2,077.00
12	4	LF	CURB TRANSITION	\$ 320.00	\$ 1,280.00	\$110.00	\$440.00	\$125.00	\$500.00	\$70.00	\$280.00
13	64	SF	PORTLAND CEMENT CONCRETE (PCC) PAD	\$ 64.00	\$ 4,096.00	\$56.00	\$3,584.00	\$35.00	\$2,240.00	\$30.00	\$1,920.00
14	125	SF	DETECTABLE WARNING SURFACE	\$ 38.40	\$ 4,800.00	\$56.00	\$7,000.00	\$30.00	\$3,750.00	\$40.00	\$5,000.00
15	293	SF	DECOMPOSED GRANITE	\$ 16.64	\$ 4,875.52	\$12.00	\$3,516.00	\$10.00	\$2,930.00	\$30.00	\$8,790.00
16	65	TON	HOT MIX ASPHALT (TYPE A)	\$ 320.00	\$ 20,800.00	\$526.00	\$34,190.00	\$745.00	\$48,425.00	\$330.00	\$21,450.00
17	1	EA	DRAINAGE INLET (TYPE G-1) WITH PCC APRON	\$ 3,840.00	\$ 3,840.00	\$4,800.00	\$4,800.00	\$12,500.00	\$12,500.00	\$7,500.00	\$7,500.00
18	14	LF	12" HDPE STORM DRAIN PIPE	\$ 320.00	\$ 4,480.00	\$290.00	\$4,060.00	\$200.00	\$2,800.00	\$250.00	\$3,500.00
19	2	EA	PEDESTRIAN BARRICADE	\$ 4,480.00	\$ 8,960.00	\$2,350.00	\$4,700.00	\$1,300.00	\$2,600.00	\$1,500.00	\$3,000.00
20	123	LF	PAVEMENT STRIPING (WHITE)	\$ 51.20	\$ 6,297.60	\$31.00	\$3,813.00	\$20.00	\$2,460.00	\$25.00	\$3,075.00
21	65	SF	PAVEMENT MARKINGS (WHITE)	\$ 51.20	\$ 3,328.00	\$37.00	\$2,405.00	\$30.00	\$1,950.00	\$30.00	\$1,950.00
22	174	LF	CURB PAINT	\$ 12.80	\$ 2,227.20	\$6.25	\$1,087.50	\$17.00	\$2,958.00	\$10.00	\$1,740.00
23	1	EA	ROADSIDE SIGN	\$ 704.00	\$ 704.00	\$375.00	\$375.00	\$400.00	\$400.00	\$500.00	\$500.00
<b>Total Price of Bid</b>				<b>\$ 328,464.00</b>	<b>\$ 328,464.00</b>	<b>\$ 478,908.50</b>	<b>\$ 478,908.50</b>	<b>\$ 384,500.00</b>	<b>\$ 384,500.00</b>	<b>\$ 416,437.00</b>	<b>\$ 416,437.00</b>

ATTACHMENT 2  
CITY OF BERKELEY  
ABSTRACT OF BIDS

For: Gilman Railroad Pedestrian Crossing Safety Project

Spec. No. 18-11244-C

Bid Opening: April 16, 2019, 2:00 PM

Item No.	Est. Qty	Unit	Description	R&S Construction Management Inc. San Francisco, CA		Kerex Engineering, Inc. Pleasant Hill, CA		Mark Lee & Yong Kay, Inc. DBA Bay Construction Oakland, CA		RK Engineering Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	TRAFFIC CONTROL	\$ 86,000.00	\$ 86,000.00	\$40,000.00	\$40,000.00	\$90,000.00	\$90,000.00	\$68,000.00	\$68,000.00
2	1	LS	CONSTRUCTION AREA SIGNS	\$ 500.00	\$ 500.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
3	1	LS	WATER POLLUTION CONTROL	\$ 1,000.00	\$ 1,000.00	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00
4	1	LS	CONSTRUCTION STAKING	\$ 2,000.00	\$ 2,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
5	1	LS	MOBILIZATION/DEMObILIZATION (7%)	\$ 25,500.00	\$ 25,500.00	\$30,000.00	\$30,000.00	\$28,000.00	\$28,000.00	\$10,000.00	\$10,000.00
6.1	1	LS	SITE CLEARING & GRUBBING	\$ 20,000.00	\$ 20,000.00	\$55,000.00	\$55,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
6.2	300	LF	REMOVE CURB	\$ 15.00	\$ 4,500.00	\$10.00	\$3,000.00	\$20.00	\$6,000.00	\$15.00	\$4,500.00
6.3	687	SF	REMOVE CONCRETE DRIVEWAY	\$ 8.00	\$ 5,496.00	\$10.00	\$6,870.00	\$7.00	\$4,809.00	\$6.00	\$4,122.00
6.4	137	SF	REMOVE CONCRETE SIDEWALK	\$ 8.00	\$ 1,096.00	\$10.00	\$1,370.00	\$5.00	\$685.00	\$6.00	\$822.00
6.5	3,112	SF	REMOVE AC BASE AND SURFACING	\$ 8.00	\$ 24,896.00	\$5.00	\$15,560.00	\$5.00	\$15,560.00	\$7.00	\$21,784.00
6.6	1	LS	REMOVE RAILROAD TIES	\$ 10,000.00	\$ 10,000.00	\$15,000.00	\$15,000.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
6.7	3,348	SF	REMOVE AND REPLACE CONCRETE SIDEWALK	\$ 20.00	\$ 66,960.00	\$23.00	\$77,004.00	\$30.00	\$100,440.00	\$20.00	\$66,960.00
6.8	370	SF	REMOVE AND REPLACE CONCRETE DRIVEWAY	\$ 25.00	\$ 9,250.00	\$35.00	\$12,950.00	\$40.00	\$14,800.00	\$24.00	\$8,880.00
6.9	2	EA	RELOCATE ROADSIDE SIGN	\$ 500.00	\$ 1,000.00	\$500.00	\$1,000.00	\$200.00	\$400.00	\$725.00	\$1,450.00
6.10	2	EA	REPLACE MONUMENT	\$ 2,750.00	\$ 5,500.00	\$2,500.00	\$5,000.00	\$2,400.00	\$4,800.00	\$1,000.00	\$2,000.00
6.11	1	EA	ADJUST UTILITY BOX TO GRADE	\$ 800.00	\$ 800.00	\$500.00	\$500.00	\$600.00	\$600.00	\$700.00	\$700.00
6.12	1	EA	ADJUST SD JUNCTION BOX TO GRADE	\$ 2,000.00	\$ 2,000.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$900.00	\$900.00
7	1,787	SF	CONCRETE SIDEWALK	\$ 16.00	\$ 28,592.00	\$20.00	\$35,740.00	\$40.00	\$71,480.00	\$16.00	\$28,592.00
8	294	LF	CURB AND GUTTER (TYPE A2-6)	\$ 100.00	\$ 29,400.00	\$75.00	\$22,050.00	\$106.00	\$31,164.00	\$90.00	\$26,460.00
9	19	LF	2' CONCRETE CURB AND GUTTER	\$ 100.00	\$ 1,900.00	\$150.00	\$2,850.00	\$100.00	\$1,900.00	\$115.00	\$2,185.00
10	82	LF	CONCRETE ROLLED CURB	\$ 90.00	\$ 7,380.00	\$150.00	\$12,300.00	\$100.00	\$8,200.00	\$118.00	\$9,676.00
11	31	LF	CONCRETE RETAINING CURB	\$ 90.00	\$ 2,790.00	\$175.00	\$5,425.00	\$50.00	\$1,550.00	\$160.00	\$4,960.00
12	4	LF	CURB TRANSITION	\$ 90.00	\$ 360.00	\$500.00	\$2,000.00	\$100.00	\$400.00	\$100.00	\$400.00
13	64	SF	PORTLAND CEMENT CONCRETE (PCC) PAD	\$ 50.00	\$ 3,200.00	\$50.00	\$3,200.00	\$30.00	\$1,920.00	\$115.00	\$7,360.00
14	125	SF	DETECTABLE WARNING SURFACE	\$ 150.00	\$ 18,750.00	\$20.00	\$2,500.00	\$20.00	\$2,500.00	\$45.00	\$5,625.00
15	293	SF	DECOMPOSED GRANITE	\$ 50.00	\$ 14,650.00	\$20.00	\$5,860.00	\$15.00	\$4,395.00	\$14.00	\$4,102.00
16	65	TON	HOT MIX ASPHALT (TYPE A)	\$ 400.00	\$ 26,000.00	\$700.00	\$45,500.00	\$400.00	\$26,000.00	\$350.00	\$22,750.00
17	1	EA	DRAINAGE INLET (TYPE G-1) WITH PCC APRON	\$ 5,000.00	\$ 5,000.00	\$5,500.00	\$5,500.00	\$7,700.00	\$7,700.00	\$6,000.00	\$6,000.00
18	14	LF	12" HDPE STORM DRAIN PIPE	\$ 500.00	\$ 7,000.00	\$500.00	\$7,000.00	\$300.00	\$4,200.00	\$500.00	\$7,000.00
19	2	EA	PEDESTRIAN BARRICADE	\$ 1,200.00	\$ 2,400.00	\$1,500.00	\$3,000.00	\$1,900.00	\$3,800.00	\$3,000.00	\$6,000.00
20	123	LF	PAVEMENT STRIPING (WHITE)	\$ 52.00	\$ 6,396.00	\$40.00	\$4,920.00	\$24.00	\$2,952.00	\$40.00	\$4,920.00
21	65	SF	PAVEMENT MARKINGS (WHITE)	\$ 52.00	\$ 3,380.00	\$40.00	\$2,600.00	\$29.00	\$1,885.00	\$40.00	\$2,600.00
22	174	LF	CURB PAINT	\$ 7.00	\$ 1,218.00	\$50.00	\$8,700.00	\$5.00	\$870.00	\$10.00	\$1,740.00
23	1	EA	ROADSIDE SIGN	\$ 1,250.00	\$ 1,250.00	\$500.00	\$500.00	\$300.00	\$300.00	\$1,200.00	\$1,200.00
<b>Total Price of Bid</b>				<b>\$ 426,164.00</b>	<b>\$ 426,164.00</b>	<b>\$ 450,899.00</b>	<b>\$ 450,899.00</b>	<b>\$ 463,310.00</b>	<b>\$ 463,310.00</b>	<b>\$ 364,188.00</b>	<b>\$ 364,188.00</b>

ATTACHMENT 2  
CITY OF BERKELEY  
ABSTRACT OF BIDS

For: Gilman Railroad Pedestrian Crossing Safety Project

Spec. No. 18-11244-C

Bid Opening: April 16, 2019, 2:00 PM

Verified by: Kenneth Jung KS

Submitted by: Kenneth Jung KS

