



Office of the City Manager

CONSENT CALENDAR
October 30, 2012

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Andrew Clough, Director, Public Works
Subject: Contract: Chrisp Company for Roadway Thermoplastic Markings

RECOMMENDATION

Adopt a Resolution:

1. Rejecting the bid of \$1,138,090 by Chrisp Company received on May 31, 2012; and
2. Authorizing the City Manager to renegotiate bid items quantities, contracts and any amendments with Chrisp Company in an amount not to exceed \$750,000 to provide and install thermoplastic roadway markings for a period of 3 years.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2013 budget from the Special Gas Tax Improvement Fund (369-4960-431-6520-06TP14) for roadway markings, and an annual recurring allocation of \$250,000 is planned for FY 2014 and FY 2015, contingent upon continuance of this allocation from the State and subject to appropriation approval each fiscal year.

3-Year Contract:

FY 2013.....	\$250,000
FY 2014.....	\$250,000
FY 2015.....	\$250,000
Total Cost Not to Exceed	\$750,000

The Contract Management System number is JPUP3.

CURRENT SITUATION AND ITS EFFECTS

The City must periodically refresh pavement markings for roadway safety, especially crosswalks, lane markings, and pavement legends that reinforce regulatory signs. Poor visibility of markings is likely to decrease safety of motorists, bicyclists, and pedestrians, particularly on major streets: drivers may have more difficulty recognizing lane designations, pedestrian crossings, and changes in lane geometry, and may increase liability to the City. The contract with Lineation Markings Corporation to provide these services expired on August 24, 2012.

BACKGROUND

The City does not have adequate staffing or equipment, to install thermoplastic markings, which have a life of 5-7 years compared to 1-2 years for painted markings, or to maintain all pavement markings on a regular basis. In recent years, the cost of installing thermoplastic markings has decreased; making it more cost-effective to provide this type of treatment, particularly for heavily traveled roadways.

The contract will allow the City to request on-call services from the successful bidder for a 3-year period. Because several years will be required to upgrade roadway markings throughout the City, a multi-year contract is advisable and provides for continuation of unit prices through the contract period, subject to increases in the cost-of-living index.

On May 16, 2012 Public Works – Transportation Division issued Specifications for Roadway Thermoplastic Markings, Specification No. 12-10682-C. A Request for Bids and Specifications was posted on the City Web page for 2 weeks and email invitations were also sent to 8 contractors serving the Bay Area. The allocated budget for this contract is \$250,000 per year not to exceed \$750,000 in total for a three year period. One contractor, Chrisp Company, submitted a bid of \$1,138,090, which was opened on May 31, 2012 and was determined to be “the responsive and responsible bidder,” meeting all requirements of the proposal and specifications. The unit bid pricing submitted by Chrisp for the roadway thermoplastic markings works out to be comparable to, and competitive with the City’s existing on-call contract. Chrisp Company also previously provided satisfactory on-call consulting services for the City, from contracts that ran from October 2004 through May 2009.

On July 17, 2012 staff recommended the City Council to adopt the following Resolution No. 65,831-N.S.: *“The plans and specifications for the Roadway Thermoplastic Markings Project, Specifications No. 12-10682-C are approved; the bid of Chrisp Company is accepted; and the City Manager is authorized to execute a contract and any amendments until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$750,000 for a period of 3 years from the date of the Notice to Proceed.”*

At the advice of the City Attorney’s office the execution of the contract is on-hold because the bid by Chrisp Company for \$1,138,090 is 34% over the estimated budget amount of \$750,000. While the Council could have accepted the bid from Chrisp Company and then reduced the scope of work, the contract provisions only allow the City to decrease the scope by 20%. Thus, the only option is to reject Chrisp Company’s bid and either rebid the project or negotiate on the open market. Chrisp Company has agreed to reduce its bid to not exceed \$750,000 by reducing the scope of work called for in the bid specifications. However, Chrisp Company has agreed to maintain the unit cost pricing it previously submitted to the City.

RATIONALE FOR RECOMMENDATION

The City does not have adequate staff or equipment to provide the needed services in a timely and cost-effective manner. Upgrading of roadway markings has been and will

continue to be a priority activity in the Transportation Division of Public Works. Chrisp Company agrees to comply with the unit prices it stated in its bid even though the scope of work will be reduced by 34%.

ALTERNATIVE ACTIONS CONSIDERED

No alternative action was deemed feasible.

CONTACT PERSON

Hamid Mostowfi, Supervising Traffic Engineer, Public Works, 981-6403

Ahsan Kazmi, Assistant Traffic Engineer, Public Works, 981-6416

Attachments:

1: Resolution

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

CONTRACT: CHRISP COMPANY FOR ROADWAY THERMOPLASTIC MARKINGS

WHEREAS, area-wide refreshing of markings on roadways, especially at crosswalks and on major, multilane streets are an important factor in providing maximum safety for motorists, bicyclists, and pedestrians; and

WHEREAS, City staff and equipment are inadequate to provide the required improvements in markings in a timely or cost-effective manner; and

WHEREAS, an invitation for bids was duly advertised and, while Chrisp Company was determined to be a responsive and responsible bidder, meeting all requirements of the proposal and specifications, its bid was 34% over the City's estimate; and

WHEREAS, Chrisp Company has agreed to reduce its bid by 34% with a concomitant reduction in the scope of work; and

WHEREAS, Chrisp Company has agreed to comply with the unit prices it stated in its bid even though the scope of work will be reduced by 34%; and

WHEREAS, funds are available in the FY 2013 budget in the Special Gas Tax Improvement Fund (369-4960-431-6520-06TP14), and the contract has been entered into the City's database as CMS No. JPUP3; and

WHEREAS, an annual recurring allocation of \$250,000 has been planned for FY 2014 and FY 2015, subject to annual appropriation approval for a total of \$500,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the bid of \$1,138,090 by Chrisp Company received on May 31, 2012 is rejected; and the City Manager is authorized to renegotiate bid item quantities, contracts and any amendments with Chrisp Company in accordance with the approved plans and specifications, in an amount not to exceed \$750,000 to provide and install thermoplastic roadway markings for a period of 3 years from the date of the Notice to Proceed. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.