



Town of Moraga	Agenda Item
CONSENT	6.5

Meeting Date: September 14, 2022

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

**From: Shawn Knapp, Public Works Director / Town Engineer
Sharon Chan, Assistant Engineer**

Subject: Consider Resolution ____ - 2022 Awarding a Consultant Services Agreement for Construction Management, Inspection and Material Testing Services to Substrate, Inc. (Novato) in the Amount of \$350,000 for the 2022 Pavement Rehabilitation Project (CIP 22-401) and Authorizing a 15% Contingency (\$52,500) for a Total Project Amount Not to Exceed \$402,500; and Authorizing the Town Manager to Execute the Agreement (CEQA Status: Categorically Exempt)

Background

The 2022 Pavement Rehabilitation Project (CIP 22-401) is a project in the Town of Moraga's Fiscal Year 2021/22 and 2022/23 Adopted Capital Improvement Program Budgets. The completion of the 2022 Pavement Rehabilitation Project (Project) was identified as a 2022 Town Council Goal.

On October 27, 2021, the Town Council, by Resolution 58-2021, awarded a design contract to Harris and Associates, Inc. (Harris) to investigate and develop a Pavement Design Report and to design appropriate treatments for all streets with a PCI under 50 by the year 2024. Town staff worked collaboratively with Harris to develop the PDR, which contains the recommended annual pavement rehabilitation lists for 2022 thru 2024.

On March 23, 2022, the Town Council approved the Pavement Design Report. Harris then proceeded with more in-depth investigations and the design of the pavement, storm drain, and concrete improvements on the streets listed to be rehabilitated in 2022. The construction project bid package was finalized and advertised on May 31, 2022. On August 2, 2022, four bid proposals were received by the submission deadline. On August 24, 2022, the Town Council awarded a construction contract to DeSilva Gates Construction, LLC for the 2022 Pavement Rehabilitation Project.

1 **Discussion**

2
3 **Request for Proposals and Qualifications (RFP/Q)**

4 A Construction Management, Inspection and Material Testing Services (Construction
5 Management) consultant is needed to manage, inspect and perform material testing for
6 the 2022 Pavement Rehabilitation Project. Pursuant to the Town's Purchasing Policy
7 and Moraga Municipal Code section 3.04.060, an RFP/Q for Construction Management
8 Proposals was advertised for the Project on July 7, 2022. A copy of the detailed RFP/Q
9 can be found on the Town's [Bid Postings](#) webpage.

10
11 The Town received seven (7) Construction Management proposals from the following
12 firms by the August 4, 2022 submission deadline.

- 13
14 1. AnchorCM
15 2. Alpha CM
16 3. Bellecci
17 4. Ghirardelli Associates
18 5. Park Engineering
19 6. Substrate Inc.
20 7. UNICO Engineering

21
22 An evaluation committee consisting of three engineers independently reviewed and
23 scored each firm's qualifications and technical proposals. Each firm's proposal was
24 ranked based on the following pre-selected criteria included in the RFP/Q:

- 25
26 • Consultant's Understanding and Approach for the Project (10%)
27 • Proposed Scope of Services (15%)
28 • Qualifications and Specific Experience of Key Team Members (15%)
29 • Experience with Similar Types of Projects (13%)
30 • Schedule and Capacity to provide Qualified Personnel (10%)
31 • Reference/Satisfaction of Previous Clients (7%)
32 • Cost Effectiveness (30%)
33 • Completeness of Response (Pass/Fail)

34
35 The top three ranked firms were asked to provide a written Quality Assurance Plan for
36 the Project for staff evaluation. They were invited to an interview on August 24, 2022,
37 focused on their key staff's project management, inspection and testing experience.

38
39 Substrate, Inc.'s of Novato, CA (Substrate) proposal was ranked the highest of all
40 proposals received. Substrate was also ranked the highest firm for its written Quality
41 Assurance Plan and oral interview submission. Substrate has the necessary
42 experience to manage and inspect the pavement rehabilitation, storm drain repair, and
43 concrete construction project. Therefore, the Town Engineer has deemed Substrate the
44 most qualified and experienced firm to provide construction management, inspection,
45 and material testing services for the Project.

1 Substrate, Inc's Proposal, and Costs

2 Staff recommends Substrate as the top firm based on their proposal, Quality Assurance
3 Plan, interview, and reference checks. Substrate has assembled a construction
4 management team of experienced engineers, inspectors and material testers to assist
5 the Town with this Project. Substrate's key staff include Sunny Jhutti, in a dual role as
6 Construction Manager and onsite Resident Engineer/Inspection. Sunny has 24 years of
7 experience with heavy civil structural; pavement rehabilitation; concrete; underground
8 storm drain, and utility construction. Additionally, as necessary, experienced civil
9 inspectors Edwin Ekberg and Masoud Ahmad will be part-time inspectors to cover the
10 work during peak periods.

11
12 The next step in the evaluation process was the consideration of costs. Town staff
13 analyzed all the proposed costs and found Substrate's costs were very competitive with
14 all other proposals. Substrate's Construction Management position, which composed
15 the majority of work hours, has the lowest hourly rate and their inspector position rate
16 was the second lowest among the seven firms. Staff has comprehensively and
17 successfully negotiated the cost and scope of work to cover the necessary Project's
18 construction management, inspection and material testing services. Substrate's
19 proposal (Attachment B) provides the needed services for a negotiated cost proposal
20 (Attachment C) in the amount of \$350,000. The Town Engineer has determined that the
21 proposals are complete and acceptable.

22
23 The FY 2022-23 Adopted Budget for the 2022 Pavement Rehabilitation Project (CIP 22-
24 401) includes \$649,000 in construction management/inspection costs, funded by Fund
25 213 – Measure K.

26
27 **Fiscal Impact**

28
29 The recommended Substrate Construction Management, Inspection and Material
30 Testing services total budget is \$402,500, including a 15% contingency of \$52,500 from
31 Fund 213 – Measure K (700-724-073-22).

32
33 Reviewed By: Annie To, Administrative Services Director

34
35 **CEQA**

36
37 The 2022 Pavement Rehabilitation Project (CIP 22-401) is not subject to environmental
38 review under the California Environmental Quality Act (CEQA) pursuant to Public
39 Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs.
40 15000 et. seq.) as this project is categorically exempt pursuant to 14 Cal. Code Regs.
41 15301 (Class 1-Existing Facilities).

42
43 **Alternatives**

- 44
45 1. Adopt the attached Resolution; or
46 2. Adopt the attached Resolution with modifications; or
47 3. Not adopt the attached Resolution and provide direction to staff.
48

1 **Recommendations**

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3 Adopt a Resolution Awarding a Consultant Services Agreement for Construction
4 Management, Inspection and Material Testing Services to Substrate, Inc. (Novato) in
5 the Amount of \$350,000 for the 2022 Pavement Rehabilitation Project (CIP 22-401) and
6 Authorizing a 15% Contingency (\$52,500) for a Total Project Amount Not to Exceed
7 \$402,500; and Authorizing the Town Manager to Execute the Agreement (*CEQA Status:*
8 *Categorically Exempt*).

9
10 **Report reviewed by: Cynthia Battenberg, Town Manager**
11 **Denise Bazzano, Assistant Town Attorney**

12
13 **Attachments**

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15 **A.** Resolution _____ - 2022 Awarding a Consultant Services Agreement for
16 Construction Management, Inspection and Material Testing Services to
17 Substrate, Inc. (Novato) in the Amount of \$350,000 for the 2022 Pavement
18 Rehabilitation Project (CIP 22-401) and Authorizing a 15% Contingency
19 (\$52,500) for a Total Project Amount Not to Exceed \$402,500; and Authorizing
20 the Town Manager to Execute the Agreement (*CEQA Status: Categorically*
21 *Exempt*)

22 **B.** [Substrate, Inc.'s Technical Proposal](#)

23 **C.** [Substrate, Inc.'s Cost Proposal](#)

24 **D.** [Substrate, Inc.'s Quality Assurance Plan](#)

ATTACHMENT A

Resolution ____ - 2022 Awarding a Consultant Services Agreement for Construction Management, Inspection and Material Testing Services to Substrate, Inc. (Novato) in the Amount of \$350,000 for the 2022 Pavement Rehabilitation Project (CIP 22-401) and Authorizing a 15% Contingency (\$52,500) for a Total Project Amount Not to Exceed \$402,500; and Authorizing the Town Manager to Execute the Agreement (*CEQA Status: Categorically Exempt*)

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In The Matter Of:

Awarding a Consultant Services)
Agreement for Construction)
Management, Inspection and Material)
Testing Services to Substrate, Inc.)
(Novato) in the Amount of \$350,000 for)
the 2022 Pavement Rehabilitation Project)
(CIP 22-401) and Authorizing a 15%)
Contingency (\$52,500) for a Total Project)
Amount Not to Exceed \$402,500; and)
Authorizing the Town Manager to)
Execute the Agreement (CEQA Status:)
Categorically Exempt)

Resolution No. ____ - 2022

WHEREAS, funding for the 2022 Pavement Rehabilitation Project (Project) CIP 22-401 is included in the Fiscal Year 2022/23 Capital Improvement Program Adopted Budget; and

WHEREAS, on August 24, 2022, Town Council awarded the Construction Agreement for the Project to DeSilva Gates Construction (Dublin, CA) with a Base Bid of \$3,813,318; and

WHEREAS, in accordance with the Town's Purchasing Policy and Moraga Municipal Code section 3.04.060, Town staff prepared a request for proposals and qualifications ("RFP/Q") for specialized professional services to select the most qualified and experienced consultant firm to provide construction management, inspection and material testing services for the Project; and

WHEREAS, on July 7, 2022, the RFP/Q for construction management, inspection and material testing services was released for the Project, and seven proposals were received by the August 4, 2022 deadline. An evaluation committee reviewed all seven proposals and determined that Substrate Inc. (Substrate) was deemed the most qualified and experienced firm to provide this project's construction management, inspection and material testing services. The Town Engineer recommends awarding Consultant Service Agreement to Substrate (Novato, CA) for the Project; and

WHEREAS, the 2022 Pavement Rehabilitation Project (CIP 22-401) is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. 15000 et. seq.) as this project is categorically exempt pursuant to 14 Cal. Code Regs. 15301 (Class 1-Existing Facilities).

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Moraga hereby determines Substrate, Inc. (Novato, CA) is the most qualified firm to provide construction management, inspection and material testing services for the 2022 Pavement Rehabilitation Project (CIP 22-401).

BE IT FURTHER RESOLVED that the Town Council of the Town of Moraga Awards a Consultant Services Agreement to Substrate, Inc. (Novato, CA) in the amount of \$350,000 for the 2022 Pavement Rehabilitation Project (CIP 22-401), in a form approved by the Town Attorney and authorizes a 15% Contingency amount of \$52,500 for a total Project amount not to exceed \$402,500 from Fund 213 – Measure K (700-724-073-22).

BE IT FURTHER RESOLVED that the Town Council of the Town of Moraga Authorizes the Town Manager to execute the Agreement, with minor revisions that may be approved by the Town Manager and the Town Attorney, and to execute any other necessary documents to effectuate the terms of the Agreement and any amendments necessary to the Agreement consistent with this Resolution.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on September 14, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Woehleke, Mayor

Attest:

Marty C. McInturf, Town Clerk

ATTACHMENT B

Substrate, Inc.'s Technical Proposal [LINK](#)

ATTACHMENT C

Substrate, Inc.'s Cost Proposal [LINK](#)

ATTACHMENT D

Substrates Inc.'s Quality Assurance Plan [LINK](#)