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TOWN OF BERLIN
SPECIAL TOWN COUNCIL MEETING
Tuesday, August 25, 2020
Remote
6:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. NEW BUSINESS:

1. Topic re: Award the contract for the Kensington Streetscape Improvements Phase 2 to Clover Construction as the lowest responsible and qualified bidder for a bid amount of \$527,385 and to authorize the Town Manager to enter into a contract with Clover Construction in the amount of \$527,385 and to enter into change orders up to 10% of the bid amount not to exceed a total contract amount with change orders of \$580,123.50 to be funded \$424,805 from the STEAP Main St. Streetscape Impr. Phase II account and \$155,318.50 from the Grant Road Improvement GRI account and authorize the Town Manager to enter into a contract amendment with Cardinal Engineering Associates to add \$7,500 to the construction administration line item to increase the total construction administration services fee to \$30,000 with the added \$7,500 to be paid from the GRI account. – Economic Development
2. Topic re: Authorize the Town Manager to apply for and accept, on behalf of the Town, a grant of \$2,000 from the Neglected Cemetery Account, and to authorize the Town Manager to enter into and execute any and all agreements, contracts and documents necessary to obtain said grant. If awarded grant funds are to be deposited into the Cemetery account. – Economic Development

E. ADJOURNMENT

Agenda Item No. 1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Aroscha Jayawickrema, Town Manager

DATE: August 17, 2020

SUBJECT: Award of Contract for Kensington Streetscape Improvements Phase 2

SUMMARY:

The Town issued bid number 2020-22 concerning construction of Kensington Streetscape Improvements Phase 2. Bids were opened on July 9 and five (5) bids were received. Staff and its consultant Cardinal Engineering Associates reviewed the bids and determined that neither of the two apparent low bidders qualify as the lowest responsible and qualified bidder. This project is funded in part with a Small Town Economic Assistance Program (STEAP) Grant from the Connecticut Department of Economic and Community Development (DECD). As used in the DECD Guidelines, "lowest responsible and qualified bidder" means "the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithfully perform the work." One consideration that is particularly important in the project is that the work needs to be completed in a timely manner pursuant to the bid documents because the STEAP grant funding for the project is scheduled to expire at the end of the year. It is also important to work on a regular and consistent schedule so as to minimize the disruption to businesses in the area. If the Town opts to reject the lowest bidder as not responsible and/or not qualified, the Town is obligated to immediately notify DECD of the reasons for the disqualification.

Staff proposes to award the bid for the Kensington Village Sidewalks 2 project to Clover Construction of Bristol, CT as the lowest responsible bidder. B&W Paving was the apparent low bidder for the project. B&W is not the lowest responsible and qualified bidder for the reasons detailed in the attached letter from the Town's Corporation Counsel. The Town then reviewed the bid from the apparent second low bidder, Martin Laviero Construction and determined that it had not submitted a complete bid because it failed to submit the references and OSHA form that were required by the bid documents. Its bid was thus deemed non-responsive. The Town then reviewed the bid and qualifications of Clover Construction and found them to be responsive and acceptable, resulting in Clover being deemed the lowest responsible and qualified bidder. Attached are a letter from the Town's Design Engineer, Cardinal Engineering Consultants that recommends the selection of Clover Construction and a letter to DECD drafted by Corporation Counsel and a response from DECD concerning disqualification of B&W Paving. Clover Construction's bid amount is \$527,385.

The Kensington Streetscape Improvements Phase 2 is a combination of new improvements funded by a STEAP grant, STEAP Main St. Streetscape Impr. Phase II account #504.10.1017.0.53466.00000 and repairs and modifications to Phase 1 improvements funded by

the Grant Road Improvement (GRI) account, #140.20.2037.0.54000.00509. Cardinal has analyzed the lowest qualified bid and separated the costs by grant; new improvements will be funded by the STEAP grant and modifications will be funded by the GRI. The cost allocation between sources is \$401,162.90 from the STEAP Main St. Streetscape Impr. Phase II account plus change orders up to \$30,116 and \$126,222.10 from the Grant Road Improvement GRI account plus change orders up to \$22,622.50. The construction project requires the granting of an encroachment permit from the Connecticut Department of Transportation (CTDOT) for a portion of the project because New Britain Road and part of Main Street are State roads.

In addition, staff recommends authorizing an increase in the construction administrative services from Cardinal Engineering Associates to increase the maximum construction administration fee by \$7,500 from \$22,500 to \$30,000 with the additional cost paid from the GRI account.

ACTIONS

Move to award the contract for the Kensington Streetscape Improvements Phase 2 to Clover Construction as the lowest responsible and qualified bidder for a bid amount of \$527,385 and to authorize the Town Manager to enter into a contract with Clover Construction in the amount of \$527,385 and to enter into change orders up to 10% of the bid amount to be funded \$431,278.90 from the STEAP Main St. Streetscape Impr. Phase II account and \$148,844.60 from the Grant Road Improvement GRI account.

Move to authorize the Town Manager to enter into a contract amendment with Cardinal Engineering Associates to add \$7,500 to the construction administration line item to be paid from the GRI account.

ATTACHMENTS:

1. Bid summary.
2. Engineers letter.
3. B & W Paving disqualification letter.
4. Concept plan for improvements (pedestrian warning signals were deleted from the plan except at the mid-block crossing on Main Street).
5. Sufficiency of funds (2)

PREPARED BY:

Michael Ahern, Public Works Director

Chris Edge, Economic Development Director

Jim Mahoney, Economic Development Coordinator

CE

**Kensington Streetscape Improvements Phase 2
Bid Summary (July 9, 2020)**

Martin Laviero Contractor, Inc.:

Contractor's apparent total bid - **\$515,365.00**

Math error - Item 47 Construction Signs – Bright Fluorescent Sheeting
\$20.00 x 300 SF = \$6,000.00 (Contractor had \$600.00)

Actual Total Bid, correcting the above: **\$520,765.00**

B&W Paving & Landscaping LLC:

Contractor's apparent total bid - **\$498,700.00**

No issues with this bid. Contractor's apparent total bid is correct.

Guerrera Construction Company, Inc.:

Contractor's apparent total bid - **\$695,086.00**

No issues with this bid. Contractor's apparent total bid is correct.

Star Construction Corporation:

Contractor's apparent total bid - **\$552,283.25**

No issues with this bid. Contractor's apparent total bid is correct.

Clover Construction Company:

Contractor's apparent total bid - **\$527,385.00**

No issues with this bid. Contractor's apparent total bid is correct.



August 7, 2020

James Mahoney
Economic Development Coordinator
Town of Berlin
240 Kensington Road
Berlin, CT 06037

Re: Bid No. 2020-22
Kensington Streetscape Improvements Phase 2
Berlin, Connecticut

Dear Mr. Mahoney,

Cardinal Engineering Associates, Inc. has completed its review of the bid packages submitted to the Town of Berlin for Bid #2020-22, Kensington Streetscape Improvements Phase 2. A total of five bids were submitted for the project. A spreadsheet with the tabulated bids is enclosed. The bids ranged from a low bid of \$498,700.00 to a high bid of \$695,086.00. The three low bidders were:

B&W Paving	\$ 498,700.00
Martin Laviero Contractor, Inc.	\$ 520,765.00
Clover Construction	\$ 527,385.00

Based upon our review of the bids and bidder qualifications, the bid submitted by Clover Construction is the lowest responsible and qualified bid. The low bidder, B&W Paving, had several references provide information that called into question their ability to satisfactorily perform the work required. The second low bidder, Martin Laviero Contractor, Inc. failed to submit all of the required information with their bid.

We have also checked several of the references of current and recent projects listed by Clover Construction. Based upon these references, we believe they will be capable of satisfactorily performing the work required by the contract in a timely and responsive manner.

We hereby recommend that the Town of Berlin award the contract of the above referenced project to Clover Construction.

If you have any questions or need anything else, please do not hesitate to call.

Respectfully yours

Charles A. Hornak, PE
Civil Engineer
Cardinal Engineering Associates, Inc.

Enc.

CIULLA & DONOFRIO, LLP

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OF COUNSEL

August 6, 2020

Arosha Jayawickrema
Town Manager
Town of Berlin
240 Kensington Rd.
Berlin, CT 06037

Re: Kensington Streetscape Improvements Phase 2 ("Project")

Dear Arosha:

As per the General Bid Specifications, applicable law and the DECD Bidding, Contracting and Construction Guidelines, if the Town of Berlin ("Town") intends to award a contract to a bidder on the Project, it must award the contract to the lowest responsible and qualified bidder. As used in the DECD Guidelines, "lowest responsible and qualified bidder" means "the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithfully perform the work." One consideration that is particularly important in the project is that the work needs to be completed in a timely manner pursuant to the bid documents because the STEAP grant funding for the project is scheduled to expire at the end of the year. It is also important to work on a regular and consistent schedule so as to minimize the disruption to businesses in the area. If the Town opts to reject the lowest bidder as not responsible and/or not qualified, the Town is obligated to immediately notify DECD of the reasons for the disqualification.

I have been informed that the apparent low bidder is B&W Paving & Landscaping, LLC ("B&W"). I have been informed that the Town and its Project Engineer checked 7 references of other Towns that had experience with B & W Paving. Five of the seven references reported dissatisfaction with performance related primarily to delays in completion of the work, lack of adequate supervision, removing crews from

August 6, 2020
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the job and difficulty and delays in completing punch list work. In addition, I was informed by the Town's Director of Public Works that the Town awarded a contract to B&W for a project known as the Pistol Creek Cart Paths Repaving in 2019 and that B&W failed to timely perform the work on the project. Municipalities contacted by the Town and its Engineer or other projects that Cardinal supervised B&W work were located in Hartford, New London, Deep River, Enfield, New Britain, Torrington and Manchester and all but the later 2 experienced documented unsatisfactory timeliness of performance by B&W on recent projects. Thus, the Town's Director of Public Works has concluded that B&W lacks the skill and ability to timely and properly complete the Project. The Town clearly has also documented concerns about both the quality and responsiveness of B&W to client and inspector requests.

Based upon the information provided to me, it is my opinion that the Town has adequate information and experience from which to find B&W not qualified to perform the Project and to thus find that B&W is not the lowest responsible and qualified bidder for the Project. The Town should proceed to notify the DECD of its rejection of B&W's bid.

Please contact me with any questions. Thank you.

Very truly yours,

Jeffrey M. Donofrio

JMD:st



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

(Sec. 6-10-2 of the Town Charter)

DATE **20-Aug-20**

Purchase Item or Contract: Public Works/Economic Development		Requested by: J. Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Streetscape II (grant-funded portion)	\$424,805.00	\$424,805.00
			-
			-
			-
			-
			-
TOTAL			\$424,805.00

Account No. 504.10.1017.0.53466.00000

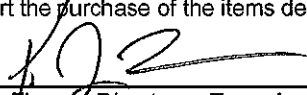
Budgeted Amount.....	<u>\$442,130.00</u>	Available balance.....	<u>\$424,805.00</u>
Encumbrances to Date.....	<u>\$17,325.00</u>	Amount Needed for This Package.....	<u>\$424,805.00</u>
Expenditures to Date.....	<u>\$0.00</u>	Available Balance After Purchase.....	<u>\$0.00</u>

Is a budget change needed? ☐ Yes ☒ No

If so, has a budget change been prepared? ☐ Yes ☐ No

☒ I certify that there ARE sufficient funds available to support the purchase of the items described above.

or:


Finance Director or Town Accountant

☐ I certify that a budget change in the amount of \$ _____ must be processed concurrently with this certification to support this commitment.

Finance Director or Town Accountant



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

(Sec. 6-10-2 of the Town Charter)

DATE **20-Aug-20**

Purchase Item or Contract: Public Works/Economic Development		Requested by: J. Mahonney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Main Street Road Renovations	\$155,318.50	\$155,318.50
1.00	Cardinal Engineering Associates	\$7,500.00	7,500.00
			-
			-
			-
			-
TOTAL			\$162,818.50

Account No. 140.20.2037.0.54000.00509

Budgeted Amount.....	<u>\$665,419.47</u>	Available balance.....	<u>\$554,419.47</u>
Encumbrances to Date.....	<u>\$111,000.00</u>	Amount Needed for This Package.....	<u>\$162,818.50</u>
Expenditures to Date.....	<u>\$0.00</u>	Available Balance After Purchase.....	<u>\$391,600.97</u>

Is a budget change needed? ☐ Yes ☒ No

If so, has a budget change been prepared? ☐ Yes ☐ No

☒ I certify that there ARE sufficient funds available to support the purchase of the items described above.

or:

☐ I certify that a budget change in the amount of \$_____ must be processed concurrently with this certification to support this commitment.

Finance Director or Town Accountant

Finance Director or Town Accountant

Agenda Item No. 2
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: August 18, 2020

SUBJECT: Authorization for the Town Manager to Apply for and Accept a Neglected Cemetery Grant on Behalf of the Town

Summary of Agenda Item:

The Connecticut Office of Policy and Management has issued a request for proposals for the Neglected Cemetery Grant program. This program provides grants to assist with improvements to cemeteries that are no longer operated and maintained such as the cemeteries in Berlin that the Town of Berlin maintains by default because the original cemetery associations no longer exist. The Berlin Cemetery Committee is working to maintain and improve many neglected and abandoned cemeteries so this grant would be useful to assist their work. The Town previously received a Neglected Cemetery Grant in 2018. The maximum grant amount is \$2,000. The action required is for the Town Council to authorize the Town Manager to apply for and accept, on behalf of the town, a grant from the Neglected Cemetery Account, and to authorize the Town Manager to enter into and execute any and all agreements, contracts and documents necessary to obtain said grant should the town be selected for a grant award and to appropriate the grant to the Cemetery Account 100.10.1013.0.53247.00000, if awarded.

Action

Move to authorize the Town Manager to apply for and accept, on behalf of the Town, a grant of \$2,000 from the Neglected Cemetery Account, and to authorize the Town Manager to enter into and execute any and all agreements, contracts and documents necessary to obtain said grant. If awarded grant funds are to be deposited into the Cemetery account.

Attachments:

None

Prepared By:

Chris Edge, Economic Development Director
Jim Mahoney, Economic Development Coordinator

CE