



Date: November 1, 2021

To: Wanda S. Page, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Wade Walcutt, Director of Parks & Recreation
Subject: Contract with Browe Construction Company for SW-80 Trails Repair 2021

Executive Summary

On June 24, 2021 bids were opened for Contract SW-80 Trails Repair 2021. The contract involves repaving and improving drainage conditions along multiple sections of Durham trails. The lowest, responsive and responsible bid was submitted by Browe Construction Company of Selma, North Carolina.

Motion

To authorize the City Manager to execute a contract for SW-80 Trails Repair 2021 with Browe Construction Company in the amount of \$3,238,054.35;

To establish a contingency fund in the amount of \$80,441.90; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract does not exceed \$3,318,496.25.

Background

The Department of Public Works is partnering with Parks and Recreation (DPR) to manage this trail improvement project. DPR who maintains the City's trail system, was approved \$3.2M during the FY21 & FY22 CIP, to repair the ageing greenway trail system.

In 2017 a Trail Condition Assessment was performed by a 3rd party on all 31 miles of City trails. The assessment focused on two (2) major areas: 1). General Conditions; and 2) ADA requirements / considerations. The results served as a prioritization process for funding sections of each trail based on their adherence to ADA law and the physical / safe, structural conditions of the trail itself. In addition to this process, a 3rd area of focus included and equity evaluation of the project. Staff evaluated the findings and sections to be repaired through tools and principles identified in the City's Racial Equity tool-kit. For example, staff prioritized trails and or sections of trails to be improved in areas where infrastructure investment has not historically occurred at high levels. Staff also evaluated trails based on their ability to better connect neighborhoods to critical public services.

Due to the high bids and the result of reducing the scope it is likely not all of the trails listed will be repaired; however, much of the work will still be completed. In terms of efficiency and cost savings, Public Works suggested to combine each individual trail improvement project into one, trail-system improvement project. This strategy will position the City in a way to attract a more competitive bid process, while creating overall cost savings, increase the amount of improvements and repairs we can make system-wide and realize the positive impacts quicker.

Contract SW-80 was advertised twice, the first bid opening was held on May 21st, 2021. Bids were not opened because the minimum of 3 bids for formal bidding was not met.

Analysis / details of trail sections to be prioritized for improvement through focusing on Safety, Equity, and Connectivity

The 2017 Trail Condition Assessment included an assessment of general conditions of the City's trail network and compliance with American with Disabilities Act (ADA) guidelines.

Potential Hazards or Dangerous Areas

The Trail Condition Assessment included examination of pavement conditions to identify and inventory potentially hazardous and dangerous sections of trail. Many of the sections that were identified as potentially dangerous were included in the original scope for this Trail Repair Project and are identified in the Results Table.

ADA Conformance

The sections of trail in the original scope of this Trail Repair Project were assessed in regard to compliance with ADA guidelines and physical features of the trails such as cross slope, longitudinal grade, and dimensions of the path were evaluated. The sections of trail not in compliance with ADA guidelines were documented as higher priority sections for repairs and are identified in the Results Table.

Equity Lens

The trail sections included in the original scope for this Trail Repair Project were assessed based on available demographic data and connectivity to opportunities for employment, with a focus on historically disadvantaged or underinvested areas of Durham.

Trail sections located in historically disadvantaged or underinvested areas of Durham with the majority of residents identifying as black or African American race or Latino ethnicity (per the Census data provided by the Durham Neighborhood Compass), were identified and prioritized as part of this analysis. The trails are identified in the Results Table.

Trail sections located in historically disadvantaged or underinvested areas of Durham with the majority of residents reporting household income (per the Census data provided by the Durham Neighborhood Compass) below the average household income for the City of Durham (\$58,900) were identified and prioritized as part of this analysis. The trails are identified in the Results Table.

Trail sections that are not located primarily in historically disadvantaged or underinvested areas but provide the connectivity needed for economic prosperity were also considered for inclusion in the scope of work. The trail sections identified in the Results Table allow for non-motorized transportation access to opportunities for employment, health resources, or opportunities to improve health.






Results

The results of the assessment of general trail conditions for safety, the assessment for conformance with ADA guidelines, and application of equity-based criteria informed the scope of work for this Trail Repair Project. The resulting list of trails scheduled to be repaired and repaved by project SW-80, if budget allows, are presented in the Results Table and are not listed in any particular order.

Results Table

Trail Name	Analysis Results	Pave Limits	Length (ft.)
Ellerbe Creek Trail	   	from Club Blvd to Stadium Drive	6,677
Rock Quarry Spur/Vietnam Veterans Memorial Trail	  	from Stadium Dr to Murray Ave	2,265
American Tobacco Trail - Phase D	  	from Dunhill Drive to NC 54	3,453
Riddle Road Spur	   	from American Tobacco Trail to Briggs Ave	7,800
West Ellerbe Creek Trail	 	from Albany Dr to Maryland Ave	2,265
Warren Creek Trail	   	from Stadium Dr to Horton RD	4,127
Rocky Creek Greenway	    	Connecting Fayetteville Street Elementary, Elmira Ave Park, Shepherd Middle School	3,942
South Ellerbe Creek Trail	  	Dacian Avenue to Club Blvd/Ellerbe Creek Trail	7,202
Renaissance Parkway Sidepath	  	from NC 751 to Fayetteville Rd	6,278
Sandy Creek Trail	  	Sandy Creek Park to Pickett Rd	2,831
New Hope Creek Trail	  	from Old Chapel Hill Rd to Old Chapel Hill Road Park	2,541
		TOTAL	42,704

Table Legend:

-  Potential hazards or dangerous areas
-  Non-conformance with ADA guidelines
-  Racial equity lens
-  Income equity lens
-  Economic and health prosperity lens

Issues and Analysis

The following is a summary of bids received:

<u>Company</u>	<u>Bid Amount</u>
JSmith Civil, LLC	\$4,294,669.80
Browe Construction Company	\$4,484,801.25

The apparent low bidder was JSmith Civil, LLC; however, they did not meet the UBE goal requirement and did not satisfy the good faith effort. Negotiations to reduce the project scope were entered into with the second lowest bidder, Browe Construction Company, in an effort to stay within the project budget of \$3.4M.

Alternatives

The Council can choose to not proceed with this project; however, further deterioration of the trail system will continue and cost to improve and repair will escalate.

Financial Impact

Funds for this project are budgeted for in the following CIP account(s):

DPR Trail System Repairs:	3000H000-731000-CH530	\$3,118,496.25
Stormwater Infrastructure:	4300L045-731000-LK105	<u>\$200,000</u>
	Total=	\$3,318,496.25

Equal Business Opportunity Summary

The Equity & Inclusion Department reviewed the bid submitted by Browe Construction of Selma, NC to determine if they are in compliance with Ordinance to Promote Equal Business Opportunities in City Contracting. The goals for this project are MUBE 11% and WUBE 7%.

The Minority goal was met and the Women goal was exceeded. Browe Construction is in compliance with the Ordinance to promote Equal Business Opportunities in City Contracting.

UBE REQUIREMENTS

Browe Construction will utilize the following certified firms:

<u>Firm</u>	<u>ID</u>	<u>City/State</u>	<u>Amount</u>	<u>% of Contract</u>
Royals Contracting	WUBE	Durham, NC	228,000	7.04%
Whitehurst Trucking	MUBE	Wendell, NC	136,000	4.20%
Paul Chuu DBA P&J Hauling	MUBE	Cary, NC	36,000	1.13%
Absolom Lucas DBA Concrete Doctors	MUBE	Battleboro, NC	124,000	3.83%
Easten Earthscapes & Construction	MUBE	Stantonsburg, NC	39,023	1.21%
McCain Striping Service	MUBE	Brown Summit, NC	21,451	0.66%

Browe Construction is a WUBE certified firm

Contractor Workforce Diversity & Hiring Practices

According to the contractor’s responses to the “Contractor Workforce Diversity Questionnaire,” the contractor is a “medium employer (50 to 100 employees)”; consisting of “mostly unskilled” workers. The contractor “believes”; it has a diverse workforce because its company demographics reflect the surrounding area demographics almost exactly. Its home base is Selma, NC with % population as follows: Caucasian 25%, African American 29%, &

Hispanic 36%. The contractor *did* list *many examples; of the* efforts it makes to have a more diverse workforce.

Part A – Employee Diversity Breakdown Table for Primary Location

Employment Category	Total Employees	Total Males	Total Females	M---a---l---e---s					F---e---m---a---l---e---s				
				White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Island	Indian or Alaskan Native
Project Manger	7	6	1	4	1	1			1				
Professional	5	3	2	3					2				
Labor	41	41		7	15	19							
Clerical	3		3						1		1	1	
Totals	56	50	6	14	16	20			4		1	1	