



Date: August 20, 2019

To: Thomas J. Bonfield - City Manager
Through: W. Bowman Ferguson - Deputy City Manager
From: Marvin G. Williams - Director of Public Works
Subject: Stormwater Infrastructure Repairs (SD-2019-01)

Executive Summary

On July 17, 2019 bids were opened for Contract SD-2019-01. The project includes repairs, rehabilitation, and improvements of stormwater infrastructure at nine site locations throughout the City of Durham. The lowest responsive, responsible bid was submitted by FSC II, LLC dba Fred Smith Company, hereinafter Fred Smith Company, of Raleigh, North Carolina. The Public Works Department recommends that the City Council authorize the City Manager to execute a contract with Fred Smith Company for Contract SD-2019-01 in the amount of \$599,337.

Recommendation

To authorize the City Manager to execute Contract SD-2019-01, Stormwater Infrastructure Repairs, with FSC II, LLC dba Fred Smith Company in the amount of \$599,337;

To establish a contingency fund in the amount of \$89,900.55; and

To authorize the City Manager to negotiate change orders for Contract SD-2019-01 provided that the total project cost does not exceed \$689,237.55.

Background

The project involves the furnishing of all materials, labor, equipment, tools, etc. unless otherwise specified, for the complete installation of repairs, rehabilitation, and improvements of stormwater drainage systems at nine site locations throughout the City of Durham. The sites are located in City rights-of-way and on City-owned property.

Issues and Analysis

The Public Works Department initially solicited bids for this project through the Small Local Business Enterprise (SLBE) program. One bid was received and was returned unopened. The Department then re-advertised publicly for thirty days and received three bids. The low bidder was deemed non-responsive by the Equity & Inclusion Department due to failure to meet a good faith effort meeting the established Underutilized Business Enterprise (UBE) goals. This decision was appealed and the appeal was subsequently denied by the City Manager's Office. The next lowest bid was deemed non-responsive because the bidder failed to include a completed Non-Collusion Affidavit. The next lowest bid exceeded the project budget. The Department made the decision to re-advertise the project once more after reviewing the scope of work and project budget.

In the current solicitation, the initial apparent low bid submitted by Fred Smith Company did not meet the UBE goals for the project. The bidder submitted their good faith effort information to the Equity & Inclusion Department and it was determined that the bid is compliant with the

Ordinance to Promote Equal Business Opportunities in City Contracting. Fred Smith Company is deemed to be responsive and responsible.

The following is a summary of the single responsive bid received during the current solicitation period:

FSC II, LLC dba Fred Smith Company \$599,337 Low Bid

The Public Works Department recommends awarding Contract SD-2019-01 to Fred Smith Company in the amount of \$599,337.

Alternatives

The Public Works Department has not identified any alternatives since the bid received is competitive and consistent with the opinion of probable cost prepared by staff.

Financial Impact

This project is budgeted for in the adopted Capital Improvements Project Ordinance (#15488) for storm drainage repairs in the following accounts.

4300L045-731000-LK107 (Construction in Progress):	\$599,337.00
4300L045-731900-LK107 (Contract Contingencies):	\$ 89,900.55
Total:	\$689,237.55

Equal Business Opportunity Summary

The Equity & Inclusion Department reviewed the bid submitted by FSC II, LLC dba Fred Smith Company of Raleigh, 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%. It was determined that FSC II, LLC dba Fred Smith Company was in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

UBE REQUIREMENTS

FSC II, LLC dba Fred Smith Company will subcontract to the following certified firms:

Firm	ID	City/State	Amount	% of Contract
Arborex Tree Services	MUBE	Raleigh, NC	\$41,200	6.5%
Austin Trucking	MUBE	Clayton, NC	\$35,964	5.7%
Seed Slingers	WUBE	Aynor, NC	\$13,420	2.1%
Bullington Construction	WUBE	Oakboro, NC	\$1,800	0.3%

The MUBE goal was exceeded, whereas the WUBE goal was not met. FSC II, LLC dba Fred Smith Company was able to demonstrate good faith efforts in meeting the WUBE goal.

WORKFORCE STATISTICS

Total Workforce:

Employment Category	Total Employees	Total Males	Total Females
Project Manager	41	34	7
Professional	208	201	7
Technical	29	28	1
Clerical	29	12	17

Labor	622	570	52
Total	929	845	84

Male:

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manager	30	3	0	0	1
Professional	171	22	8	0	0
Technical	23	4	0	1	0
Clerical	9	2	1	0	0
Labor	156	219	189	2	4
Total	389	250	198	3	5

Female:

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manager	5	1	0	0	1
Professional	4	2	1	0	0
Technical	1	0	0	0	0
Clerical	16	0	1	0	0
Labor	10	40	2	0	0
Total	36	43	4	0	1

Attachments

1. UBE Compliance Report, dated July 24, 2019.
2. Contract SD-2019-01, Agreement Form, dated September 27, 2019.