



Date: April 18, 2022

To: Wanda S. Page, City Manager
Through: Bertha T. Johnson, Deputy City Manager
From: Jina B. Propst, Director, Department of General Services
Subject: Construction Contract with NPS Solutions LLC for the Durham Bike Lane Striping Project (NCDOT TIP # C-5605 E)

Executive Summary

The City of Durham Department of Transportation (Transportation), working in conjunction with the North Carolina Department of Transportation (NCDOT), has as part of its current and long-range plans, the development of bicycle travel lanes on both City and State maintained roadways within the City limits. The Durham Bike Lane Striping Project (NCDOT TIP # C-5605 E) adds bicycle lanes to 8.8 miles of roadway around the City by restriping lanes, adjusting traffic signals and adding signage.

The addition of bicycle travel lanes to City neighborhood roadways began in 2016 with a Federal Grant Request. Funding issues and cost escalations delayed the project until NCDOT granted approval in 2019. In 2020, NCDOT again delayed the Project by placing a hold on the Federal Grant funding until final authorization was issued in 2021. This Construction Contract with NPS Solutions LLC (NPS) will allow the long overdue Project to be completed.

Funding for the Construction Contract is divided, with 80% borne by the Federal Government (administered by the NCDOT), and 20% borne by the City of Durham.

Motion

To authorize the City Manager to execute a contract for construction with NPS Solutions LLC for the Durham Bike Lane Striping Project (NCDOT TIP # C-5605 E) in the amount of \$499,995.58;

To establish a contingency fund for the contract in the amount of \$75,000; and

To authorize the City Manager to negotiate and execute amendments to the contract provided the total contract cost does not exceed \$574,995.58.

Background

Transportation has, as part of its current and long-range plans, the development of bicycle travel lanes on both City and State maintained roadways. This valuable Transportation Project also supports the City's strategic goal to provide connected, engaged, and diverse communities.

In December 2016, Transportation applied for a Federal Grant, administered through the NCDOT, to construct bicycle travel lanes on City neighborhood roadways. The Grant would have covered 100% of the construction costs. Over the next three years the cost of the Project grew through additional scope, material cost escalation and additional NCDOT fees while the City was awaiting final funding approvals. In August 2019, the City's Department of Transportation requested 20% funding support by the City as the Project's estimated cost had increased approximately 64%.

This increase threatened to delay or stop the Project. In September 2019, following review of the revised Project budget, the City Manager approved recommending funding support to keep the Project moving and meet Federal Grant deadlines.

The Durham Bike Lane Striping Project adds bicycle travel lanes to nearly 9 miles of Durham neighborhood roadways by re-striping travel lanes, adding signage and modifying traffic signals. Sections of American Drive, Fayetteville Street, East Lakewood Avenue, Liberty Street, Stadium Drive-Olympic Avenue, East Cornwallis Road, Meriwether Drive, North Miami Boulevard and Raynor Street comprise the 8.8-mile Project.

Issues and Analysis

The addition of neighborhood bicycle lanes to City's roads has been part of the Transportation's development plans for several years. As roadways are resurfaced and expanded, bicycle lanes have been incorporated as a routine part of the Projects. Several roads in and around the City have new bicycle lanes, and this 8.8-mile Project will be additive to the overall network for cyclists.

The restriping Project would have been completed in 2019 with only Federal funding had it not been for increased cost estimates. Now that funding has been secured the City can proceed with the construction contract. Because this work is partially supported with Federal Grant funding, the contracting process must follow NCDOT requirements.

Construction documents were issued for bidding on August 2, 2021 following Formal Bidding Procedures due to the estimated construction cost. Bids were received on September 23, 2021; however, only two bidders responded: LMJ Pavement Marking LLC and NPS. Since a minimum of three bids must be received when using Formal Bidding, the Project was rebid to increase the possibility of, and allow sufficient time for, additional bidders.

Bids were received on October 7, 2021. Again, only the initial two bidders submitted a bid. After reviewing bid protocol with Transportation and NCDOT, Formal Bidding requirements were met, and NPS was recommended as the lowest responsive, responsible Bidder. NPS has been pre-qualified and certified by NCDOT specifically for this type of work.

Alternatives

An alternative would be to re-advertise the Project in order to receive a lower bid. The current low bid presented by NPS is 50% below the Engineer's construction estimate. Striping and signage Contractors must be pre-qualified and certified by NCDOT, so the same Contractors would likely re-bid the Project. The construction climate has changed over the last year, and rebidding would likely result in higher bids.

Another alternative would be to delay the Project until Grant Funding can be increased to provide the City's 20% support. A delay could impact the Federal Grant process and result in a reduction in funds or loss of funding altogether, as well as delaying construction.

Analysis by Transportation indicates delaying the Project would be detrimental to the development of City neighborhoods and Durham residents.

Financial Impact

Funds for this Construction Contract are currently budgeted and are supported jointly between the City (20%) and NCDOT/Federal Grant (80%) for infrastructure development.

FUNDING SOURCES	Current Financing
City of Durham – Construction	\$ 99,999.00
City of Durham – Contingency	15,000.00
City of Durham – NCDOT Fee	<u>10,000.00</u>
Sub-Total City	\$124,999.00

NCDOT/Federal Grant - Construction	\$399,996.58
NCDOT/Federal Grant - Contingency	60,000.00
NCDOT/Federal Grant - NCDOT Fee	<u>40,000.00</u>
Sub-Total NCDOT/Federal	\$499,996.58

Total Revenues **\$624,995.58**

Project Costs

Construction Contract	\$499,995.58
Contingency	75,000.00
NCDOT Fee	<u>50,000.00</u>
Total Expenditures	\$624,995.58

Equal Business Opportunity Summary

The municipal agreements with NCDOT require that their procedures be followed for this project. The Department of Equity & Inclusion did not review this item for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. However, NPS Solutions LLC submitted UBE participation which is detailed below:

Firm	ID	City/State	Amount	% of Contract
NPS Solutions, LLC	MUBE	Raleigh, NC	\$499,995.58	100%

Contractor Workforce Diversity & Hiring Practices

According to their responses on the “Contractor Workforce Diversity Questionnaire,” NPS Solutions is a small contractor with a mix of professional/skilled and unskilled workers. The contractor believes it has a diverse workforce due to their mix of male, female, black and white employees. The contractor did list a few examples of 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 Islander	Indian or Alaskan Native
Project Manager	1	1			1								
Professional	2	1	1	1					1				
Labor	2	2			2								
Clerical	1		1							1			
Totals	6	4	2	1	3				1	1			

Attachments

- NPS Solutions LLC Construction Contract
- Exhibit A - City of Durham Modifications to 2018 NCDOT *“Standard Specifications for Roads and Structures”*
- Exhibit B - NPS Solutions LLC Itemized Proposal
- Exhibit C - CCFFA Clauses for Contracts
- Exhibit D - C-5605E City Map – Color
- Contractor Workforce Diversity Questionnaire