



Date: February 20, 2023

To: Wanda S. Page, City Manager
Through: Bertha T. Johnson, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: Contract SW-40, South Alston Avenue Sidewalk (TIP# C-5183B)

Executive Summary

On November 16, 2022, bids were opened for Contract SW-40, South Alston Avenue Sidewalk project. This contract includes the installation of sidewalk and curb ramps, upgrade to Triangle Transit Bus stops, construction/upgrade of stormwater infrastructure, and the re-establishment of drainage ditches. Contract SW-40, South Alston Avenue Sidewalk is a federally funded project that will add more than 2,200 linear feet of sidewalk along the west side of South Alston Avenue from Capps Street to Riddle Road (Attachment A, Vicinity Map). The lowest responsive bid was submitted by White Oak Construction Corp. of N.C. of New Hill, North Carolina.

Motion

To adopt a Resolution authorizing the City Manager to execute the contract for SW-40, South Alston Avenue Sidewalk Project (NCDOT TIP# C-5183B) with White Oak Construction Corp. of N.C.;

To authorize the City Manager to execute a contract for SW-40, South Alston Avenue Sidewalk Project (NCDOT TIP# C-5183B) with White Oak Construction Corp. of N.C. in the amount of \$1,639,877;

To establish a contingency fund in the amount of \$245,981.55; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total project cost does not exceed \$1,885,858.55.

Background

The Department of Public Works (DPW) originally advertised the project on October 18, 2022, with a bid opening on November 16, 2022. Under formal bidding statutes, three bids are required to open; and three bids were received. During the bid review process and after consulting with the City of Durham Attorney's office, the apparent low bid was determined to be not responsive due to their failure to submit the correct Bid Form, which was updated by an addendum that was posted on the project website on Nov. 10, 2022. All companies that showed interest in bidding on the project, including the lowest bidder, were notified via e-mail about the addendum. The correct Bid Form included updated quantities that were not reflected in the form submitted by the apparent low bidder. The second lowest bid was submitted by White Oak Construction Corp. of N.C.

The need for sidewalk along South Alston Avenue was identified in the *Durham Walks! Pedestrian Plan* (2006) and was reprioritized in the 2011 update to the plan as the third

highest priority. The *Durham Walks!* study assessed existing pedestrian infrastructure, recommended safe and accessible pedestrian networks (sidewalks, trails, and intersections), and recommended new pedestrian-related programs and policies; the 2011 update revised the criteria to give greater weight to sidewalks near schools, parks/recreation centers and included updated crash data that involved vehicles and pedestrians. The South Alston Avenue sidewalk project will add more than 2,200 linear feet of sidewalk along the west side of South Alston Avenue. The project includes installation of curb ramps, construction/upgrade of stormwater infrastructure, and the re-establishment of drainage ditches.

Issues and Analysis

Since this is a federally funded project, federal guidelines will be followed. The following is a summary of bids received:

<u>Company</u>	<u>Bid Amount</u>
Mohammad Construction	\$1,306,896.00 Not Responsive - Lowest Bid
White Oak Construction Corp.	\$1,639,877.00 *Responsive - Second Lowest Bid
Browe Construction Company	\$2,088,952.00

The Department of Public Works recommends awarding Contract SW-40 to White Oak Construction Corp. of N.C. in the amount of \$1,639,877.

Alternatives

City Council could elect to not approve the contract. If the contract is not approved the construction schedule would be delayed and the City potentially would lose the federal funds for this project.

Financial Impact

The City must fund the total cost of the project up front and seek reimbursement of the eligible expenses minus the local match. Several federal sources including Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Block Grant Direct Attributable (STBGDA) funds were approved by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) require a minimum 20% local match.

Funds are being appropriated through a General Capital Improvement Project ordinance amendment as seen in Council Agenda Item #15962 that increases the funding by \$1,332,010. Of this amount, \$871,621 is federal funding, \$217,905 is a 20% City match requirement for the federal grant, and \$242,484 is savings resulting from the CIP Project Closeout process. Funds for this project will be budgeted in the following CIP accounts:

CIP Transportation Funds – Construction:	3612LG00-731000-LC191	\$1,639,877
CIP Transportation Funds – Contingency:	3612LG00-731900-LC191	<u>\$245,981.55</u>
		Total= \$1,885,858.55

Equal Opportunity Business Summary

This is a federally funded project and was not reviewed by the Underutilized Business Compliance Division for compliance with the Equal Business Opportunity Program Ordinance. This project was assigned DBE goals (5%) by North Carolina Department of Transportation. White Oak Construction Corporation met the DBE goal. Their participation is listed below:

Firm	ID	City/State	Amount	% of Contract
Cruz Brothers Concrete, Inc.	DBE/MBE	Graham, NC	\$212,255.75	12.9%

Contractor Workforce Diversity & Hiring Practices

No information was requested from the contractor relating to its workforce diversity. NCDOT and the Federal Highway Administration (FHWA) objected to the use of the City's Contractor Workforce Diversity Questionnaire. NCDOT and FHWA would only allow the use of the Diversity Questionnaire if it was made completely voluntary and not required as part of the bidding process or contracting. Pursuant to the City's Contractor Workforce Diversity Policy (FP-711-1), it is not required for competitive bidding where federal or state agencies prohibit the implementation of the policy.

Attachments

Attachment A, Vicinity Map
Resolution
Construction Contract
Exhibit A, Itemized Proposal