



Date: February 20, 2022

To: Wanda S. Page, City Manager
Through: Bertha T. Johnson, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: Contract SW-92 Sidewalk Repairs 2023

Executive Summary

On December 7, 2022, the Department of Public Works opened bids for Contract SW-92 Sidewalk Repairs 2023. This contract is for the removal and replacement of sidewalk and curb ramps in various locations throughout the City (Attachment A, Vicinity Map). The lowest responsive bid was submitted by Browe Construction Company of Selma, North Carolina.

Motion

To authorize the City Manager to execute a contract for SW-92 Sidewalk Repairs 2023 with Browe Construction Company in the amount of \$2,781,465;

To establish a contingency fund in the amount of \$278,146.50; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$3,059,611.50.

Background

The Department of Public Works (DPW) originally advertised the project on October 31, 2022 with a bid opening on November 29, 2022. Under formal bidding statutes, three bids are required to open; only one bid was received. The project was re-advertised, and the second bid opening was conducted on December 7, 2022; two 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 failure of the bidder to submit the correct bid bond specified in the project manual and required by NC Gen. Stat. § 143-129. The second lowest responsive bid was submitted by Browe Construction Company.

DPW takes a multipronged approach to repair of the City’s sidewalks. The Engineering Division through the Contracting group makes use of sidewalk repair contracts with a focus on longer and more complex stretches of sidewalk repair. The Street Maintenance Division focuses on spot repairs and short spans of damaged sidewalks.

DWP received FY22 Carryover funds to support the continual need for repair and replacement of the City’s sidewalk infrastructure. The SW-92 Sidewalk Repair 2023 project will complete the removal and replacement of over 11,000 LF of existing damaged sidewalk in different locations throughout the City. The locations were selected based on a Risk + Equity Lens Model that was developed as part of project SW-77.

In October 2020, the City of Durham contracted with Precision Safe Sidewalks, LLC. to perform a Sidewalk Condition Study and develop a Sidewalk Asset Management Plan (SAMP) for 639

miles of City-maintained sidewalk assets. The Condition Study inventoried and assessed the existing sidewalk conditions plus pre-determined non-sidewalk conditions in the right of way. To enhance the SAMP, a proprietary equity lens model was utilized to determine which populations would most benefit from future improvements. The consultant provided guidance based on similar projects and Federal guidelines on data requirements to facilitate the Condition Study and the development of the Risk + Equity Lens Model.

Additionally, when a street is altered through specific types of roadway maintenance activities such as repaving or microsurfacing, then Federal Regulations are triggered, and the adjacent curb ramps must be upgraded to current Public Right-of-Way Accessibility Guidelines standards. To conform to current guidelines, the SW-92 Sidewalk Repairs 2023 Project will upgrade over 300 curb ramps associated with the upcoming City repaving projects plus approximately 130 curb ramps identified by DPW Street Maintenance Division. Due to the growing demand, scope of work and significant number of requests that are being directed to DPW staff, the decision was made by department to utilize the services of a contractor to assist with the completion of these repairs. The majority of these service requests are longer sections than they typically repair, and are not part of the Risk + Equity Model.

Issues and Analysis

The following is a summary of bids received:

<u>Company</u>	<u>Bid Amount</u>
Browe Construction Company	\$2,781,465.00
Mohammad Construction	\$2,460,773.04

The Department of Public Works recommends awarding Contract SW-92 to Browe Construction Company in the amount of \$2,781,465.

Alternatives

City Council could elect to not approve the contract. If the contract is not approved the construction schedule would be delayed and construction cost could increase due to the continued rise in construction costs.

Financial Impact

Funds for this project are available in the departmental budget from FY22 carryover and CIP:

DPW Operating Funds – Construction:	0L030000 - 732001	\$2,781,465.00
DPW Operating Funds – Contingency:	0L030000 - 731900	\$ 218,535.00
CIP Sidewalk Repair Funds – Contingency:	3610L010 - 731900 - LF131	\$ 59,611.50
		Total= \$3,059,611.50

Equal Business Opportunity Summary

The Underutilized Business Compliance Division reviewed the proposal submitted by Browe Construction Company of Selma, NC and determined that they are in compliance with the Ordinances to Promote Equal Business Opportunities in City of Durham Contracting. The goals for this effort was/were MUBE 11% and WUBE 7%. The firm met both goals.

UBE REQUIREMENTS

Browe Construction Company will subcontract to the following certified firms:

Firm	ID	City/State	Amount	% of Contract
Hernandez Hardscapes and Concrete, LLC	MUBE	Raleigh, NC	\$306,000	11%
Browe Construction Company	WUBE	Selma, NC	\$195,000	7%

Contractor Workforce Diversity & Hiring Practices

According to the contractor's responses to the "Contractor Workforce Diversity Questionnaire," the contractor is a "medium employer (50-100 employees)" consisting of "a mix professional/skilled and unskilled" workers. The contractor "believes" it has a diverse workforce because their home base is Selma, NC with another location in Fayetteville, NC and the population demographics reflect their workforce demographics closely. The contractor "did" list "many 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 Manger	4	3	1	1	1	1				1				
Professional	3	2	1	2						1				
Labor	44	44		9	13	22								
Clerical	2		2									1	1	
Totals	53	49	4	12	14	23				2		1	1	

Part B – Employee Diversity Breakdown for the Consolidated Company

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 Manger	8	7	1	3	2	2				1				
Professional	8	5	3	5						3				
Labor	60	60		9	13	37		1						
Clerical	2		2									1	1	
Totals	78	72	6	17	15	39		1		4		1	1	

Attachments

Attachment A, Vicinity Map
Construction Contract