



Date: February 20, 2023

To: Wanda S. Page, City Manager
Through: Bertha T. Johnson, Deputy City Manager
From: Jina B. Propst, Director, General Services Department
Subject: Construction Contract with Bar Construction Company, Inc. for Athletic Court Renovations – Piney Wood Park Pickleball

Executive Summary

On November 30, 2022, one bid was received for the Durham Parks and Recreation (DPR) Athletic Court Renovations – Piney Wood Park Pickleball Project. The bid, submitted by Bar Construction Company, Inc. has been determined to be responsive and responsible. The bid for the base scope of work is \$443,000, and includes repair of cracks in the existing asphalt tennis courts, asphalt overlay, restriping for (12) twelve new pickleball courts, new four-foot high interior fencing, as well as new pickleball posts and nets.

Motion

To authorize the City Manager to execute a construction contract with Bar Construction Company, Inc. for the Piney Wood Park Pickleball Project in the amount of \$443,000;

To establish a contingency fund for the contract in the amount of \$34,640; and

To authorize the City Manager to negotiate and execute change orders to the construction contract, provided that the total project cost does not exceed \$477,640.

Background

This project is part of a larger program to update existing athletic courts throughout DPR's inventory, including pickleball, tennis, futsal and basketball court renovations. Renovations to Piney Wood Park Athletic Courts have been identified as a priority, based on the condition of the existing tennis courts, as well as the need to increase the number of pickleball courts throughout Durham parks due to increasing popularity of the sport.

The pickleball court renovations at Piney Wood Park have been bid twice in the past year. Due to construction market conditions, the previous bid advertisement in February 2022 resulted in one bid. The bid exceeded the project budget and was rejected. General Services Department (GSD) staff along with DPR revised the project scope in order to bring it within budget, and then re-advertised on November 1, 2022. In order to generate contractor interest in the project, GSD with input from DPR, reached out via email and telephone to eleven (11) local contractors who have provided similar services on past projects for the City and other local institutions. The outreach encouraged contractors to view the City's website for details regarding the bid.

Issues and Analysis

Although only one bid was received for the project, DPR and GSD staff reviewed and have determined the bid is within overall program budget and recommends moving forward with the

scope due to the lack of certainty in additional contractor interest and possible cost increases if the project is rebid.

The bid contained pricing for three (3) alternates, which included concrete walk repairs, perimeter fencing replacement and an extended maintenance and workmanship warranty. Receiving only one bid precludes accepting any of the three (3) alternates, due to state purchasing thresholds for informal bids. With concurrence from DPR, staff recommends executing the contract for the base bid only, preserving funding for additional planned athletic court renovations at other park locations being funded through the multi-year program for court renovations.

Alternatives

Council could elect to not to approve the contract, however due to construction market conditions, rebidding the project could once again result in few bids. Delaying award may also result in higher costs if project is rebid, and would have a negative impact on stakeholders, who have been actively working with DPR to secure dedicated pickleball courts to meet the needs of the community, and to provide amenities in Durham that are currently available in surrounding communities.

Financial Impact

Funds for this project are currently budgeted and available as follows:

FUNDING SOURCES

FY 2023 CIP	\$ 477,640.00
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PROJECT COSTS

Construction Contract	\$ 443,000.00
Contingency	\$ 34,640.00
Total Expenditures	\$ 477,640.00

Equal Business Opportunity Summary

A single 7% WUBE Construction goal was assigned.

The Underutilized Business Compliance Division has reviewed the proposal submitted by Bar Construction Company, Inc. of Greensboro, NC and has determined that they are in compliance with the Equal Business Opportunity Program Ordinance.

Bar Construction Company, Inc. did not meet the goal. It was determined they demonstrated Good Faith Efforts and is in compliance with the Ordinance to promote Equal Business Opportunities in City Contracting.

Contractor Workforce Diversity & Hiring Practices

According to the contractor's responses to the Contractor Workforce Diversity Questionnaire, the contractor is a small employer (less than 50 employees) consisting of a mix of professional/ skilled and unskilled workers. The contractor believes it has a diverse workforce because 14 of their 40 employees are either female or minority. The contractor did not list efforts it makes to have a more diverse workforce.

Employment Category	Total Employees	Total Males	Total Females	Males					Females				
				White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manager	4	3	1	3	0	0	0	0	1	0	0	0	0
Professional	7	4	3	4	0	0	0	0	3	0	0	0	0
Labor	22	22	0	19	0	3	0	0	0	0	0	0	0
Clerical	7	0	7	0	0	0	0	0	7	0	0	0	0
Totals	40	29	11	26	0	3	0	0	11	0	0	0	0

Attachments

Proposed Contract

Contract Attachment – A201 - General Conditions

Contract Attachment – Exhibit A - Insurance

Contract Attachment – Exhibit B - Performance Bond and Payment Bond