



Date: January 16, 2024

To: Wanda S. Page, City Manager
Through: Bertha T. Winbush, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: Contract SW-94 Sidewalk Repairs 2024

Executive Summary

On November 20, 2023, the Department of Public Works opened bids for Contract SW-94 Sidewalk Repairs 2024. 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 construction contract for SW-94 Sidewalk Repairs 2024 with Browe Construction Company in the amount of \$5,986,791;

To establish a contingency fund in the amount of \$100,000; and

To authorize the City Manager to negotiate and execute modifications to SW-94 Sidewalk Repairs 2024, provided that the total cost of the contract together with all modifications does not exceed \$6,086,791.

Background

The Department of Public Works (DPW) first advertised the project on October 6, 2023 with a bid opening on November 8, 2023. 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 November 20, 2023; one bid was received. The lowest responsive bid was submitted by Browe Construction Company.

The SW-94 Sidewalk Repairs 2024 project will complete the removal and replacement of over 18,000 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 in 2021 as part of project SW-77. The factors that inform the equity model were established following extensive public engagement.

DPW takes a multipronged approach to addressing the City's sidewalk repair needs. 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. These locations are prioritized in the Risk + Equity Model. The Street Maintenance Division focuses on spot repairs and short spans of damaged sidewalks that are identified through service requests. However, due to the growing demand and complexity of work in those service requests, a significant number that would normally be directed to Street Maintenance are outsourced to contract as well. These service requests are usually longer sections than Street Maintenance would typically repair and are not part of the Risk + Equity Model.

Additionally, when a street is altered through specific types of roadway maintenance activities such as repaving or microsurfacing, Federal Regulations require the adjacent curb ramps to be upgraded to current Public Right-of-Way Accessibility Guidelines standards. To conform to current guidelines, the SW-94 Sidewalk Repairs 2024 Project will upgrade over 1,300 curb ramps associated with upcoming City repaving projects plus approximately 130 curb ramps identified by DPW Street Maintenance Division.

For additional background, in October 2020, the City of Durham contracted with Precision Safe Sidewalks, LLC. under SW-77 to perform a Sidewalk Condition Study and develop a Sidewalk Asset Management Plan (SAMP) for 639 miles of City-maintained sidewalk assets located within public right of ways. The Condition Study inventoried and assessed the existing conditions of the sidewalks. To enhance the SAMP, the consultant developed an equity lens model that is utilized to determine which populations would most benefit from future repairs and improvements. This Risk + Equity Model is used to guide annual sidewalk repair needs.

Issues and Analysis

The following is a summary of bids received (after second bid advertisement):

Company	Bid Amount
Browe Construction Company	\$6,251,700.00

The Department of Public Works recommends awarding Contract SW-94 Sidewalk Repairs 2024 to Browe Construction Company in the amount of \$5,986,791. The bid received was higher than the budgeted amount for this project; therefore, the scope of the project was reduced to meet the available budget. The remaining sidewalk funds will be used for construction inspections and sidewalk preservation.

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 following CIP account(s):

CIP Sidewalk Repair – Construction:	3610L010-732001-LF133	\$5,986,791
CIP Sidewalk Repair – Contingency:	3610L010-731900-LF133	<u>\$100,000</u>
		Total= \$6,086,791

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	\$675,000	11.27%

Browe Construction Company	WUBE	Selma, NC	\$475,000	7.10%
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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 office is in Selma, NC with an additional 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	5	5			3	2							
Professional	8	5	3	5					3				
Labor	64	63	1	8	13	42				1			
Clerical	6	2	4	2					4				
Totals	83	75	8	15	16	44			7	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	6	6		1	3	2							
Professional	8	5	3	5					3				
Labor	69	68	1	9	15	44				1			
Clerical	6	2	4	2					4				
Totals	89	81	8	17	18	46			7	1			

Attachments

- Attachment A, Vicinity Map
- Construction Contract