



Date: July 20, 2021

To: Wanda S. Page, City Manager
Through: Bertha T. Johnson, Interim Deputy City Manager
From: Marvin G. Williams – Director of Public Works
Subject: Emergency Watershed Protection (EWP)
Stream Bank Stabilization (EWP-2021-01)

Executive Summary

On March 16, 2021 bids were opened for Contract EWP-2021-01, Emergency Watershed Protection Stream Bank Stabilization. The project includes the furnishing of all materials, labor, equipment, tools, etc. unless otherwise specified, for the complete stabilization of stream banks in four locations within the City of Durham. The stream bank stabilizations are being performed as part of Emergency Watershed Protection (EWP) and Watershed Restoration Project (WRP) grants received by the City of Durham. The lowest responsive, responsible bid was submitted by KBS Earthworks, Inc. of Julian, North Carolina. The Public Works Department recommends that the City Council authorize the City Manager to execute a contract with KBS Earthworks, Inc. for Contract EWP-2021-01 in the amount of \$786,589.76.

Motion

To authorize the City Manager to execute Contract EWP-2021-01, Emergency Watershed Protection Stream Bank Stabilization, with KBS Earthworks, Inc. in the amount of \$786,589.76;

To establish a contingency fund in the amount of \$117,063.07; and

To authorize the City Manager to negotiate change orders for Contract EWP-2021-01 provided that the total contract cost does not exceed \$903,652.83.

Background

The remnants of Hurricane Florence passed through the City of Durham on September 17, 2018 causing widespread flooding that damaged homes and infrastructure located near streams. Durham County was not included in the initial disaster declaration of September 14, 2018. City of Durham and Durham County staff was able to provide evidence that assisted with a subsequent disaster declaration on November 15, 2018 for Durham County. This declaration made the City and County eligible for federal and state grant programs designed to assist with recovery including the EWP and WRP programs. Specifically, these programs assist with removing debris and sediment in streams as well as stabilizing stream banks impacted by storm events.

The City initially requested federal assistance under the provisions of the EWP program on December 28, 2019. State assistance was requested through the WRP program on January 18, 2019. USDA-NRCS staff conducted site visits and prepared Damage Survey Reports (DSRs) for five locations within the City.

- DSR No. 37-07-18-5038-057, South Ellerbe Creek, between Interstate 85 and the confluence with Ellerbe Creek
- DSR No. 37-07-18-5038-160, Ellerbe Creek, between West Club Boulevard and North Roxboro Street
- DSR No. 37-07-18-5038-161, Northeast Creek Tributary C, south of Sedwick Road and parallel to Dedmon Court
- DSR No. 37-07-18-5038-194, Northeast Creek Tributary C, parallel to Revere Road, south of Seaton Road
- DSR No. 37-07-18-5038-195, Third Fork Creek Tributary E, between Ward Street and Cliff Street

USDA-NRCS awarded the City federal funds in the amount of \$805,230 on September 16, 2019. The North Carolina Department of Agriculture awarded the City state funds in the amount of \$268,947. A professional services contract was executed by the City Manager on January 29, 2020 with Kimley-Horn and Associates, Inc. for design, construction documents, permitting, and construction administration. At this time construction documents are complete and all permits are expected to be secured by August 2021. A services contract was executed with Zulu Marine Services, Inc. on April 6, 2020 for debris removal. This work was completed in June 2020.

The construction project involves the furnishing of all materials, labor, equipment, tools, etc. unless otherwise specified, for the complete stabilization of stream banks in four locations (stream lengths and locations listed below) within the City of Durham. The project was initially advertised on January 14, 2021 with a bid opening scheduled for February 23, 2021. One bid was received and was returned unopened. The bid opening date was extended to March 16, 2021 and again one bid was received. This bid was opened and was within the budget and opinion of probable cost for the work. Construction is anticipated to take a total of sixty to ninety days depending on weather conditions during the work. Public Works anticipates issuing a Notice to Proceed in September 2021. Staff will be updating the project web page (<https://durhamnc.gov/4390>) routinely as the project moves forward.

Issues and Analysis

The Public Works Department solicited bids for this project on January 14, 2021. Bids were opened on March 16, 2021. One bid was received.

The following is a summary of bid received:

KBS Earthworks, Inc.	\$786,589,76	Low Bid
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The Public Works Department recommends awarding Contract EWP-2021-01 to KBS Earthworks, Inc. in the amount of \$786,589.76.

Alternatives

The Public Works Department has not identified any alternatives since the bids received are competitive and consistent with the opinion of probable cost prepared by the consulting engineer.

Financial Impact

This project is budgeted for in the adopted Capital Improvements Project Ordinance (#15822) for storm drainage repairs following accounts.

4300LG00-731000-LK112 (Construction in Progress):	\$695,180.90
4300L045-731000-LK107 (Construction in Progress):	\$36,450.47
4300L045-731900-LK107 (Contract Contingencies):	\$57,606.14
4300L045-731000-LK105 (Construction in Progress):	\$36,450.47
4300L045-731900-LK105 (Contract Contingencies):	\$57,606.14
4100P002-731000-P28WP (Construction in Progress):	\$18,507.93
4100P002-731900-P28WP (Contract Contingencies):	\$1,850.78
Total:	\$903,652.83

Equal Business Opportunity Summary

The Equity & Inclusion Department reviewed the bid submitted by KBS Earthworks, Inc., of Julian, North Carolina and have determined that they are in compliance with the Equal Business Opportunity Program Ordinance. The goals for this project are MUBE 0% and WUBE 7%.

UBE REQUIREMENTS

KBS Earthworks, Inc., will utilize the following certified firms:

Firm	ID	City/State	Amount	% of Contract
Strader Fencing	WUBE	Julian, NC	\$40,080.00	5.1%
Turner Land Surveying, PLLC	WUBE	Swannanoa, NC	\$26,370.00	3.4%

This is a project in which there were limited subcontracting opportunities identified by the Public Works Department, thus only a WUBE goal was set. The WUBE goal was exceeded KBS Earthworks, Inc., submitted 0% MUBE and 8.5% WUBE participation.

WORKFORCE STATISTICS

Total Workforce:

Employment Category	Total Employees	Total Males	Total Females
Project Manager	1	1	0
Professional	3	3	0
Technical	0	0	0
Clerical	0	0	0
Labor	7	7	0
Total	11	11	0

Male:

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manager	1	0	0	0	0
Professional	1	0	2	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	5	0	2	0	0
Total	7	0	4	0	0

Female:

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manager	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	0	0	0	0	0

Contractor Workforce Diversity & Hiring Practices

This solicitation for this project was issued prior to the City of Durham requiring the submission of Contractor Workforce Diversity & Hiring Practices information.

Attachments

1. Contract EWP-2021-01, Agreement Form, dated August 30, 2021.
2. UBE Compliance Report, dated March 18, 2021.