



Date: March 5, 2013
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin Williams, Director of Public Works
Subject: Contract ST-258C, Angier-Driver Streetscape Construction Inspections

Executive Summary

On December 19, 2012, bids were opened for Contract ST-258. The contract involves street demolition and construction, replacement of electrical, water, sewer and storm water utilities, installation of streetscape and landscaping, and traffic signals and decorative street lighting for the Angier-Driver Business District in the City of Durham. The City Council approved the award of the construction contract to The Fred Smith Company on March 4, 2013 in the amount of \$3,316,720.60 with a contingency of \$663,344.12 (20%).

On December 14, 2012 the Department of Public Works issued a Request for Qualifications (RFQ) for engineering firms to provide Contract Administration and Construction Inspection (CA/CI) services for the Angier-Driver Streetscape Construction Contract. Statements of Qualifications (SOQ) were received on January 15, 2013 from seven (7) professional engineering firms.

The SOQ's were evaluated and two firms, AECOM and BREE Associates, were invited to provide presentations to the selection committee on their qualifications and approach to the project. Following the presentations the selection committee unanimously recommended that the CA/CI contract be awarded to BREE Associates.

City staff has had several meetings with BREE Associates in which the scope and fees have been discussed and negotiated. The mutually agreed upon fee to be paid to BREE Associates for this project is \$350,300.00 which is 10.56% of the construction contract amount of \$3,316,720.60. The BREE fee includes not only the CA/CI services for the project, but also extensive testing required by NCDOT because Angier Avenue is a truck route maintained by NCDOT.

The base fee for BREE's CA/CI services is \$290,300.00 which is 8.75% of the construction contract amount of \$3,316,720.60; this percentage is consistent with other recent complicated streetscape construction such as City Hall Plaza. The portion of the BREE fee for NCDOT testing is \$60,000 which is consistent with recent American Recovery and Reinvestment Act of 2009 (ARRA) projects which had similar testing requirements.

Recommendation

The Administration recommends that the City Council authorize the City Manager to execute a contract for ST-258C, Angier-Driver Streetscape Project Construction Inspections with BREE Associates of Durham, NC in the amount of \$350,300.00; establish a contingency fund in the amount of \$57,900 which is 8.75% of the construction contingency amount of \$663,344.12 in the contract with Fred Smith Company; and authorize the City Manager to

execute change orders to the contract so long as the total project cost does not exceed \$408,200.00.

Background

In March 2006, City Council approved a Neighborhood Assessment and Plan to assess the economic strengths, weaknesses, opportunities and threats within Targeted Neighborhood Commercial Areas. The assessment established a development plan for the revitalization of these areas. The process included outreach to local businesses and residents with many opportunities to participate in the process through leadership interviews and visioning charrettes.

One of the standards identified in the plan was the need to have uniquely tailored streetscape designs for each of the Targeted Community Development Areas. Streetscape design and implementation was seen to be a means of promoting economic development in each of the Targeted Neighborhood Commercial corridors.

The Office of Economic and Workforce Development and the Department of Public Works developed a process to create unique streetscape designs tailored to each area. The process included a conceptual design exercise to solicit community feedback from Durham businesses, community residents, and other primary stakeholders to allow them the opportunity to determine corridor improvements, aesthetics, safety and function. E.G.& G., Inc. was hired to assist the City of Durham in the development of these conceptual plans.

This project will construct streetscape elements in the Angier Driver neighborhood. The work involves street demolition and construction, replacement of electrical, water, sewer and storm water utilities, installation of streetscape and landscaping, and traffic signals and decorative street lighting. Funding for Contract ST-258 is from several sources including the Office of Economic and Workforce Development, Transportation Department, and Public Works Water/Sewer and Stormwater Services funds.

The CACI services to be provided by BREE Associates are vital to the successful completion of the construction contract.

Issues/Analysis

The Public Works Department recommends awarding Contract ST-258C to BREE Associates of Durham, NC in the amount of \$350,300.00; establish a contingency fund in the amount of \$57,900 which is 8.75% of the construction contingency amount of \$663,344.12 in the contract with Fred Smith Company; and authorize the City Manager to execute change orders to the contract so long as the total project cost does not exceed \$408,200.00.

Alternatives

The Council can choose to not proceed with the award of the ST-258C contract for CA/CI as proposed with BREE Associates; however, that would eliminate services vital to the successful completion of the construction contract.

Financial Impact

Funds for this project are budgeted for in the following accounts:

		<u>BREE Associates</u>
OEWD	32027901-728600-70002	\$ 300,000.00
Public Works Sewer E&I	4100P767-731003-P2643	<u>50,300.00</u>
	Base Contract Sub-Total	\$ 350,300.00
		<u>Contingency</u>
Public Works Sewer E&I	4100P767-731900-P2643	\$ <u>57,900.00</u>
	Total Contract including Contingency	\$408,200.00

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by BREE & Associates, Inc. of Durham, NC to determine compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. The goals for this project were MSDBE 1% and WSDBE 1%. It was determined that BREE & Associates, Inc. is in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

SDBE REQUIREMENTS

BREE & Associates, Inc is a certified MSDBE firm.

BREE & Associates, Inc. will subcontract to the following certified firm:

Firm	ID	City/State	Amount	% of Contract
Spaulding & Norris, PA	WSDBE	Raleigh, NC	\$ 7,000.00	1.93%

The MSDBE and WSDBE goals were exceeded.

WORKFORCE STATISTICS

Workforce statistics for BREE & Associates, Inc. are as follows:

Total Workforce	13	
Total Females	4	(31%)
Total Males	9	(69%)
Black Males	6	(46%)
White Males	3	(23%)
Other Males	0	(0%)
Black Females	3	(23%)
White Females	1	(8%)
Other Females	0	(0%)