



Date: July 10, 2013

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin Williams, Director of Public Works
Subject: ATT Contract Amendment for Additional Construction Administration

Executive Summary

Phase E of the American Tobacco Trail (ATT) Contract SW-24 consists of a bicycle and pedestrian bridge over I-40 and four miles of greenway trail between NC 54 and the Chatham County line. The construction of the ATT project is delayed due to the exceptionally wet spring and summer creating rain delays of approximately 45-60 days. This project was designed by Parsons Brinkerhoff, and this firm is providing construction administration services throughout the life of the project. The rain delays of the ATT project create additional work days for the Parsons Brinkerhoff staff to oversee the project. The Public Works Department recommends an additional \$185,000.00 be authorized to amend the supplemental agreement with Parsons Brinkerhoff to provide additional construction administration services in response to the extended construction period of the project due to the rain delays. The Parsons Brinkerhoff supplemental agreement in the amount of \$2,075,000.00 will be amended by \$185,000.00 for a total cost of \$2,260,000.00. Funding is available from the Open Space Impact Fees (Zone 1) and a Capital Improvement Project Ordinance amendment is attached to place the funds.

Recommendation

The Department of Public Works recommends that the City Council:

1. authorize the City Manager to amend the supplemental agreement with Parsons Brinkerhoff, Inc. by \$185,000.00 to provide additional construction administration services for Phase E of the American Tobacco Trail Contract SW-24;
2. adopt an ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2013-2014, as amended, the same being Ordinance No. 14464, for the purpose of amending the Parsons Brinkerhoff contract by \$185,000.000. An additional \$10,000 will be made available to fund a short term contract for inspection services until such time as the Parsons Brinkerhoff contract is executed.

Background

Parsons Brinkerhoff was selected following the City procurement process to enter into a Master On-Call Agreement with the City of Durham on October 19, 2006. The Department of Public Works recommended that the City Council execute an On-Call Supplemental Agreement with PB Americas, Inc. due to their familiarity with the project, having handled the conceptual design and public input phase for the bridge over Interstate 40.

On January 17, 2006 the City Council approved a municipal agreement for this project. The project at that time was being managed by the Parks and Recreation Department. However, work did not progress as anticipated. The project was turned over to the Public Works

Department in July 2006. Council approved a new Municipal Agreement with the NCDOT that formalized additional federal funding for the project.

A contract to begin the community involvement and conceptual design process for the pedestrian bridge over I-40 was awarded and the first public meeting was held on November 13, 2007 in City Hall to discuss the components of the bridge design. The next public meeting was held in March of 2008 with a large turnout and significant public input followed. A final public meeting was held in late summer and a recommended bridge was reported to the City Council.

Initial Bids for the ATT were received on July 15, 2011. The low bid by Blythe Construction, Inc. was \$7,753,042.35 and was approximately \$2,000,000.00 more than available funding for this project. Due to this cost difference the City in concurrence with the NCDOT rejected all bids. The City acquired additional funding to move the project forward. The Metropolitan Planning Organization (MPO) which distributes federal transportation funding recommended to NCDOT that \$2,791,377.00 be authorized for use on the ATT. A match was required of the City and these funds were provided from the Transportation Department's Federal/State Match fund in an amount of \$697,844.00. An additional \$285,000.00 for professional services was provided from the 2007 Sidewalk Bond funds. Additional professional services were necessary because of re-advertising and rebidding this project

This project was re-advertised for a second time on November 15, 2011 and bids were scheduled to be opened on December 15, 2011. However, on December 15, 2011 the Department of Public Works received less than the required three bids and was unable to open the bids. The project was re-advertised for a third time on January 25, 2012 and only one bid was submitted on February 22, 2012 by Blythe Construction, Inc. The bid was both responsive, responsible and approximately 6% under the final Engineer's cost estimate. All subcontractors were found to be both DBE certified and prequalified by NCDOT. Construction was proposed to begin in June 2012 and to be completed in July 2013.

The construction of the ATT project is now delayed due to the exceptionally wet spring and summer of 2013 creating rain delays of approximately 45-60 days. Accounting for the rain delays, the project should be complete in September 2013. This project was designed by Parsons Brinkerhoff, and this firm has been providing construction administration services throughout the life of the project. The rain delays of the construction project create additional work days for the Parsons Brinkerhoff staff to oversee the project. The Parsons Brinkerhoff supplemental agreement in the amount of \$2,075,000.00 will be amended by \$185,000 for a total cost of \$2,260,000.00.

Alternatives

The Department of Public Works has not identified any alternatives for the task of providing construction administration of the ATT project. This project requires an NCDOT certified bridge inspector to be on site for oversight. There is no City staff qualified to provide this level of inspection.

Financial Impact

Funds for this project are available from the Open Space Impact Fees (Zone 1) account for the purpose of amending the Parsons Brinkerhoff contract by \$185,000.000. An additional \$10,000 in Open Space Impact Fees (Zone 1) will be made available to fund a short term contract for inspection services until such time as the Parsons Brinkerhoff contract is executed. The short term inspection contract will be executed under the authority of the City

Manager as it is within his monetary approval authority. This will provide for continuous inspection of the ATT project.

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SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the original proposal submitted by Parsons Brinkerhoff, Incorporated of Raleigh, NC and determined that they were in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.