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CITY OF MEDICINE

CITY OF DURHAM | NORTH CAROLINA

Date: February 4, 2014

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin G. Williams, Public Works Director
Subject: South Ellerbe Wetland and Stream Restoration Design Services Contract

Executive Summary
The South Ellerbe Wetland and Stream Restoration project site is located at the former Duke Diet and Fitness Center on a 9 acre site located at the headwaters of South Ellerbe Creek at the confluence of the Trinity (230 acres) and Downtown (255 acres) Basins, two heavily developed urban basins near downtown Durham (map attached).

This project will address the Falls Lake existing development rule which requires reductions in nitrogen and phosphorus from existing development prior to reaching Falls Lake. The South Ellerbe Wetland and Stream Restoration site is an excellent location to construct a large regional stormwater retrofit project. A retrofit project at this location provides for a significant portion of the nitrogen and phosphorus load reduction needed for the Falls Lake Stage 1 load reduction goal from existing development. Brown and Caldwell worked as our consultant to provide a feasibility study and determined that the project can achieve significant reductions.

The South Ellerbe Wetland and Stream Restoration project will involve permitting, design and development of site design, project manual including bidding documents, contract documents, technical specifications, and drawings for a constructed wetland and stream restoration, project manual for demolition, contract administration for demolition and construction, and conducting public meetings and outreach. Requests for proposals were solicited for design services for the South Ellerbe Wetland and Stream Restoration Project. Proposals were received from eight firms. The review committee selected three firms for interviews. Kimley-Horn and Associates, Inc. and their team demonstrated experience with a similar showcase wetland project as well as extensive permitting and outreach experience that will benefit this important stormwater retrofit project. Based on competence and experience, in accordance with G.S. 143-64.31, the committee selected Kimley-Horn and Associates, Inc.

Recommendation
The Administration recommends that the City Council authorize the City Manager to execute a contract for South Ellerbe Wetland and Stream Restoration Design Services with Kimley-Horn and Associates, Inc. in an amount of $1,283,000; establish a contingency fund in the amount of $254,000 (19.8%); and authorize the City Manager to negotiate change orders provided the that the cost of all change orders does not exceed $254,000 and the total project cost does not exceed $1,537,000.

Background
The former Duke Diet and Fitness Center (DDFC) is a 9 acre site located at the headwaters of South Ellerbe Creek at the confluence of the Trinity (230 acres) and Downtown (255 acres) Basins, two heavily developed urban basins near downtown Durham. Almost the entire site is located within the 100-year floodplain and a portion of the existing building is located within the regulated floodway.

This project will address the Falls Lake existing development rule which requires reductions in nitrogen and phosphorus from existing development prior to reaching Falls Lake. Stage 1 of the reductions requires that the City reduce nitrogen and phosphorus from existing development back to 2006 levels by 2020. The former Duke Diet and Fitness Center site is an excellent location to construct a large regional stormwater retrofit project. A retrofit project at this location provides for a significant portion of the nitrogen and phosphorus load reduction needed for stage 1 of the Falls Lake load reduction goal from existing development. The engineering consulting firm Brown and Caldwell completed a feasibility study and determined that a stormwater control measure can achieve significant reductions at this location.

The results of the study recommend a constructed wetland and stream restoration on the site. No other City Department has a plan for the property. In order for the wetland to be designed properly and be cost effective, the entire site must be utilized and the existing building and parking areas removed. Cost savings are realized by installing this one wetland for approximately $8 million to treat 485 acres over installing 15 to 25 small facilities in the watershed to achieve the same result. The savings of doing one project instead of many in project management, construction, and maintenance costs is substantial and will help to reduce the overall costs to the City for the Falls Lake Stage 1 reductions.

The Department of Public Works Stormwater & GIS Services division conducted public outreach and solicited input concerning the stormwater retrofit project at 13 separate meetings with over 250 people in attendance. A press release, factsheet, Frequently Asked Questions (FAQ), renderings explaining the project, and a PowerPoint presentation for the project were developed for the project. In addition to the items above, information is available on the project webpage http://durhamnc.gov/ich/op/pwd/storm/Pages/DukeDietFitness/DukeDietFitness.aspx. Numerous endorsements and support from individuals and organizations have been received for the project.

Issues and Analysis
The recommendation is for a 19.8% contingency due to the uncertainties in permitting (i.e. nationwide versus individual permit), the extent of amenities and structural elements, and to provide for additional outreach if necessary. This contingency gives us the ability to quickly make changes without significant delays that could be paramount the project's success.

If the City Council does not authorize the City Manager to negotiate and execute this contract, the City will fall behind in its requirements to provide for Stage I reductions required by the Falls Lake Rules. The first stage reductions are required to be completed by December 2020.

The Phase I and limited Phase II Environmental Assessment found soil contamination on the site that has not yet reached groundwater. Time could alter that situation. Therefore, implementation of the soil remediation part of the project should be completed in a timely

manner so as not to incur significantly higher costs of possible groundwater remediation.

Alternatives
The City could hire additional staff to manage the design and construction of 15-25 additional smaller retrofit projects. This would involve hiring a large number of additional staff over a very short period of time in order to complete the projects by December 2020 for Stage 1 of the Falls Lake Existing Development Rules.

Financial Impact
This project is budgeted for in the adopted Capital Improvements Project Ordinance(#14466) for Stormwater Retrofitting Professional Design Services from the following accounts:

4300L045-725000-LK109:	$ 1,283,000
4300L045-731900-LK109:	$ 254,000
Total:	$ 1,537,000

SDBE Summary
The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by Kimley-Horn and Associates, Inc. of Cary, North Carolina to determine compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. The goals for this project are MSDBE 2% and WSDBE 3%. It was determined that Kimley-Horn and Associates, Inc. is in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

SDBE Requirements
Kimley-Horn and Associates, Inc., will subcontract to the following certified firms:

Firm	ID	City/State	Amount	% of Contract
Hollins Construction Services	MSDBE	Wake Forest, NC	$ 150,000.00	11.7%
Planners for Environmental Quality, Inc.	MSDBE	Union City, GA	$ 41,000.00	3.2%
CH Engineering, PLLC	WSDBE	Raleigh, NC	$ 39,000.00	3.0 %

The MSDBE goal was exceeded.

Workforce Statistics
The workforce statistics for Kimley-Horn and Associates, Inc. are as follows:

Total Workforce	137	
Total Females	62	(45%)
Total Males	75	(55%)
Black Males	3	(2%)
White Males	71	(52%)
Other Males	1	(1%)
Black Females	3	(2%)
White Females	59	(43%)
Other Females	0	(0%)

Attachments
Location Map

South Ellerbe Wetland Project Fact Sheet
South Ellerbe Wetland Project Frequently Asked Questions