



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/13/2021

REQUESTER: Scott Sturtz, City Engineer

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, ADOPTION, REJECTION, AND/OR POSTPONEMENT OF AWARDED BID-2122-1, CONTRACT K-2122-1 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NASH CONSTRUCTION COMPANY IN THE AMOUNT OF \$313,109, PERFORMANCE BOND B-2122-1; STATUTORY BOND B-2122-2; AND MAINTENANCE BOND MB-2122-1 FOR THE SIDEWALK CONCRETE PROJECTS, RESOLUTION R-2122-1 GRANTING TAX-EXEMPT STATUS AND REDISTRIBUTION OF PROJECT FUNDS ACROSS SUB-PROJECTS AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Pursuant to State Law (Title 11, Section 36-104), although developers and abutting property owners are responsible for constructing and maintaining sidewalks, the City has the responsibility of ensuring safe sidewalks. The City Council established a sidewalk program in 1997 to reduce this burden to property owners. Accordingly, funds are allocated for five separate capital project accounts within the Capital Improvement Program Budget. Because the projects are similar in nature, the City has historically achieved economy of scale and received more competitive bids when these projects are bundled and bid together. These five projects are described in detail below.

The **Citywide Sidewalk Reconstruction Program** is intended to assist property owners in repairing sidewalks and constructing new sidewalks to close gaps in existing sidewalk. Property owners who wish to participate in the Citywide Sidewalk Reconstruction Project will pay fifty percent (50%) of the estimated cost, with the City paying the remaining fifty- percent (50%) from funds allocated to this project. Citizen contributions are subsequently recouped with City Council approval to replenish this program funding. This is a very popular and cost-saving program for residents and the demand typically outpaces the allocated resources.

The **Sidewalk Accessibility Program** provides sidewalk ramps where none exist and rebuilds existing ramps that do not comply with the current Americans with Disabilities Act (ADA) standards. This project will construct approximately eight curb ramps per year. Locations are determined at the request of citizens and along arterial and collector streets that do not currently have ramps at street-sidewalk intersections. The locations in this year's program will include four

ramps along Northcliff Avenue, at the intersections of Ridgemont Circle and Sandalwood Drive, and four ramps along Cherry Creek Drive at the intersections of Beechwood Drive and Durango Circle.

The **Sidewalk Program for Schools and Arterials Program** is used to construct new sidewalks adjacent to elementary schools that have no sidewalks and along walking routes to the schools. This year's project consists of Phase I of a two-phase project. It encompasses new sidewalk construction, where sidewalk is discontinuous, as well as repairs to existing sidewalk Page 2 of 4 on the west side of Stubbeman Avenue from Robinson Street to Timberwolf Trail, servicing Norman North High School. It also includes the construction of eight sidewalk ramps. A second phase of this project is forecasted for FYE 2023 and includes repairs northward to West Rock Creek Road on the west side, and repairs along the east side of Stubbeman Avenue, following an independent sidewalk reconstruction project being coordinated by the United States Postal Service at the corner of West Rock Creek Road & Stubbeman Avenue.

The **Downtown Area Sidewalks and Curbs Program** will repair hazardous or deteriorated sidewalks, ramps and curbs in the downtown area. This year's project location will be concentrated along North Webster Avenue, from West Gray Street to Daws Avenue. This project will consist of new sidewalk construction along the west-side and repairs along the east & west sides. In addition to increasing accessibility in the downtown area, this project will also accommodate the Municipal Complex consolidation plan.

The **Sidewalks and Trails Program** constructs new sidewalk and trails throughout the city, in conformance with adopted plans; including the Greenbelt Master Plan, Bikeway & Transportation Master Plan and Parks Master Plan. This year's project consists of significant sidewalk repairs and construction of a small section of new sidewalk to establish compliant walkways on the east and west side of Hal Muldrow Drive, from Melrose Court to West Main Street. The project also includes 34 curb ramps to permit passage for differently-abled persons.

DISCUSSION:

Bid documents and specifications were advertised according to State Law. A project package was developed and the notification to bidders was advertised on May 13th and 20th, 2021 in the Norman Transcript. A non-mandatory pre-bid meeting was held on May 20, 2021. 13 contractors received the bid documents and four bids were submitted on June 3, 2021.

The low bid, in the amount of \$313,109.00, was received from Nash Construction Co. of Oklahoma City, OK. The other bids include: \$328,798.50 from EMC Services, \$334,439.00 from SAC Services Inc., and \$384,802.00 from Rudy Construction Co., all from Oklahoma City. The Engineer's estimate for this work was \$322,193.55. The low bid is 2.8% lower than the engineer's estimate and 5.1% below the budgeted amount. Based on the current market and the work to be completed the bid is acceptable.

The "Citywide Sidewalk Reconstruction Project" funds for this fiscal year will be used in the City's fifty percent (50%) match of this program, in which the property owner chooses to use their own contractor or the City of Norman contractor. The current bid of \$56,665.00 exceeded FYE 2022 budget of \$50,000.00 for this sub-project by \$6,665.00.

The “Sidewalk Accessibility Project” sub-project was funded for \$30,000.00 in FYE 2022 and the bid of \$27,931.00 yields a surplus of \$2,069.00, requiring no change.

The “Sidewalk Program for Schools and Arterials” sub-project was funded for \$80,000.00 in FYE 2022 and the bid of \$53,362.00 yields a surplus of \$26,638.00, requiring no change. This surplus is largely due to third-party project, requiring the City to break this project into two phases. This third-party project will also complete portions of and reduce overall costs for Phase II of the City’s project.

The “Downtown Area for Sidewalks & Curbs” sub-project was budgeted for \$50,000.00 in FYE 2022 and the bid of \$51,362.00 yields a deficit of \$1,362.00.

The “Sidewalks and Trails” sub-project was budgeted for \$120,000.00 in FYE 2022 and the bid of \$123,789.00 yields a \$3,789.00 deficit.

If approved, construction is scheduled to begin approximately 10 days after approval. The contractor will stage the five (5) programs to complete sidewalk repair reconstruction requests throughout the year, construct school sidewalk during summer breaks. Weather permitting, the project timeline will follow:

- “Citywide Sidewalk Reconstruction” – Year-round
- “Sidewalk Accessibility” – Nov 2021 • “Sidewalks and Trails” – Sep-Oct, 2021
- “Downtown Sidewalks and Curbs” – Aug-Sep, 2021
- “Sidewalk Program for Schools and Arterials” – Jul-Aug 2021

Resolution No. R-2122-7 confers upon Nash Construction Co. the limited agent status for the purchase of materials to be incorporated in the project on a sales tax-exempt basis. The bid documents offered tax-exempt status to all bidders.

RECOMMENDATION NO. 1:

Staff has reviewed the bids and recommends that Bid No. 2122-01 for the FYE 2022 Sidewalk Concrete Projects be awarded to Nash Construction Co. in the amount of \$313,109.00.

RECOMMENDATION NO. 2:

Staff further recommends that, upon approval of Bid No. 2122-01, the following contract and bonds be approved: Contract No. K-2122-1 Performance Bond No. B-2122-1 Statutory Bond No. B-2122-1 Maintenance Bond No. 2122-1

RECOMMENDATION NO. 3:

Staff further recommends that, upon approval of Bid No. 2122-01, Nash Construction Co. be authorized and appointed as project agent via Resolution No. R-2122-1.

RECOMMENDATION NO. 4:

Staff further recommends that, upon approval of Bid No. 2122-01, \$11,816.00 of the surplus in the "Sidewalk Program for Schools and Arterials" (505-93317-46101, Proj TC0249) subproject be redistributed as follows:

- \$6,665.00 to Account 505-90052-46101, Project TC0273, "Citywide Sidewalk Reconstruction Project"
- \$1,362.00 to Account 505-97716-46101, Project TC0274, "Downtown Area for Sidewalks & Curbs"
- \$3,789.00 to Account 505-91179-46101, Project TC0262, "Sidewalks and Trails"

If approved, this recommendation will have no bearing on the overall FYE 2022 Sidewalk Concrete Projects budget of \$330,000.00, rather it is a redistribution of the \$313,109.00 subproject bid amounts to assure sub-project completion, while leaving a 5% overall project balance for contingency.