



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/23/2022

REQUESTER: Steve Guizzo, Engineering Assistant

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF AWARDING, ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID 2223-9 AND CONTRACT K-2223-14: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EMC SERVICES, L.L.C., IN THE AMOUNT OF \$444,173 FOR THE FYE 2023 SIDEWALK CONCRETE PROJECT, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$30,906 FOR A REVISED CONTRACT AMOUNT OF \$475,079, PERFORMANCE BOND B-2223-17; STATUTORY BOND B-2223-18; MAINTENANCE BOND MB-2223-8, AND RESOLUTION R-2223-10 GRANTING TAX-EXEMPT STATUS AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

This project will provide funding to: assist property owners in repairing existing sidewalks and construct new sidewalks, create ADA accessible routes in needed areas, construct new sidewalk for pedestrian routes to schools, perform sidewalk, ramp, and curb repair work in specified locations in the downtown area and perform sidewalk, ramp, and curb repair work in specified locations primarily along arterial road routes.

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 six ramps along Western View Drive.

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 II of a two-phase project. It encompasses new sidewalk construction, where sidewalk is discontinuous, as well as repairs to existing sidewalk 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. City Council increased the funding for this program for the Rock Creek Road sidewalk gap from Porter Avenue to Hawthorne place Addition. This project is included in this bid.

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 east side of the roadway along Building D. The second location to be addressed is Comanche Street from Miller Avenue to Porter Avenue in preparation of the future Transit Center.

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 Alameda Street from 12th Avenue NE to Classen Boulevard. The City Council increased the funding for this program to include \$425,000 for a new walking trail to connect neighborhoods to the Walmart Neighborhood Market on Classen Boulevard. This project is being designed and will be bid separately.

DISCUSSION:

The project was publically advertised on June 23, 2022 and June 30, 2022. Four contractors attended a pre-bid conference on July 7, 2022. One bid was submitted and opened on July 21, 2022. The project was advertised in a local paper, in plan rooms and sent to our normal concrete contractors. There is a lot of work in the City of Norman and the Oklahoma City metro area. Contractors that would normally bid on these programs have current contracts and may not have the capacity to complete this contract.

Tabulation of Bid Results

Contractor	Total
EMC Services, LLC.	\$444,173
Engineer's Estimate	\$418,602

The bid was submitted by EMC Services, LLC of Oklahoma City in the amount of \$444,173, which is \$25,571, or 6.1%, more than the engineer's estimate, the budgeted amount for the FYE 2023 Sidewalk Concrete Projects included in this bid was \$440,000. Staff have reviewed this bid and based on the current market and the work to be completed the bid is acceptable. EMC Services, LLC is a responsible bidder. They are currently performing similar work for the City of Norman and have completed the work for this program in previous years.

The "Citywide Sidewalk Reconstruction Program" 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 \$68,104 is below the FYE 2023 budget of \$100,000 for this sub-project. Staff is requesting to increase the bid amount to \$90,000 to use the funding throughout the year to complete necessary repairs in the Citywide 50/50 Program. This will leave \$10,000 if citizens would prefer to hire their own contractor and the City participate. Last year staff requested additional funds in this program and assisted over 50 property owners to repair or replace sidewalks abutting their property. It is anticipated this program will assist more property owners this year as we have already received over 20 requests to participate in the program.

The "Sidewalk Accessibility Program" sub-project was funded for \$30,000 in FYE 2022 and the bid of \$28,089 yields a surplus of \$1,911, requiring no change.

The "Sidewalk Program for Schools and Arterials" sub-project was funded for \$140,000 in FYE 2023 and the bid of \$141,685 yields a deficit of \$1,685. The increase in the costs for this program is attributed to the current economy, staffing shortages and inflation in material costs. This has been compounded recently by shortages in cement for concrete and other building materials.

The "Downtown Area for Sidewalks & Curbs" sub-project was budgeted for \$50,000 in FYE 2023 and the bid of \$63,554 yields a deficit of \$13,554. The scope of this project includes necessary repairs to the sidewalks along Comanche Street in preparation of serving the Transit Center at the corner with Flood. This scope with the increased costs attributed to the current economy, staffing shortages and inflation in material costs have resulted in the increased costs. This has been compounded recently by shortages in cement for concrete and other building materials.

The "Sidewalks and Trails Program" was budgeted for \$120,000 in FYE 2023 and the bid of \$141,751 yields a \$21,751 deficit. The engineers estimate for this project prior to bidding was within the project budget. This is the largest project in the FYE 2023 sidewalk programs and was most impacted by the increase in project cost attributed to the current economy, staffing shortages and inflation in material costs. This has been compounded recently by shortages in cement for concrete and other building materials.

Several of the programs have exceeded their budgeted amounts as discussed above. The selected projects are necessary and funding is available as discussed below. These programs will be funded as follows:

Project Funding Summary					
Project	Number and Account	FYE 2023 Program Budget	Bid Amount	Change Order #1	Transfer Funds From TC0273 ACCT#50590052-46101
Citywide Sidewalk Reconstruction Program	TC0273 ACCT#50590052-46101	\$100,000	\$69,094	\$30,906	
Sidewalk Accessibility Program	TC0238 ACCT#50593316-46101	\$30,000	\$28,089		
Sidewalk Program for Schools and Arterials	TC0249 ACCT#50593317-46101	\$140,000	\$141,685		\$1,685
Downtown Area Sidewalks and Curbs	TC0274 ACCT#5057716-46101	\$50,000	\$63,554		\$13,554
Sidewalks and Trails Program	TC0262 ACCT#50591179-46101	\$120,000	\$141,751		\$21,751
Total:		\$440,000	\$444,173	\$30,906	\$36,990

There are funds remaining in the Citywide Sidewalk Reconstruction Program (account 50590052-46101; project TC0273) from previous years that can be used to fund the programs that exceed the current budget.

If approved, construction of the FYE 2023 Sidewalk Concrete Projects will begin on or around September 6, 2022. The construction time for this project is 297 days with a completion date of June 30, 2023.

- Citywide Sidewalk Reconstruction Program – September 2022 and then throughout the year as repairs are necessary
- Sidewalk Accessibility Program – October 2022
- Downtown Area Sidewalks and Curbs – November 2022 – January 2023
- Sidewalk Program for Schools and Arterials - February 2023 - March 2023 (will attempt to schedule repairs near school during school breaks as to minimize disruption when possible)
- Sidewalks and Trails Program will be April 2023 – June 2023

RECOMMENDATION 1:

Only one bid was received, but based on the current contracting conditions and materials costs and the past experience with the bidder, staff recommends the approval of Contract K-2223-14 with EMC Services, LLC. in the amount of \$444,173 for construction of the FYE 2023 Sidewalk Concrete Projects.

RECOMMENDATION 2:

Staff further recommends that \$36,990 be transferred from prior-year allocations to the City Sidewalk Reconstruction Program, Construction (account 50590052-46101; Project TC0273) to the fiscal year 2022-2023 Sidewalk Programs, as discussed and illustrated above.

RECOMMENDATION 3:

Staff further recommends that, upon approval of Contract K-2223-14, the following bonds be approved:

Performance Bond B-2223-17

Statutory Bond B-2223-18

Maintenance Bond MB-2223-8

RECOMMENDATION 4:

Staff further recommends that, upon approval of Contract K-2223-14, EMC Services, LLC. be authorized as Project Agent via Resolution R-2223-10 to avoid the payment of sales tax on materials purchases related to the projects.

RECOMMENDATION 5:

Staff further recommends that, upon approval of Contract K-2223-14, Change Order Number 1 in the amount of \$30,906 be accepted to increase the Citywide Sidewalk Reconstruction Program to accomplish more projects within the budgeted funds, and to bring the total contract amount to \$475,079.