



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-2021-16

File ID: K-2021-16

Type: Contract

Status: Consent Item

Version: 1

Reference: Item 12

In Control: City Council

Department: Public Works
Department

Cost: \$325,520.00

File Created: 08/13/2020

File Name: FYE 2021 Sidewalk Projects

Final Action:

Title: CONSIDERATION OF AWARDING OF BID 2021-14; CONTRACT K-2021-16 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EMC SERVICES, L.L.C., IN THE AMOUNT OF \$345,018; PERFORMANCE BOND B-2021-23; STATUTORY BOND B-2021-24; AND MAINTENANCE BOND MB-2021-12 FOR THE FYE 2021 SIDEWALK CONCRETE PROJECT; ADOPTION OF RESOLUTION R-2021-10 GRANTING TAX EXEMPT STATUS, AND BUDGET TRANSFER BETWEEN PROJECT ACCOUNTS.

Notes: ACTION NEEDED: Motion to accept or reject all bids as meeting specifications; and, if accepted, award the bid in the amount of \$325,520 to EMC Services, L.L.C., as the lowest and best bidder meeting specifications; approve Contract K-2021-16 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds, direct the filing of the bonds, adopt Resolution R-2021-6; and transfer \$35,171 from Project TC0249, School/Arterial Sidewalks, Construction (505-93317-46101) designating \$5,171 to Project TC0274, Downtown Sidewalks, Construction (505-97716-46101) and \$30,000 to Project TC0262, Sidewalks/Trails, Construction (505-91179-46101).

ACTION TAKEN: _____

Agenda Date: 08/25/2020

Agenda Number: 12

Attachments: Bid Tabulation - FYE 2021 Sidewalk Concrete Projects, Table 1 - FYE 2021 Sidewalk Concrete Projects, Contract K-2021-16, Performance Bond B-2021-23, Statutory Bond B-2021-24, Maint. Bond B-2021-12, R-2021-10

Project Manager: Jack Burdett, Subdivision Development Coordinator

Entered by: cydney.karstens@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File K-2021-16

Body

BACKGROUND: Pursuant to State Law (Title 11, Section 36-104), the construction and maintenance of sidewalks are the responsibility of the adjacent property owner. In 1997, City Council recognized the need to create sidewalk programs to reduce this burden to property owners. Funds were allocated for five (5) separate capital project accounts each year. The fiscal year ending June 30, 2021 (FYE 2021) Capital Improvement Program Budget includes these five (5) concrete sidewalk programs. The projects are similar in nature, so more competitive bids have historically been obtained by bidding them together. Therefore, staff has combined these programs into one construction project entitled FYE 2021 Sidewalk Concrete Projects. These five (5) programs are described in detail below and outlined in Table 1 attached.

The **Citywide Sidewalk Reconstruction Program** is intended to assist property owners in repairing existing sidewalks and constructing new sidewalks along an entire city block. 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.

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 sixteen (16) curb ramps. 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 location in this year’s program will include intersections along Cherry Creek Drive from Pine Tree Lane to Silverton 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 has one (1) location. This year’s project will concentrate on the sidewalk along Iowa Street from Sundown Drive to North Sherry Avenue near Cleveland Elementary School.

The **Downtown Area Sidewalks and Curbs Program** will repair hazardous or deteriorated sidewalks, ramps and curbs in the downtown area. The location will be concentrated along the East Comanche Street from Jones Avenue to Porter Avenue.

The **Sidewalks and Trails Project** 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. The location this fiscal year is concentrated along the east side of Berry Road from Denison Drive to Regent Street to close the remaining sidewalk gap on the east side of Berry Road from Main Street to Robinson Street.

DISCUSSION: Bid documents and specifications were advertised according to State Law. Ten (10) contractors received the bid documents and two (2) bids were submitted on July 23, 2020. The bid, in the amount of \$345,018, was received from EMC Services, LLC of Oklahoma City, OK. EMC Services, LLC is currently performing work for the FYE 2020 Sidewalk Concrete Projects and is scheduled to complete this work September 15, 2020. The Engineer's estimate for this work is \$315,000, and the total budget in the Capital Improvement Program is \$330,000. However, a small amount is to remain unencumbered to be utilized by property owners in the Citywide Sidewalk Reconstruction Project to complete repairs by the contractor of their choosing. The bid amount exceeds the budget by \$25,018 or 7.8%.

The bid amount for each of the five (5) projects is shown separately on Table 1 (attached). The bids for four (4) of the projects and programs are greater than the budgeted amount. Staff has reviewed all bids and no errors were noted in the bids. Based on the unit costs for this project, there has been an increase in the cost of concrete which includes labor and materials. This cost is reflected in multiple line items and account for the majority of the overages on the contract. The engineer's estimate for each of these programs was based on historical cost information from past bids on projects. In recent months there has been an increase in construction activity. Staff believe the higher costs in the bids are a result of the recent increase in demand of both labor and materials on construction projects.

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 \$39,381 was within the project budget of \$50,000 for funding of projects using the City's contractor. This program also allows for the property owner to hire their own contractor and apply for 50% reimbursement. This bid allows \$10,619 in unencumbered fund for citizens to have this option.

The "Sidewalk Accessibility Program" constructing curb ramps along Cherry Creek drive of \$31,691 is within the program budget of \$36,616.

The "Sidewalk Program for Schools and Arterials" project has one (1) location. This year's project is on Iowa Street. This project will provide sidewalk on the south side of Iowa Street from Sundown Drive to Sherry Avenue and create an accessible pedestrian route with corner ramps to Cleveland Elementary School. The bid for this project is \$87,745 and is within the program budget of \$264,000. This project has been requested by several citizens. Funds are available for transfer to other projects.

The "Downtown Area Sidewalk and Curbs Program" will repair sidewalk or curb in the downtown area identified by owners or citizen request during the fiscal year. The contractor's bid amount of \$55,171 exceeded the \$50,000 for this programs. This project will require a budget appropriation of \$5,171 to meet the bid amount. The funds are available from the Sidewalk Program from Schools and Arterials Project noted above.

The "Sidewalks and Trails" project in the residential area on the east side of Berry Road will close a remaining sidewalk gap from Main Street to Robinson Street completing this sidewalk section. The contractor's bid amount of \$131,030 exceeds the project budget of \$102,111.

This project will require a budget transfer of \$30,000. Funds are available for transfer from the Sidewalk Program for Schools and Arterials noted above.

If approved, construction is scheduled to begin in September 2020. The contractor will stage the five (5) programs to complete sidewalk repair reconstruction requests throughout the year and construct school sidewalks during school breaks. The project plan will follow the schedule below:

- Citywide Sidewalk Reconstruction - September 2020 to June 2021
- Sidewalk Program for Schools and Arterials - September 2020 to October 2020
- Sidewalk Accessibility - October 2020
- Sidewalks and Trails - January - April 2021
- Downtown Sidewalks and Curbs project - March - June 2021

Resolution R-2021-10 confers upon EMC Services, LLC 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.

To keep this project within the scope of work by the contractor, City staff recommends budget appropriations from remaining previous fiscal year funds increasing the funding as shown on Table 1, which increases the total budgeted amount by \$25,637 to meet the total contract price by EMC Services, Inc. of \$345,018.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid 2021-7 for the FYE 2021 Concrete Sidewalk Program be awarded to EMC Services, LLC in the amount of \$345,018.

RECOMMENDATION NO. 2: Staff further recommends that the following contract and bonds be approved:

Contract K-2021-16
Performance Bond B-2021-23
Statutory Bond B-2021-24
Maintenance Bond 2021-12

RECOMMENDATION NO. 3: Staff further recommends that EMC Services, LLC be authorized and appointed as project agent via Resolution R-2021-10.

RECOMMENDATION NO. 4: Staff further recommends that the project budget transfers for FYE 2021 Concrete Projects be funded from remaining previous fiscal year funds to meet the total contract price of \$345,018 be approved:

Transfer \$35,171 from Project TC0249, School/Arterial Sidewalks, Construction (505-93317-46101) designating \$5,171 to Project TC0274, Downtown Sidewalks, Construction (505-97716-46101) and \$30,000 to Project TC0262, Sidewalks/Trails,

Construction (505-91179-46101).