THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 25, 2023

Subject: New Leicester Highway Sidewalk Construction Contract

Staff Resource(s): Jade Dundas, Capital Projects Director; Dustin Clemens, Program Manager

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction contract with NHM Constructors, LLC in the amount not to exceed $2,209,905 plus a 10% construction contingency of $220,990. for a total not to exceed contract of $2,430,895

Background:

- Council Resolution 15-223 authorized an interlocal agreement between the City of Asheville and the NC Dept. of Transportation to allow for the City of Asheville to construct a sidewalk along New Leicester Highway from Patton Avenue to the City Limits.
- This 2015 Grant provides for federal funding of $2,904,000 plus a local match of $726,000 for a total construction budget of $3,630,000.
- Council Resolution 16-270 authorized for the execution of a design contract for the subject sidewalk along New Leicester Highway.
- Council Resolution 20-135 authorizes an interlocal agreement between the City of Asheville and Buncombe County regarding the maintenance of a portion of the subject sidewalk.
- Temporary and permanent easements from 25 different property owners were obtained in order to allow for the construction of the subject sidewalk.
- In February, 2023 construction bids were advertised for 45 days, and only one bid was received.
- Because a minimum of three bids are required, the bid was returned unopened.
- The project was readvertised for bids on March 22, 2023 and received two bids on April 6, 2023.
- The two bids received were from Whittier, NC based Buchannan and Sons for $3,626,000; and Asheville based NHM Constructors, LLC for $2,209,905.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 3% participation.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- NHM Constructors, through their outreach efforts is committing to utilizing 26.77% participation utilizing Concrete Specialty Contractors, a DBE/WBE subcontractor.

Council Goal(s):

- A well planned and liveable community

Committee(s):

- n/a

Pro(s):

- Provides for sidewalk construction in an area with a demonstrated need for safe pedestrian access.
- Utilizes federal funded grant dollars to maximize the local funding.

Con(s):

- None

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the General Capital Projects

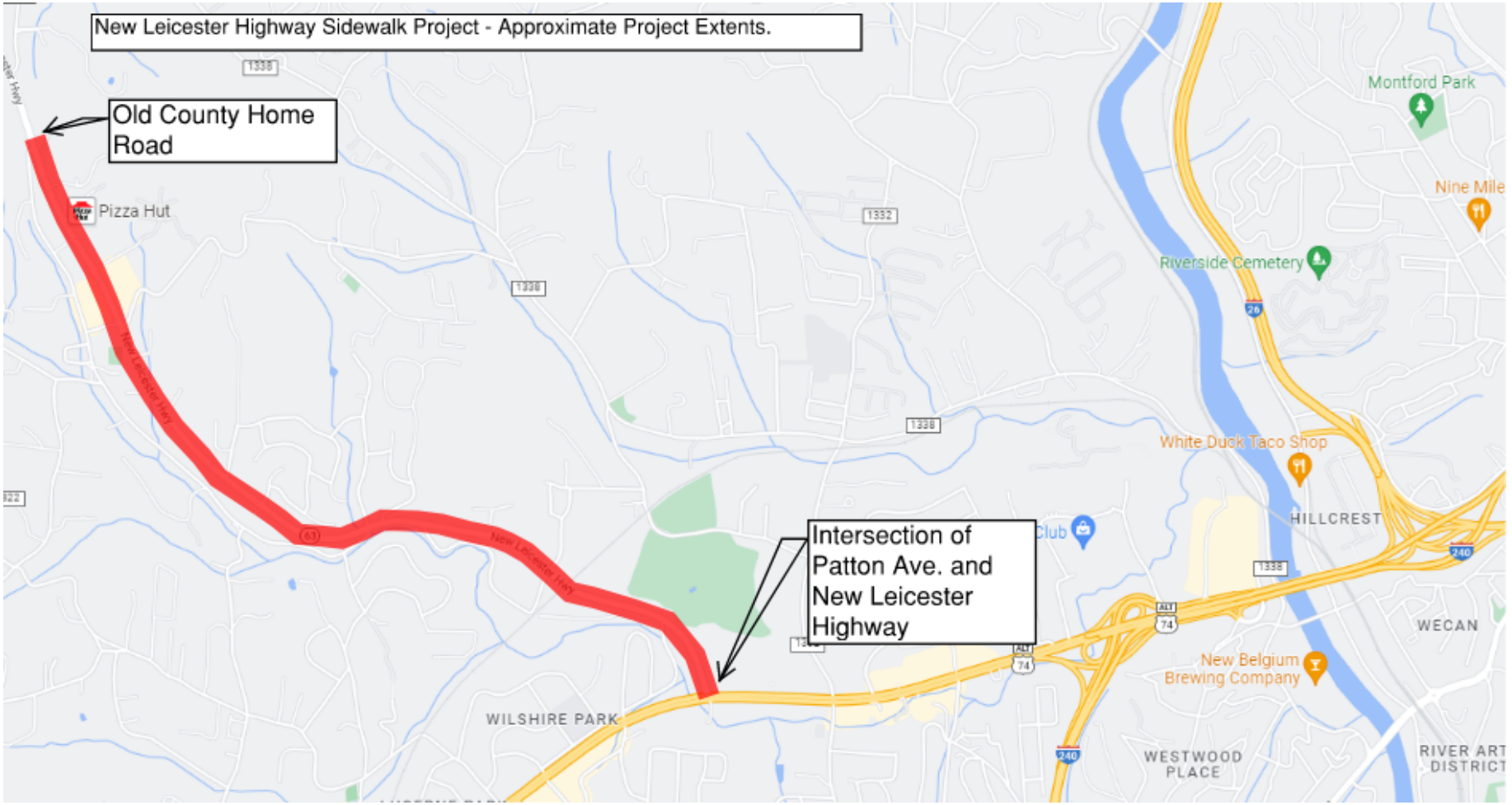
Fund.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a construction contract with NHM Constructors, LLC in the amount not to exceed $2,209,905 plus a 10% construction contingency of $220,990. for a total not to exceed contract of $2,430,895.

Attachment(s)

- Area Map
- Resolution


New Leicester Highway Sidewalk Project - Approximate Project Extents.
Old County Home Road
Intersection of Patton Ave. and New Leicester Highway
Pizza Hut
Montford Park
Nine Mile
Riverside Cemetery
White Duck Taco Shop
HILLCREST
WECAN
New Belgium Brewing Company
WILSHIRE PARK
WESTWOOD PLACE
RIVER ART DISTRICT
1338
1332
240
74
26

RESOLUTION NO. 23-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NHM CONSTRUCTORS, LLC. FOR THE NEW LEICESTER HIGHWAY SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the New Leicester Highway Sidewalk Project**;** and

WHEREAS, the NHM Constructors, LLC. of Asheville, NC was the lowest responsive and responsible bidder for the project; and

WHEREAS, the NHM Constructors, LLC. shall provide all labor, materials, and equipment for the sidewalk project; and

WHEREAS, due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 3% participation. NHM Constructors, through their outreach efforts is committing to utilizing 26.77% participation utilizing Concrete Specialty Contractors, a DBE/WBE subcontractor; and

WHEREAS, the amount of the bid is $2,209,905.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with NHM Constructors, LLC. in the amount of $2,209,905, for the New Leicester Highway Sidewalk project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $220,990.00 (10%) for a total contract amount not to exceed $2,430, 895.00

Read, approved and adopted this the 25th day of April, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney