THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: September 28, 2021

Subject: Change Order for Neighborhood Enhancement Project Area 5 – Professional Services Contract

Staff Resource(s): David Melton - Water Resources Director; Chad Pierce - Engineering Services Manager

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with W. K. Dickson & Co., Inc. in the amount of $690,275.00 to increase the Neighborhood Enhancement Project Area 5 – Professional Services Contract from a total of $762,395.00 to $1,452,670.00.

Background:

- On February 27, 2018, a resolution was adopted to authorize the City Manager to execute a professional services contract with W. K. Dickson & Co., Inc. for the Neighborhood Enhancement Project Area 5.
- The original total contract was for a not to exceed amount of $762,395.00 and the project work included:a survey, a hydraulic analysis, engineering design, construction administration and other related professional services for approximately 27,925 LF of predominately 6-inch, 8-inch and 12-inch water line and appurtenances along various streets within the following areas:
    - Muirfield Subdivision,
    - Mills Gap Rd,
    - Swannanoa River Rd,
    - S. Tunnel Rd,
    - Long Shoals Rd,
    - Brookwood Rd,
    - Brevard, Hazel
    - Mill Rd and
    - Joe Jenkins Rd.
- Typically the N.C. Dept. of Transportation (NCDOT) has a recorded public right-of-way (ROW) that is significantly wider than the roadway, providing a public right-of-way, several feet wide on either side of the road, in which to find a suitable route for new waterlines, without having to install it under the pavement.
- However, during the design and survey phase for the project it was discovered that the NCDOT public ROW along the project corridor of Long Shoals Road was not recorded, only claimed as a maintenance right-of-way from edge of pavement to edge of pavement, limiting the available right-of-way to the road surface only.
- Because of the limited right-of-way, the only waterline route option available within public ROW, along the section of Long Shoals Road was to install the proposed waterline under the actual roadway, which is contrary to NCDOT's encroachment policies.
- A request was made to NCDOT for an encroachment agreement, which would allow the new 12" water main transmission main along Long Shoals Rd to be located within the NCDOT. right-of-way, under the roadway; however this request was denied due to NCDOT's policy of not permitting utilities to be installed parallel under the road surfaces.
- Because of the denial from NCDOT to allow the proposed water main to be installed under the paved road surface; the proposed water transmission main alignment had to be changed to be outside the NCDOT right-of-way, to be installed within private property throughout the Long Shoals project corridor.

- This change in alignment of the 12” water transmission line created the requirement for additional survey to be performed, and a new design drawings to be developed, which added a significant cost increase to the professional services contract.
- Additionally, moving the new water transmission main onto private property creates the need to obtain 24 permanent and temporary construction easements for the installation of the proposed transmission main, which requires additional funds to be added to the project for easement acquisition specialists, preparation of easement plats and documents, appraisals and purchase of the necessary easements.
- These efforts nor costs were considered in the original contract scope since the plan did not impact private property.
- Also when it became clear that the Long Shoals portion of the project was going to take considerably more time and effort to get to the construction phase than the other portions of the project package; it was decided to phase the project into two parts with the first phase being all of the project except Long Shoals Rd waterline and the second phase being only the Long Shoals section.
- The first phase has been successfully designed, awarded and construction started in the spring of 2021.
- By having to phase this project, it added some duplication efforts to the professional services contract in the areas of bidding / award, project management, construction administration, etc. which resulted in additional costs.
- Water Resources Staff requested that the consultant provide an amended scope with the additional tasks and cost outlined.
- The proposed change order request is based on the amended scope.

Vendor Outreach Efforts:
- Not applicable, change to an existing contract

Council Goal(s):
- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):
- None.

Pro(s):
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City’s water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con(s):
- None.

Fiscal Impact:
- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the Small Waterline Replacement Projects.

Suggested Motion:
- Move to adopt a resolution authorizing the City Manager to execute a change order with W. K. Dickson & Co., Inc. in the amount of $690,275.00 to increase the Neighborhood Enhancement Project Area 5 – Professional Services Contract from a total of $762,395.00 to $1,452,670.00.

Attachment(s)
- Resolution

RESOLUTION NO. 21-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH W. K. DICKSON & CO., INC. TO INCREASE THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 – PROFESSIONAL SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on February 27, 2018 a resolution was passed for the City Manager to enter into a contract with W. K. Dickson & Co., Inc., for the Neighborhood Enhancement Project Area 5; and

WHEREAS, it has been determined that additional professional services are needed in order to meet the project objectives and resolve additional issues within the water system; and

WHEREAS, a change order in the amount of $690,275.00 is needed to increase the professional services contract for W. K. Dickson & Co., Inc., from a total in the amount of $762,395.00 to $1,452,670.00 for the project;

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order with W. K. Dickson & Co., Inc.in the amount of $690,275.00 to increase the Neighborhood Enhancement Project Area 5 – Professional Services C$1,452,670.00.

Read, approved and adopted this 28th day of September 2021.

_____ _____

CITY CLERK MAYOR

Approved as to form:

_____

CITY ATTORNEY