THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: March 9, 2021

Subject: Pebble Creek Stream Stabilization Project

Staff Resource(s): Greg Shuler, Public Works Director; and Russell Davis, Program Manager

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of $295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization Project.

Background:

- An existing gabion basket retaining wall system is failing and is causing erosion along the stream bank in a section of the Dingle Creek watershed in the Pebble Creek Condominium Neighborhood.
- The identified project is inside an existing Stormwater Easement for which the City has maintenance responsibility.
- The existing retaining wall system must be replaced with a more sustainable wall and stream design before there is damage to the adjacent buildings or existing utilities.
- The bid was advertised on January 21, 2021 with a due date of February 11, 2021.
- Eleven contractors attended the non-mandatory pre-bid meeting.
- A formal virtual bid opening was held at 3:00 PM on February 11, 2021.
- Bids were reviewed on February 11, 2021. The following seven (7) bids were received:
    - Austin Construction and Grading Company of Pisgah Forest, NC at $295,680;
    - K&T Construction Company, RLLP of Green Mountain, NC at $378,057.88;
    - B.H. Graning Contracting Inc of Sylva, NC at $381,618;
    - Piedmont Utility Group, Inc of Mooresboro, NC at $429,528.49;
    - RPM Partners, Inc of Kernersville, NC at $448,251;
    - J. Bartholomew Construction, LLC of Hendersonville, NC at $487,110;
    - Baker Grading & Landscaping, Inc of Old Fort, NC at $799,500.
- The lowest, responsive, and responsible bidder was Austin Construction & Grading Company.
- Construction is anticipated to start around the first week of April, weather permitting.
- The project should be completed in approximately five months.

Vendor Outreach Efforts:

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The Stormwater Capital group also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.

- Out of the seven (7) bids received, two (2) bidders self-identified as MWBE business owners; three (3) bidders had incomplete ABI Affidavits where they did not designate if they are MWBE firms or not; and two (2) bidders represented that they would be utilizing MWBE sub-contractors.
- The lowest responsive, responsible bidder does not self-identify as a MWBE firm.
- Although the lowest responsive, responsible bidder is not utilizing a MWBE subcontractor, the Asheville Business Inclusion Office (ABI) reviewed the bid submission and found that adequate documentation of outreach for MWBE subcontractors was provided.
- The two prime contractors that self-identified as MWBE firms were not selected because their bid amounts were significantly higher than the lowest responsive, responsible bidder, and would have put the project over budget.
- One of these two bidders was determined to be non-responsive during review by the ABI Office.

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

Committee(s):
- None

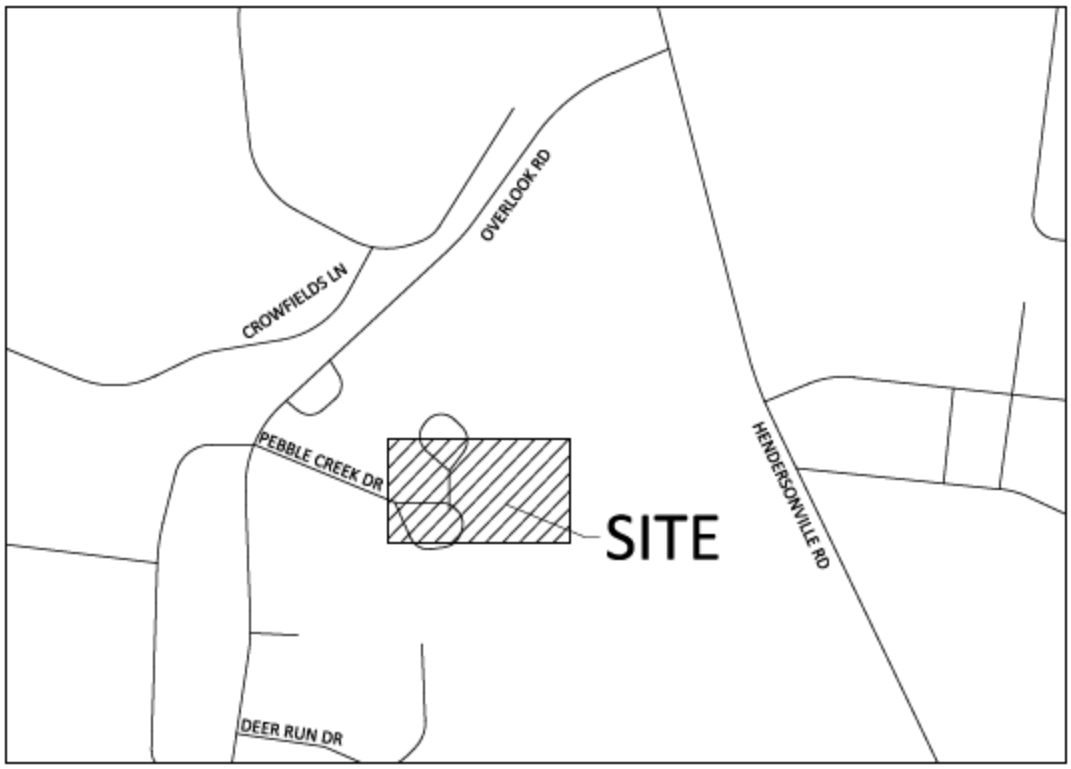
Pro(s):
- The contract will address severe erosion at the base of the existing gabion wall structures that has resulted in stream bank failure and potential risk to the adjacent condominiums due to their proximity to the stream.
- The new wall system and flow control measures to be installed are more sustainable and will improve conveyance and safety for the surrounding structures.

Con(s):
- Construction may be somewhat disruptive to nearby residences. Efforts will be made to notify the residents and minimize disruptions.

Fiscal Impact:
- Funding for this project is budgeted in the Stormwater Capital Fund.

Suggested Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of $295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization Project.

Attachment(s):
- Vicinity Map
- Resolution



VICINITY MAP

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RESOLUTION NO. 21-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN CONSTRUCTION & GRADING COMPANY FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 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 Pebble Creek Stream Stabilization Project, City of Asheville Project #SW-2018-001; and

WHEREAS, Austin Construction & Grading Company was the lowest responsive, responsible bidder for the Project; and

WHEREAS, Austin Construction & Grading Company shall provide all labor, materials and equipment for the Stream Stabilization and all its associated items; and

WHEREAS, the amount of the bid is $295,680 and the monies have been budgeted in the Stormwater Capital Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's ABI Office representative with all officers recommending approval of the bid;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $295,680 with Austin Construction & Grading Company and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization project.

Read, approved, and adopted this the 9th day of March 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney