TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM March 13, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Diáz, Town Manager

REF: New Business

2. Recommendation of Bid Acceptance for Wright Brothers US 158, Phase V, Sidewalk Project (Attached NB-2)

On December 22, 2022, the Board electronically approved its continued commitment to the Wright Brothers US 158 Phase V Sidewalk Project, and authorized Staff to oversee and implement the engineering plans and bidding processes, including all allocations for the project to date, along with any future projected-related expenses, from the Sidewalk Capital Reserve Fund and other necessary Town sources.

Planning Director Meredith Guns' attached memorandum provides an overview of the project, which will provide an eastside pedestrian link along US 158 from Landing Drive, south to Colington Road, connecting with existing sidewalk infrastructure in front of the Wright Brothers Memorial. Her memo notes that on March 6, 2023, informal bids were opened and reviewed by the Town's engineer, Pete Burkhimer, and Staff. The project contained two alternatives for completion to provide the Town the most flexibility in scheduling and costs:

- Alternative 1: Construction beginning March 20, 2023 with substantial completion by May 20, 2023.
- Alternative 2: Construction beginning September 6, 2023, with substantial completion by December 4, 2023.

Wright Brothers US 158, Phase V, Sidewalk Project	**Alternative 1**	**Alternative 2**
Barnhill Contracting Company	$335,480	315,000
Contingency (5%)	$16,774	$15,750
Engineering	$32,700	$32,700
Totals	**$384,954**	**$363,450**

Staff recommends the Board accept Alternative 1 to finalize the project by the summer 2023 tourist season, also accomplishing the project while unrelated construction projects are ongoing, providing the least disruption to residents and visitors.

Ms. Guns' memo also highlights the two grants received by the Town for this project: Dare County Visitors Bureau for $177,000 and the Outer Banks Group for $25,000. The Sidewalk Capital Reserve fund balance is currently $124,145. As a result, the Board would need to allocate funds from the undesignated fund balance to complete the project.

American Engineering has submitted a Recommendation for Bid Award and Proposal for Construction Services, which are included. Staff concurs with the Town Engineer and recommends the Board of Commissioners:

1. Accept the bid recommendation for Barnhill Contracting Company in the amount of $335,480 plus 5% contingency for a total price of $352,254 and authorizing the Town Manager to execute the contract.
2. Authorize the Town Manger to execute the Contract with American Engineering for Construction Management in the amount of $32,700.
3. Authorize funding from the Sidewalk Capital of Reserve Fund in the amount of $124,145 and approve the budget amendment to appropriate funds from Undesignated Fund Balance ($58,809), Sidewalk Capital reserve and grant funds ($202,000).

A motion will be in order.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

March 13, 2023

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director MBG

Subject: US 158 Sidewalk Phase 5 – Wright Brothers Sidewalk

On March 6, 2023 informal bids were opened for the construction of the US 158 Sidewalk Phase 5 – Wright Brothers sidewalk. The bids were done with two alternative times. The first alternative was for sidewalk construction to be done this spring (complete before Memorial Day) and the second alternative was for construction to start after Labor Day 2023. This was done to try to get the best pricing possible for the project.

The lowest responsible bidder was Barnhill Contracting Company. Barnhill's Alternative 1 bid (construction beginning March 20th) was $335,480 and Alternative 2 (after Labor day) was $315,000. Staff recommends accepting the Alternative 1 bid for $335,480. This will get the project completed by summer and also will be done in conjunction with existing work on US158 this spring limiting further disruptions this fall. Additionally, staff recommends contracting with American Engineering for construction management and surveying in the amount of $32,700.

As you may recall, the Town has received two grants for this project. The first from the Dare County Visitors Bureau in the amount of $177,000 and a donation from the Outer Banks Group (a non-profit supporter of our National Parks on the Outer Banks) in the amount of $25,000. The Sidewalk Capital Reserve fund balance is currently $124,145. Therefore, the Board would need to allocate funds from the undesignated fund balance to complete the project.

Attached are two memorandums for American Engineering: Recommendation for Bid Award and Proposal for Construction Services. Staff recommends:

1. Accepting the bid recommendation for Barnhill Contracting Company in the amount of $335,480 plus 5% contingency for a total price of **$352,254** and authorizing the Town Manager to execute the contract.
2. Authorize the Town Manger to execute the Contract with American Engineering for Construction Management in the amount of **$32,700**.
3. Authorize funding from the Sidewalk Capital of Reserve Fund in the amount of **$124,145** and approve the budget amendment to appropriate funds from Undesignated Fund Balance ($58,809), Sidewalk Capital reserve and grant funds ($202,000).

March 6, 2023

Ms. Meredith Guns, Director of Planning & Inspections
Town of Kill Devil Hills
P. O. Box 1719
Kill Devil Hills, NC 27948

By e-mail

Subject: **V22061 – Kill Devil Hills 2023 Project: US 158 SIDEWALKS, PHASE 5, RECOMMENDATION OF AWARD**

Dear Ms. Guns:

At 9:00 a.m. today, Monday, March 6, 2023, American Engineering, as Town Engineer, received and opened bids for the referenced project. This letter includes our tabulation and analysis of the bids received for the project, and our recommendation to you and to the Town.

1. The size of the project would have allowed informal bidding, but we followed formal bidding procedures. We had three (3) prospective bidders attend the February 16, 2023 mandatory pre-bid meeting. Having concerns that we still might have two or fewer actual bidders, we re-advertised the project in an effort to attract more bidders. We also scheduled a second pre-bid meeting, on February 23, for any additional bidders; but none attended. Thus, three prospective bidders met the requirement of having attended a mandatory pre-bid meeting: Fred Smith Company, Hatchell Concrete, Inc. and Barnhill Contracting Company.

2. At the March 6, 2023 bid opening, three bids were received, one from each of the firms having attended the pre-bid meeting. All bids appeared at the time to be in conformity with the requirements of the Contract Documents in terms of format, bid bond, license number, etc. There were no irregularities or disqualifying flaws or omissions. The bids were opened and read aloud.

3. There were two bid Alternates, relating to when the work would be done:

    a. Contract Time Alternate 1: Assuming the work is awarded, the First Day would be Monday, March 20, 2023; the Contract Time would be 61 days, resulting in a Required Date of Substantial Completion (before any extension days, such as for excess bad weather, etc. were granted) of Monday, May 20, 2023.

b. Contract Time Alternate 2: The First Day would still be March 20, 2023, allowing for early order and delivery of materials, but no production work in the right of way would begin until Tuesday, September 6, 2023, the day after Labor Day. From that date, 90 additional days would be allowed, resulting in a Required Date of Substantial Completion of Monday, December 4, 2023.

c. In either case, typical of all our projects, the contractor is allowed 35 more days from the date he attains Substantial Completion to do minor "punch list" work. The dates below are for Substantial.

4. As in other recent projects, we broke out several items from the Base Bid, to be paid on a Unit Price basis, with stipulated quantities for bidding purposes for each Project:

   a. Silt Fence (500 linear feet)
   b. Watering (25 days)

5. The Low Bidder for the work **Barnhill Contracting Company, Inc.** We'll refer to them as Barnhill for the rest of this recommendation letter. Their Bid was as follows:

For Contract Time Alternate 1 (March 20, 2023 – May 20, 2023):

a. **Base Bid** **$317,480.00**
b. Silt Fence ($4.75/lf) ..... $ 2,375.00
c. Watering ($625.00/day) .....$ 15,625.00
d. **Total Bid, Time Alternate 1** .....**$ 335,480.00**

For Contract Time Alternate 2 (March 20, pause, then September 6, 2023 – December 4, 2023):

a. **Base Bid** **$297,000.00**
b. Silt Fence ($4.75/lf) ..... $ 2,375.00
c. Watering ($625.00/day) .....$ 15,625.00
d. **Total Bid, Time Alternate 2** .....**$ 315,000.00**

6. The savings obtained with waiting until Fall for Time Alternate 2 is only $20,480.00. This is not an insignificant sum, but moving earlier makes the new walk available 6 months sooner and avoids having yet another construction project under way this fall. Town Engineer and Town staff believe that, for no more savings than that, we should press for the pre-Memorial Day Substantial Completion. Therefore, all remaining analysis and

recommendations in this letter are based on the total bid amount of **$317,480.00**.

7. The total Barnhill bid price is 18.8% higher than our Engineer's Estimate, but 15% and 30% lower than the other bids from Hatchell Concrete, Inc and Fred Smith Company, respectively. As we have noted on previous awards, the bidding climate is still "hot," with plenty of work out there. These were fairly "good bids," in that Barnhill's low bid is only 30% lower than Fred Smith's highest bid. We consider the bids reasonable in a bidding climate which is still demand-driven. And we must thank the three bidders and their subcontractors and suppliers for the effort they've spent getting their bids together.
8. It is helpful to remember that this project finally closes the last significant gap in pedestrian walks along the west side of US 158, Croatan Highway, in our Town.
9. In view of all of the above, we recommend award of the contract for **KDH 2023 Project: US 158 SIDEWALKS/PHASE 5** to **BARNHILL CONTRACTING COMPANY, INC.** in the amount of **$335,480.00**.
10. Therefore, let's see how much total money we need to undertake the whole deal. Note that, because the great majority of this project's work is above-ground, with relatively low risk of unforeseen expenses, our 5% contingency is as low any we have recommended to you.
    a. We start with the bid price of **$335,480.00**
    b. Add a 5% contingency..... $16,774.00
    c. Add American's fee for construction oversight..... $32,700.00
    d. Total funding required: **$384,954.00**
11. The foregoing amount is before you apply the two grants the Town has received for the work, as we're sure you will address in your memorandum to the Board of Commissioners.
12. We have separately furnished our proposal for this project, dated March 6, 2023, for construction phase services in the amount of **$32,700.00**. This will include not only our usual package of services for this project but also our coordination with NCDOT relative to the associated installation of the curb and gutter and extension of the existing Right Turn Lane from southbound US 158/ N Croatan Highway onto westbound Colington Road. This amount is consistent with the size and time duration of this project. We recommend and request that the Board of Commissioners approve this proposal for professional services.

13. As noted above, if the Board sees fit to award the project, we contemplate a First Day of the Contract Time of Monday, **March 20, 2023**. With the Contract Time being 61 days, this would set the Required Date of Substantial Completion at Friday, **May 21, 2023** for all work.

We appreciate the continuing opportunity to be of service to Kill Devil Hills. Please let me know if there are any questions regarding this information.

Sincerely,

Walton P. Burkhimer, Jr., P. E.
Senior Consultant

American Engineering Associates – Southeast, PA

WPBjr:pb: Guns WPB Recommend Award US 158 SW Ph 5 March 6 2023.docx

Cc: Mr. J. Michael Odell, Town Clerk

Tabulation of Bids Received at: 9 a.m. on Monday, March 6, 2023 by the Town of Kill Devil Hills, North Carolina

Project: **US 158 Sidewalks, Phase 5**

American Engineering
830 Greenbrier Circle, Suite 110, Chesapeake, VA 23320

	Engineer's Post-Design Estimate	Hatchell Concrete Inc.	Fred Smith Company	Barnhill Contracting Company
Percent of Engineer's Estimate ---->		145.1%	169.8%	118.8%
Percent of Highest Bid ---->		85.5%	100.0%	70.0%

Project ID: V22061

ITEM # and DESCRIPTION		Engineer's Post-Design Estimate		Hatchell Concrete Inc.		Fred Smith Company		Barnhill Contracting Company	
The project includes constructing a 5' wide concrete sidewalk within the west side of the right of way of US Route 158, North Croatan Highway, beginning on the south side of West Landing Drive and continuing southward to tie in to the existing 10' wide walk north of the entrance to the Wright Memorial, then resuming at the south end of said 10' wide walk and continuing southward to Colington Road. Incidental work includes relocation of several signs, minor swale and ditch grading/regrading and short extensions of two existing corrugated aluminum culverts under US 158. All areas shall include incidental clearing, pavement cuts/patch, reseeding and restoration, etc. As a general indication to prospective bidders of the size of the project, the approximate total length of	Base Bid, Time Alternate 1		$269,847.00		$394,798.00		$452,250.00		$317,480.00
	Base Bid, Silt Fence (per LF) x 500 lf - TOTAL	$5.00	$2,500.00	$5.00	$2,500.00	$4.50	$2,250.00	$4.75	$2,375.00
	Base Bid, Watering (per DAY) x 25 days - TOTAL	### ### ##	$10,000.00	### ### ##	$12,500.00	#### #### ##	$25,000.00	### ### ##	$15,625.00
	Base Bid, Time Alternate 2		$259,847.00		$358,908.00		$430,750.00		$297,000.00
Total Bid, Time Alternate 1:			**$282,347.00**		**$409,798.00**		**$479,500.00**		**$335,480.00**
Total Bid, Time Alternate 2:			$272,347.00		$373,908.00		$458,000.00		$315,000.00

Bid Requirements Checkoff:	Engineer's Post-Design Estimate	Hatchell Concrete Inc.	Fred Smith Company	Barnhill Contracting Company
Contractor's License Number Indicated?		✓	✓	✓
Bid Bond Provided?		✓	✓	✓
Minority Participation Information Provided?		✓	✓	✓
Liability Insurance Information Provided?		✓	✓	✓
Worker's Compensation Information Provided?		✓	✓	✓
Receipt Acknowledged of Addenda #1, #2 & #3?		✓	✓	✓

Total Contract, Recommended Award:	$282,347.00	$409,798.00	$479,500.00	**$335,480.00**

ALLOWANCE FOR **CONTINGENCIES** AND ADDITIONAL USE OF **UNIT PRICE ITEMS** AT 5 **PERCENT** 1.05 = Factor

			Total			Total			Total			Total
	$14,117.35		$14,117.35	$20,489.90		$20,489.90	$23,975.00		$23,975.00	$16,774.00		$16,774.00

ENGINEERING COSTS, CONSTRUCTION PHASE (CONTRACT ADMINISTRATION. SURVEY STAKEOUT, SURVEY AS-BUILT DRAINAGE STRUCTURE RIMS & INVERTS)

			Total			Total			Total			Total
		11.58%	$32,700.00		7.98%	$32,700.00		6.82%	$32,700.00		9.75%	$32,700.00

ESTIMATED **TOTAL CONSTRUCTION COST** BY PROJECT, including BASE BID, ALTERNATES marked above as "Accepted? YES," potential cost of any WATER LINE ADJUSTMENTS, allowance for CONTINGENCIES & USE OF UNIT PRICE ITEMS, and CONSTRUCTION-PHASE ENGINEERING

ITEM # and DESCRIPTION		Engineer's Post-Design Estimate	Hatchell Concrete Inc.	Fred Smith Company	Barnhill Contracting Company
	Total, all costs	$329,164.35	**$462,987.90**	$536,175.00	**$384,954.00**

March 6, 2023

Ms. Meredith Guns, Director of Planning & Inspections
Town of Kill Devil Hills
P. O. Box 1719
Kill Devil Hills, NC 27948

By e-mail

Subject: **V22061 – Kill Devil Hills 2023 Project: US 158 SIDEWALKS, PHASE 5, PROPOSAL FOR CONSTRUCTION PHASE SERVICES**

Dear Ms. Guns:

American Engineering is pleased to provide this proposal for services during the Construction Phase of this project. We are submitting a separate proposal for the other Fall 2022 project being bid.

For the **Construction Phase** work, our scope of services shall be as follows:

Administrative tasks to assist with contract execution including review of contractor submittal reviews for conformance to the Contract Documents; review of proposed construction change orders; field engineering oversight; attendance of bi-weekly construction progress meetings; and review of contractors' applications for payment; and preparation of Construction Record Drawings. We have estimated three (3) submittal reviews, including one resubmittal each and three (3) change order reviews; approximately 24 hours of mixed Engineer time are allotted for this.

Also included within the scope of this proposal is coordination with the NCDOT regarding the extension of the Right Turn Lane from southbound US 158 onto westbound Colington Road.

Field survey tasks to include setting survey control; providing construction survey stakeout; and as-built surveys of storm drainage structures and other key elevations.

Should the Contractor require for us to re-establish already-completed survey stakeout at the site, he will be required to enter into a separate contract with American Engineering to complete these services.

Field oversight will not include nor constitute Construction Management, nor full-time inspection, but oversight to assist in assuring construction complies with Contract Documents. The field inspection program we propose will include:

- An average of 10 person-hours of site visits per week (8± visits)
- An average of four 1-2-hour, on-site visits for major meetings or unscheduled walks-through. It is anticipated that this will happen twice per month until Substantial Completion.
- Substantial Completion and Final Completion Walkthrough inspections.

Per the Contract Documents, this contract is expected to be awarded on March 13, 2023. Based on the Contract Documents, the construction duration for this contract is 3 months, through Substantial Completion to Full Completion.

2023 Project: US 158 SIDEWALKS, PHASE 5			
Staff Classification	**Hours**	**Rate per Hour**	**Extension**
Senior Consultant (W. P. Burkhimer, Jr.)	64	$190.00	$12,160.00
Senior Project Engineer (Patrick Lewis)	44	$150.00	$6,600.00
Project Engineer (Emily Zeltmann)	44	$125.00	$5,500.00
CADD Operator (Hooten/Mills)	24	$ 85.00	$2,040.00
Licensed Surveyor	6	$150.00	$ 900.00
Survey Party Chief w/Robotic Instrument	24	$115.00	$2,760.00
Engineering Technician (Frye)	24	$90.00	$2,160.00
Clerical	6	$50.00	$ 300.00
Reimbursables for Reproduction			$280.00
Lump Sum Fees:			**$32,700.00**

Work not covered within the scope outlined above shall be performed at our hourly rates, which are the same as in our General Services contract of July 1, 2022. The following hourly rates will govern all work through the period of this proposal (through June 30, 2023, unless otherwise mutually agreed.)

Additional Services

Our hourly rates for the term of this proposal, which will be the basis for calculating lump sum fees and the basis of billing hourly work, are set forth below (increased rates are noted in **bold**):

Staff Categories	Hourly Rates
Principal Professional /Engineer	$180.00
Senior Consultant (W. P. Burkhimer, Jr.)	$190.00
Senior Professional /Engineer	$150.00
Project Engineer	$125.00
Engineering or Surveying Technician	$90.00
4 Person Survey Party	$155.00
3 Person Survey Party	$140.00
2 Person Survey Party/Party Chief w/Robotic Instrument	$115.00
CADD Operator	$85.00
Other Project Representative	$50.00
Clerical	$50.00

Reimbursable Expenses

Reimbursable expenses are those which are associated with professional services performed on a time and materials basis and include out-of-pocket expenditures advanced in the interest of the project. Almost all printing and copying are done in-house and are invoiced at the unit rates specified, except when they are included in lump-sum project fees. Our rates for any reimbursable expenses incurred will be:

Copies of maps, plats, deeds, plans, data, etc.	cost +10%
Long distance/Conference phone calls	cost +10%
Overnight delivery (UPS, FedEx)	cost +10%
Mileage (not charged for travel to KDH from office, & back)	$0.54 / mile
Prints/Copies on:	
Bond	$0.20/square foot
Vellum	$1.50/square foot
Mylar	$3.00/square foot
Color Prints on Bond	
Letter	$1.00/copy
Legal	$2.00/copy
12" x 24"	$3.00/copy
Large Scale	$1.50/square foot
Specialty Printing/Plotting/Mounting	cost +10%
Printing/copying/mounting by others	cost +10%

Electronic copies of drawing files will be prepared at our hourly rates. Recipients other than the Town of Kill Devil Hills and their construction contractor will be required to sign a release to receive drawing files.

We will perform this work subject to the terms and conditions set forth in our General Services contract with the Town of Kill Devil Hills dated July 1, 2022.

We appreciate the opportunity to offer this information to you. If you find this proposal acceptable, please indicate by the signature, name, title and date of the appropriate official in the space provided below. This will serve as our authorization to proceed.

Patrick W. Lewis, P.E., ENV SP
Senior Project Engineer

W. P. Burkhimer, Jr., P. E.
Senior Consultant

KDH US 158 Sidewalk Ph 5 - Construction Phase Services - 03062023.docx

Cc: Mr. Michael O'Dell, Town Clerk, 252-441-7946

We accept this proposal and agree to its provisions, as set forth above.

TOWN OF KILL DEVIL HILLS

By:

Authorized Signature_____ .....

Name: _____ ..... .

Title: _____

Date: _____

TOWN OF KILL DEVIL HILLS
BUDGET AMENDMENT REQUEST

Finance Department Use Only
Budget Amendment Number: 11
Finance Officer:

INCREASE (DECREASE)			INCREASE (DECREASE)		
CODE	**ACCOUNT DESCRIPTION**	**AMOUNT**	**CODE**	**ACCOUNT DESCRIPTION**	**AMOUNT**
5600 577030	C/O Sidewalk Capital Reserve	$323,788.00	10 499100	Fund Balance Appr - Undesignated	$58,809.00
			10 499155	Fund Balance Appr – Sidewalks	$62,979.00
			10 440081	Grant - DCVB - 158 Sidewalk	$177,000.00
			10 440082	Grant - OB Forever – Sidewalk	$25,000.00
TOTAL		$323,788.00	TOTAL		$323,788.00

JUSTIFICATION: To appropriate funds for the 2022-23 US 158 Sidewalk Phase 5 project.

RECOMMENDED: _____ APPROVED: _____

DATE: March 13, 2023