

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: March 24, 2014

AGENDA ITEM NUMBER: 9-AB&C

SUBJECT:

- A. RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF TRIAD PARK, PHASE 8 AMPHITHEATER AREA PROJECT (PARKS AND RECREATION DEPARTMENT)**
(Continued from the Meeting of February 24, 2014)
- B. AMENDMENT TO THE 2009 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE TO APPROPRIATE AN ADDITIONAL \$330,191.13 TO FUND TRIAD PARK PHASE 8 PROJECTS**
- C. AMENDMENT TO THE 2012 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE TO TRANSFER \$165,095.57 FROM THE PARKS CAPITAL MAINTENANCE PROJECTS TO THE 2009 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE TO FUND FORSYTH COUNTY'S OUTSTANDING SHARE OF TRIAD PARK PHASE 8 PROJECTS**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

Bids were received and publicly opened January 22, 2014 for construction of Triad Park, Phase 8 Amphitheater Area project. A complete summary of bids received is shown.

	Hicaps, Inc.	Hodgin Construction Construction	Bar Construction Company, Inc.	Triad Builders of King, Inc.
Base Bid	\$1,501,451	\$1,444,000	\$1,623,000	\$1,647,000
Alternate No 1	71,415	54,000	62,680	57,500
Alternate No 2	58,962	72,000	107,000	95,500
Alternate No 3	24,202	21,000	40,000	26,300
Alternate No 4	62,148	32,900	37,000	40,000
Alternate No 5	13,255	12,500	17,000	13,000
Alternate No 6	50,604	63,000	56,000	125,000
Alternate No 7	127,933	214,000	190,600	207,000
Alternate No 8	49,286	48,000	68,900	102,000
Total Bid	\$1,959,256	1,961,400	2,202,180	2,313,300

In addition to the base bid, add alternates were received and briefly described as follows:

- Alternate No. 1: Amphitheater Stone Columns
- Alternate No. 2: Amphitheater Utility Spaces and Rear Wall
- Alternate No. 3: Amphitheater Concrete Seating Area
- Alternate No. 4: Amphitheater Metal Roof
- Alternate No. 5: Amphitheater Area Flood Lighting
- Alternate No. 6: Lower Parking Lot
- Alternate No. 7: Restroom Building
- Alternate No. 8: Lower Shelter

After determining the amount of funds available for this project, County Staff's recommendation is to select the base bid and all eight alternates for contract award. The lowest bidder, Hicaps, Inc., failed to complete any portion of the Identification of Minority Business Participation form or include the total dollar value of the bid to be performed by minority businesses on this project, which are requirements under both N.C.G.S. 143-128.2(c) and the bid specifications; therefore, the bid is non-responsive and cannot be considered.

The second lowest bidder, Hodgins Construction Company, submitted an M/WBE participation percentage which did not meet the 10% M/WBE goal established for the project. Pursuant to the County Policy, the County M/WBE Committee met on March 4, 2014, to consider the bidder's good faith efforts to achieve the established M/WBE goal. After reviewing the documentation submitted by Hodgins Construction Company, the Committee determined that Hodgins Construction Company did make a good faith effort to achieve the County's minority business subcontracting goal. As a component of its documentation, an affidavit was later submitted by Hodgins Construction Company committing to 10.3% M/WBE subcontractor participation.

It is therefore recommended that a contract for the Base Bid and all Alternates, Nos. 1 through 8, be awarded to Hodgins Construction Company in the total amount of \$1,961,400 and that all other bids be rejected.

It is further recommended that the County Manager be authorized to execute a construction contract with Hodgins Construction Company in the amount of \$1,961,400, and to execute change orders with the contractor up to an amount not to exceed \$100,000, upon written agreement between the County, the contractor, and the surety on the bond specifying the additional or different work undertaken. The County Manager will provide monthly reports of all change orders to the Forsyth County Board of Commissioners during the construction process.

Guilford County has agreed to proceed with the completion of Phase 8 Amphitheater projects at Triad Park. Triad Park is funded equally by Forsyth and Guilford Counties. On June 23, 2008, the 2009 2/3rds Bonds Capital Projects Ordinance (CPO) was created with \$2.4 million designated for Phase 8 Triad Park projects. \$1.2 million of the funds would be reimbursed by Guilford County for its portion of the projects.

Projects for Phase 8 include: Grading, erosion control, *asphalt parking & trail development*, concrete curb, storm drainage, gutter, *sidewalks*, an *amphitheater shell*, a *300-person capacity Picnic Shelter*, *18 hole disc golf course*, landscaping, and associated site utilities. The Forsyth County Parks and Recreation Department received a Parks & Recreation Trust Fund (PARTF) grant in the amount of \$500,000 to help fund the Phase 8 projects.

The total available balance in the 2009 2/3rds Bonds CPO for the completion of Phase 8 projects at Triad Park is \$1,731,208.87, which leaves a shortfall of \$330,191.13, of which the Forsyth County share is \$165,095.57.

The Forsyth County Parks & Recreation Department staff recommends and requests that Forsyth County's share (\$165,095.57) be transferred from the 2012 2/3rds Bonds CPO for Parks Capital Maintenance projects to complete the Phase 8 projects.

ATTACHMENTS: YES NO

SIGNATURE: _____


COUNTY MANAGER

DATE: _____ March 19, 2014

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF
TRIAD PARK, PHASE 8 AMPHITHEATER AREA PROJECT
(PARKS AND RECREATION DEPARTMENT)**

WHEREAS, after due advertisement, bids were received and publicly opened by the City/County Purchasing Department at 2:00 p.m. on the 22nd day of January, 2014 for construction of Triad Park, Phase 8 Amphitheater Area project, and the following bids were received:

	Hicaps, Inc.	Hodgin Construction Construction	Bar Construction Company, Inc.	Triad Builders of King, Inc.
Base Bid	\$1,501,451	\$1,444,000	\$1,623,000	\$1,647,000
Alternate No 1	71,415	54,000	62,680	57,500
Alternate No 2	58,962	72,000	107,000	95,500
Alternate No 3	24,202	21,000	40,000	26,300
Alternate No 4	62,148	32,900	37,000	40,000
Alternate No 5	13,255	12,500	17,000	13,000
Alternate No 6	50,604	63,000	56,000	125,000
Alternate No 7	127,933	214,000	190,600	207,000
Alternate No 8	49,286	48,000	68,900	102,000
Total Bid	\$1,959,256	1,961,400	2,202,180	2,313,300

; and

WHEREAS, the Alternates are as follows:

- Alternate No. 1: Amphitheater Stone Columns
- Alternate No. 2: Amphitheater Utility Spaces and Rear Wall
- Alternate No. 3: Amphitheater Concrete Seating Area
- Alternate No. 4: Amphitheater Metal Roof
- Alternate No. 5: Amphitheater Area Flood Lighting
- Alternate No. 6: Lower Parking Lot
- Alternate No. 7: Restroom Building
- Alternate No. 8: Lower Shelter

WHEREAS, the lowest bidder, Hicaps, Inc., failed to complete any portion of the Identification of Minority Business Participation form or include the total dollar value of the bid to be performed by minority businesses on this project, which are requirements under both N.C.G.S. 143-128.2(c) and the bid specifications, therefore, the bid is non-responsive and cannot be considered; and

WHEREAS, second lowest bidder, Hodgin Construction Company, submitted an M/WBE participation percentage which did not meet the 10% M/WBE goal established for the project: and

WHEREAS, pursuant to the County Policy, the Forsyth County M/WBE Committee met on Tuesday, March 4, 2014, to evaluate the bidder's good faith efforts to achieve the County's

M/WBE participation goal and after reviewing the documentation submitted by Hodgin Construction Company, the Committee determined that Hodgin Construction Company did make a good faith effort to achieve the County's ten percent minority business subcontracting goal; and

WHEREAS, Hodgin Construction Company later provided Affidavit "D" committing to 10.3% M/WBE subcontractor participation; and

WHEREAS, it is the recommendation of the County Manager, the General Services Director, and the Purchasing Director that a contract for the Base Bid and all Alternates, Nos. 1 through 8, be awarded to Hodgin Construction Company in the amount of \$1,961,400, and that all other bids be rejected; and

WHEREAS, it is further recommended that the County Manager be authorized to execute, on behalf of Forsyth County, a construction contract with Hodgin Construction Company, in the amount of \$1,961,400, and to execute change orders up to an amount not to exceed \$100,000, upon written agreement between the County, the contractor, and the surety on the bond specifying the additional or different work undertaken;

NOW, THEREFORE, BE IT RESOLVED by the Forsyth County Board of Commissioners, that a contract for construction of the Triad Park, Phase 8 Amphitheater Area project, including the Base Bid and all Alternates, Nos. 1 through 8, is hereby awarded to Hodgin Construction Company in the amount \$1,961,400, and that all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, a contract with Hodgin Construction Company in the amount of \$1,961,400 for the construction of the Triad Park, Phase 8 Amphitheater Area project, subject to a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney; and the bid deposit of Hodgin Construction Company shall be retained until the company has provided satisfactory contract, performance, and labor and materials payment bonds.

BE IT FURTHER RESOLVED that Hodgin Construction Company will be required to subcontract with minority owned businesses in the amount of at least 10.3% as committed on its Affidavit "D".

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to execute project change orders up to a total amount not to exceed \$100,000, upon written agreement between the County, the contractor, and surety on the bond specifying the additional or different work undertaken; and the County Manager will provide monthly reports of all change orders to the Forsyth County Board of Commissioners during the construction process.

Adopted this 24th day of March 2014.

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO THE
2009 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: March 24, 2014

EXPLANATION:

The Forsyth County Parks & Recreation Department received approval from Guilford County to proceed with the completion of Phase 8 projects at Triad Park. Triad Park is funded equally by Forsyth and Guilford Counties. On June 23, 2008, the 2009 2/3rds Bonds Capital Projects Ordinance (CPO) was created with \$2.4 million designated for Phase 8 Triad Park projects. \$1.2 million of the funds would be reimbursed by Guilford County for their portion of the projects.

Projects for Phase 8 include: Grading, erosion control, *asphalt parking & trail development*, concrete curb, storm drainage, gutter, *sidewalks*, an *amphitheater shell*, a *300-person capacity Picnic Shelter*, *18 hole disc golf course*, landscaping, and associated site utilities. The department received a Parks & Recreation Trust Fund (PARTF) grant in the amount of \$500,000 and the *bold italicized* items in the previous statement are the major elements of the base bid and are required under the PARTF grant.

After review of the bid documents, it has been determined that the lowest responsive, responsible bidder is Hodgin Construction Company, with a base bid of \$1,444,000, plus eight (8) alternates totaling \$517,400. Total Phase 8 costs total \$2,061,400, including \$100,000 for change orders. The total available balance in the 2009 2/3rds Bonds CPO for the completion of Phase 8 at Triad Park is \$1,731,208.87, which leaves a shortfall of \$330,191.13, of which Forsyth County's share is \$165,095.57.

The Forsyth County Parks & Recreation Department staff recommends and requests that the County's share (\$165,095.57) be transferred from the 2012 2/3rds Bonds CPO for Parks Capital Maintenance projects to complete Phase 8. This item amends the 2009 2/3rds Bonds CPO to increase the expenditure appropriation by \$330,191.13 and the revenue amount by \$330,191.13 (50% from Guilford and 50% from the 2012 2/3rds Bonds CPO).

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY THAT THE
2009 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

INCREASE:	<u>SECTION 1. REVENUE</u>	
	2009 2/3rds BONDS CPO	
	INTERGOVERNMENTAL (993082-0900)	\$165,095.56
	OTHER FINANCING SOURCES (993082-18xx)	<u>\$165,095.57</u>
	(Transfer from 2012 2/3rds Bonds CPO - Parks Projects)	<u>\$330,191.13</u>

INCREASE:	<u>SECTION 2. AUTHORIZATION OF PROJECTS & APPROPRIATION OF FUNDS</u>	
	2009 2/3rds BONDS CPO	
	TRIAD PARK DEVELOPMENT PROJECTS (993082-7950)	<u>\$330,191.13</u>

NATURE OF TRANSACTION:	APPROVED BY BOARD OF COUNTY COMMISSIONERS AND ENTERED ON
<input checked="" type="checkbox"/> Additional Revenue Available	MINUTES DATED _____
<input type="checkbox"/> Transfer within Accounts of Same fund	AGENDA ITEM NUMBER _____
<input checked="" type="checkbox"/> Other: Transfer from 2012 2/3rds Bonds Parks Maintenance Projects CPO	

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO THE
2012 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: March 24, 2014

EXPLANATION:

After review of the bid documents, it has been determined that the lowest responsive, responsible bidder is Hodgin Construction Company, with a base bid of \$1,444,000, plus eight (8) alternates totaling \$517,400. Total Phase 8 costs total \$2,061,400, including \$100,000 for change orders. The total available balance in the 2009 2/3rds Bonds CPO for the completion of Phase 8 at Triad Park is \$1,731,208.87, which leaves a shortfall of \$330,191.13, of which Forsyth County's share is \$165,095.57.

The Forsyth County Parks & Recreation Department staff recommends and requests that the County's share (\$165,095.57) be transferred from the 2012 2/3rds Bonds CPO for Parks Capital Maintenance projects to complete Phase 8.

This item amends the 2012 2/3rds Bonds CPO to transfer \$165,095.57 to the 2009 2/3rds Bonds CPO for the County's share of the funds needed to complete the Triad Park Phase 8 projects.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY THAT THE
2012 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

DECREASE:	<u>SECTION 2. AUTHORIZATION OF PROJECTS & APPROPRIATION OF FUNDS</u> 2012 2/3RDS BONDS CPO CAPITAL PROJECTS (993137-7950)	<u>\$165,095.57</u>
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INCREASE:	<u>SECTION 2. AUTHORIZATION OF PROJECTS & APPROPRIATION OF FUNDS</u> 2012 2/3RDS BONDS CPO OTHER FINANCING USES (993137-38xx) TRANSFER TO 2009 2/3RDS BONDS CPO (Triad Park Development)	<u>\$165,095.57</u>
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NATURE OF TRANSACTION:

- Additional Revenue Available
- Transfer within Accounts of Same fund
- Other: Transfer to the 2009 2/3rds Bonds CPO - Triad Park Development Project

APPROVED BY BOARD OF COUNTY
COMMISSIONERS AND ENTERED ON
MINUTES DATED _____
AGENDA ITEM NUMBER _____