



## Legislation Text

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File #: 20-375, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Waive the applicable provisions of the Naperville Procurement Code and award Bid 20-009, 2020 Sidewalk Removal and Replacement Program, to AC Concrete Construction for an amount not to exceed \$647,182.50, plus a 3% contingency (Requires 6 positive votes, Item 1 of 2)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The other related item on the City Council agenda is:

- 20-387: Pass an ordinance for the 2020 Sidewalk Removal and Replacement Program Property Owner's Cost Sharing Program (Item 2 of 2)

The Transportation, Engineering, and Development (TED) Business Group is responsible for the maintenance of the City's sidewalk system. The Roadway Maintenance Improvement Program (MIP) includes projects to maintain roadways and the adjacent pedestrian network. These projects offer a programmatic approach to ensure the City is improving safety concerns and in compliance with ADA standards. Repairs are performed to reduce long term maintenance costs and limit exposure to claims against the City.

In reaction to the Covid 19 pandemic some have questioned whether this program should be implemented this year. This program addresses and corrects deficiencies in our sidewalk system, some of which have been temporarily repaired. With the significant increase in usage of our sidewalk system with the stay at home order it is imperative that we perform these repairs this year to keep our residents safe as they enjoy the outdoors.

Concerns have also been raised about some resident's ability to pay their portion of the repairs due to financial impacts of the virus. The City's typical process is to send bills out to the residents after the work is completed with a 30-day due date. Staff is recommending that the bills go out at the same time but with a 90-day due date instead. This provides some recovery time between the pandemic and additional time for residents to assemble the funds. Keep in mind that the City did budget money in the Social Services fund to assist residents in the low-moderate income range with their portions of the sidewalk repair bills.

TED issued two sidewalk maintenance bids in February 2020:

- Bid 20-009, 2020 Sidewalk Removal and Replacement Program: Remove and replace sidewalk, roll curb and gutter, barrier curb and gutter, and concrete and asphalt driveway aprons at locations throughout the City. This program also performs necessary concrete improvements for the micro-surfacing contract.
- Bid 20-074, 2020 Sidewalk Lifting: Correction of excessive cross-slope on otherwise good condition sidewalk using pressure injected material and restoration of driveways and parkways adjacent to that work.

2020 Sidewalk Removal and Replacement Program Cost Sharing Program

The Municipal Code provides a cost sharing policy by which the property owner and City share the cost for the repair or replacement of sidewalk and curb meeting established criteria. An enabling ordinance is the official mechanism that will provide a special taxation of properties where work is performed, and property owners' cost share can be recovered by the City. Generally, in residential areas the cost is split 60% City and 40% homeowner and in commercial settings, the split is 50% City and 50% owner.

For more than 20 years, the repair and replacement program has been performed annually at locations throughout the City to keep the public sidewalk system in good condition. Since 2004, the program repaired approximately 1.644 million square feet or 62.3 miles of substandard sidewalk. Last year, over 3.8 miles of substandard sidewalk were repaired.

Property owners either call to request an inspection or staff identifies locations while inspecting streets for the resurfacing project. Properties are verified by TED inspectors to meet eligibility requirements to be considered a participating property. A list of all 4,452 properties identified for replacement as part of the 2020 Sidewalk Removal and Replacement Program is attached as Exhibit A to the ordinance.

Initial contact was made with each cost-sharing participant at the time the sidewalk defects were identified. Final determination of quantities and cost participation for each resident will be completed after the sidewalk is replaced and inspected by the City. Invoices will be mailed on a monthly basis to homeowners for completed work.

**DISCUSSION:**

Advertisement Date:	2/25/2020	Notices Sent:	116
Opening Date:	3/13/2020	Planholders:	11
		Proposals Received:	4

Bids were received from the following vendors:

Vendor Name	20-009 Base Bid
<b>AC Concrete Construction</b>	<b>\$581,933.00</b>
Schroeder & Schroeder Inc	\$778,425.25
Whiteline Construction	\$868,451.00
<i>Engineer's Estimate</i>	<i>\$893,815.00</i>
Globe Construction	\$997,887.50

AC Concrete Construction's bid was approximately \$310,000 less than the engineer's estimate, which was based upon an annual adjustment to the prices of the awarded 2019 sidewalk removal and replacement program. Staff verified that AC Concrete Construction is an IDOT pre-qualified contractor for concrete construction. In addition, staff called references to verify their work; the references had positive responses. AC Concrete Construction owns and operates its own central batching plant in Aurora. Staff recommends awarding Bid 20-009 to AC Concrete Construction.

#### Addition of Extra Locations

Bid 20-074 did not receive any bid responses. This project was previously advertised as Bid 19-245 in fall 2019. The bid was rejected because it received only one response at a price 35% greater than the awarded removal and replacement in 2019. Feedback from non-responding bidders was the 2019 project was put out too late in the season. In response, the City placed the 2020 project out for bid at the beginning of the season. Staff could rebid the project but the work can be easily addressed using the removal and replacement method already included in Bid 20-009. Given the low unit prices of this year's bid, it is recommended these locations be added to the 20-009 contract and addressed in coordination with other improvements located near these work locations.

Additionally, when evaluating the project locations for Bid 20-009, staff anticipated a budget shortfall based on the engineer's estimate of cost. In order to produce a project package below the budget amount, 78 locations, which had been identified with the 2020 program were planned to be deferred to the 2021 program. These locations were identified on a "last in, first out" approach. Given the low unit prices of this year's bid, it is recommended these locations be brought back into the 2020 program as part of Bid 20-009.

The total award with the addition of the Bid 20-074 locations and the 78 deferred locations increases to \$647,182.50, which is still \$131,242.75 less than the next lowest bidder. The low bid prices present significant savings and allow these already identified issues to be addressed in coordination with this program.

The City has received support from AC Concrete Construction to include these locations as part of their contract documents. AC Concrete has also confirmed that they will be able to complete the entire contract, including the additional locations, by the July 30, 2020 completion date as stated in the bid documents.

Approval of the award for Bid 20-009 requires a Waiver of Section 1-9B-4 (Methods of Source Selection) of the Naperville Procurement Code because staff is recommending to add the quantities from Bid 20-074, which did not receive any bid responses, to the award of 20-009 rather than re-bidding Bid 20-074.

This project is anticipated to begin in early May and has a completion date of July 30, 2020.

#### **FISCAL IMPACT:**

CIP #: MP004 - Sidewalk Removal and Replacement Program  
MP009 - Street Maintenance Improvement Program (MIP)

The Sidewalk Removal and Replacement Program (MP004) is expensed to the following accounts. A total of \$475,000 has been budgeted for this project as part of MP004 in 2020. The requested

amount of \$377,009.50 is within budget and expensed to the accounts below.

Account Number	Fund Description	Total Budget Amount
30282200-551502	Capital Projects Fund	\$8,519,000
30284300-551502	SSA #26 Fund	\$100,000

Additionally, to address all concrete work identified as part of the micro-surfacing contract, funds will be used from the MIP, which has a total budget of \$11.5 million in 2020. The requested amount of \$241,960, which is a component of the micro-surfacing contract, is within budget and is expensed to the account below.

Account Number	Fund Description	Total Budget Amount
30282200-551502	Capital Project Fund	\$8,519,000

Finally, DPW had identified select locations which needed to have additional sidewalk and curb repairs completed following utility repairs completed by the associated department. These locations are nearby repair locations as part of the Sidewalk & Curb Maintenance Program and will provide cost savings and efficiency for the City. The total request of \$28,213 will be expensed from the accounts below,

Account Number	Fund Description	Total Budget Amount
41251540-531308	Water Utility	\$268,000
41251500-551502	Water Utility	\$23,395,000
40251300-531308	Electric Utility	\$884,000
31251100-531308	General Fund	\$1,798,700

\*Per Council directive, contingency on construction projects is set at 3% on projects over \$500,000 and 5% on projects under \$500,000.