

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: FEBRUARY 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)**

- B. AMENDMENT TO THE 2009 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE TO APPROPRIATE AN ADDITIONAL \$328,047.13 TO FUND TRIAD PARK DEVELOPMENT PHASE 8 PROJECTS**

- C. AMENDMENT TO THE 2012 2/3RDS BONDS CAPITAL PROJECTS ORDINANCE TO TRANSFER \$164,023.57 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 DEVELOPMENT PHASE 8 PROJECTS**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

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

In addition to the base bid, add alternates were received 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

The low bidder, Hicaps, Inc., did not include documentation of its M/WBE participation goal for this project at bid opening. Therefore, pursuant to the County M/WBE Policy, the County M/WBE Committee met on Tuesday, February 4, 2014, to evaluate the bidder's good faith efforts to achieve the County's 10% M/WBE participation goal. After reviewing the documentation submitted by Hicaps, Inc., the Committee determined that Hicaps, Inc., did make a good faith effort to achieve the County's minority business participation goal. As a component of its documentation, an Affidavit "D" was later submitted by Hicaps, Inc., committing to an 18% M/WBE subcontractor participation.

It is recommended that the Base Bid and all Alternates, Nos. 1 through 8, be accepted and a contract for this work be awarded to Hicaps, Inc., in the total amount of \$1,959,256.

It is further recommended that the County Manager be authorized to execute a construction contract with Hicaps, Inc. in the above amount, 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 CPO was created with \$2.4 million designated for Phase 8 Triad Park Development. \$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 Forsyth County Parks and Recreation Department received a Parks & Recreation Trust Fund (PARTF) grant for \$500,000 to help fund the Phase 8 projects.

Bids for the Phase 8 projects were opened January 22, 2014 with the lowest responsible bidder being HICAPS, Inc. with a base bid of \$1,501,451, plus eight (8) alternates totaling \$457,805, representing a total Phase 8 bid in the amount of \$2,059,256. 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 \$328,047.13, of which the Forsyth County share is \$164,023.57.

The Forsyth County Parks & Recreation Department staff recommends and requests that the County's share (\$164,023.57) be transferred from the 2012 2/3rds Bonds CPO for Parks Capital Maintenance projects to complete the Phase 8 projects.

ATTACHMENTS: YES NO

SIGNATURE:

J. Audley Watts, Jr. cdh
COUNTY MANAGER

DATE: February 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, Hicaps, Inc., the lowest bidder based upon the Base Bid and all eight Alternates, did not include documentation of its M/WBE participation goal for this project at bid opening; and,

WHEREAS, pursuant to the County M/WBE Policy, the Forsyth County M/WBE Committee met on Tuesday, February 4, 2014 to evaluate the bidder's good faith efforts to meet the County's M/WBE participation goal and determined that Hicaps, Inc., did make a good faith effort to achieve the County's ten percent minority participation goal; and,

WHEREAS, Hicaps, Inc., later provided Affidavit “D” committing to 18% M/WBE subcontractor participation; and,

WHEREAS, it is the recommendation of the County Manager, the General Services Director, and the Purchasing Director that the Base Bid and all Alternates, Nos. 1 through 8, be accepted and a contract be awarded to Hicaps, Inc. in the amount of \$1,959,256, that the County Manager be authorized to execute a construction contract in that amount with the contractor, and that the County Manager be further authorized 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 Triad Park, Phase 8 Amphitheater Area project, including the Base Bid and all Alternates, Nos. 1 through 8, is hereby awarded to Hicaps, Inc., in the amount \$1,959,256 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 Hicaps, Inc., for the construction of 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 Hicaps, Inc., shall be retained until the company has provided satisfactory contract, performance, and labor and materials payment bonds.

BE IT FURTHER RESOLVED that Hicaps, Inc., will be required to subcontract with minority owned businesses in the amount of 18% as committed on its Affidavit “D”.

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to execute change orders up to an 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 February 2014.

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

FROM: BUDGET & MANAGEMENT

MEETING DATE: February 24, 2014

EXPLANATION:

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 CPO was created with \$2.4 million designated for Phase 8 Triad Park Development. \$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 Forsyth County Parks and Recreation Department received a Parks & Recreation Trust Fund (PARTF) grant for \$500,000 to help fund the Phase 8 projects.

Bids for the Phase 8 projects were opened January 22, 2014 with the lowest responsible bidder being HICAPS, Inc. with a base bid of \$1,501,451, plus eight (8) alternates totaling \$457,805, representing a total Phase 8 bid in the amount of \$2,059,256. 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 \$328,047.13, of which the Forsyth County share is \$164,023.57.

The Forsyth County Parks & Recreation Department staff recommends and requests that the County's share (\$164,023.57) be transferred from the 2012 2/3rds Bonds CPO for Parks Capital Maintenance projects to complete the Phase 8 projects.

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

INCREASE:	<u>SECTION 1. REVENUE</u> 2009 2/3rds BONDS CPO INTERGOVERNMENTAL (993082-0900)	\$164,023.56
	OTHER FINANCING SOURCES (993082-18xx) (Transfer from 2012 2/3rds Bonds CPO - Parks Projects)	\$164,023.57 <u>\$328,047.13</u>

INCREASE:	<u>SECTION 2. AUTHORIZATION OF PROJECTS & APPROPRIATION OF FUNDS</u> 2009 2/3rds BONDS CPO TRIAD PARK DEVELOPMENT PROJECTS (993082-7950)	\$328,047.13
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NATURE OF TRANSACTION:	APPROVED BY BOARD OF COUNTY COMMISSIONERS AND ENTERED ON MINUTES DATED _____
<input checked="" type="checkbox"/> Additional Revenue Available	AGENDA ITEM NUMBER _____
<input type="checkbox"/> Transfer within Accounts of Same fund	
<input checked="" type="checkbox"/> Other: Transfer from 2012 2/3rds Bonds - Parks Maintenance Projects CPO	
