

## MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Ray (Butch) Kisiah, Parks and Recreation Director  
Bill Webster, Assistant Parks and Recreation Director

SUBJECT: Bids – Morgan Creek Trail Project

DATE: November 23, 2009

### PURPOSE

Adoption of the attached resolution would authorize the Manager to negotiate and execute a contract with the lowest responsive bidder, Sullivan Eastern, Inc., general contractor, in an amount not to exceed \$1,216,812.10 for the construction of the Morgan Creek Trail, Phase I.

Adoption of the resolution would also authorize the Manager to transfer up to \$154,600 from the Dry Creek Trail project and \$180,000 from the Bolin Creek Trail project to provide for required local funds, construction administration, testing services, and contingency.

Enactment of the attached budget ordinances would transfer \$90,000 in Greenways Capital Improvement Program funds to the Morgan Creek Trail project and allocate \$70,622 from lease payments received for parking at Pritchard Park.

### BACKGROUND

On November 27, 2000, the Council adopted the *Report of the Merritt Pasture Access Committee to the Town Council*. This Report recommends that the Town build a first phase of the Morgan Creek Trail in order to achieve public access to the Merritt Pasture.

In January 2006, the Council adopted an updated version of the *Chapel Hill Greenways Comprehensive Master Plan* which recommended development of a paved bicycle and pedestrian multiple-use Morgan Creek Trail from Culbreth Road to the Carrboro Town line at Smith Level Road. The Plan also recommended development of a side trail to access Merritt Pasture.

On October 9, 2006, the Council adopted the *Report of the Morgan Creek Trail Conceptual Plan Committee*, which recommended building a trail to access the Merritt Pasture.

In 2007 the Council authorized the creation of the Morgan Creek Preserve, a 100 acre natural area centered on Morgan Creek. The Preserve encompasses the area from the Merritt Pasture to Culbreth Road. The Morgan Creek Trail is an allowable use and would be located within the Preserve.

## DISCUSSION AND EVALUATION

Overall Project Description: The Morgan Creek Trail is designed to be a 10-foot wide concrete trail that would allow pedestrian and bicycle traffic to continue from the current terminus of the Fan Branch Trail at Culbreth Road, west to the Carrboro Town line near Frank Porter Graham School. The Town of Carrboro is currently studying the possibility of extending the trail upstream to University Lake. A side trail would provide access east to the Merritt Pasture.

The entire project within Chapel Hill's jurisdiction would eventually involve the construction of over 1.5 miles of paved trail as well as the installation of five bridges and two new underpasses.

Proposed Phase One Project: Bids were received for the first phase, which consists of the section from a point just north of the Southbridge neighborhood to the Merritt Pasture. The phase one project includes:

- A 4,600 linear feet section of trail, primarily on the north side of Morgan Creek, which would provide access to the Merritt Pasture. This section would include a pedestrian/bicycle bridge over an unnamed tributary of Morgan Creek at the western end of the Merritt Pasture.
- An improved access drive from the eastbound lane of NC 54. The access drive would be located on the south side of NC 54 between Kingswood Apartments and Highway 15-501.
- A 20 space, gravel parking lot just east of Kingswood Apartments.
- A single pedestrian/bicycle bridge of Morgan Creek and 400 linear feet of trail on the south side of the creek. This bridge would provide access to the Morgan Creek Trail from the Southbridge neighborhood.

NCDOT Bidding Process: This project uses \$640,000 in federal highway funds and \$300,000 in ARRA funds, administered by the NCDOT. Beginning in July of 2009 the NCDOT implemented a policy of requiring local governments to use NCDOT bidding, construction, and project management procedures for any project that uses funds distributed by NCDOT. We received only two responsive bids for this project. This is allowed under NCDOT rules, but would not normally be allowed under State statutes that address bidding procedures for local governments. As is provided for in N.C.G.S. 160A-17.1, we are using NCDOT bidding procedures.

Bids: Based on the plans and specifications for this project prepared by Coulter Jewell Thames, bids were solicited from general contractors. The notice to bidders was published on October 16, 2009. Bids were opened on November 9, 2009 at 3:00 p.m. Three bids were received and opened, but only two of the bids were confirmed as responsive by NCDOT. The bid results are as follows:

Sullivan Eastern, Inc.	\$1,216,812.10
Triangle Grading and Paving, Inc.	\$1,816,980.82

We have reviewed the bids with the project architect and concluded that the lowest responsive bidder is Sullivan Eastern, Inc. for the bid of \$1,216,812.10.

Project Budget: The complete budget allows for a construction and contingency budget of \$1,416,812. Because of NCDOT rules related to use of federal funds, this project is also anticipated to have significantly higher than normal testing and construction administration costs.

### **PROPOSED REVENUES**

Federal ARRA Funds (Existing)	300,000
STP-DA Funding (Existing)	791,500
Town Capital Improvement Program (Existing)	498,857
Greenways Capital Improvement Program (Proposed)	90,000
Transfer from Dry Creek Project (Proposed)	154,600
Transfer from Bolin Creek Project (Proposed)	180,000
Pritchard Park Parking Lease Revenues (Proposed)	70,622
 Revenues: Morgan Creek Trail	 2,085,579

### **PROPOSED EXPENDITURES**

Construction	1,216,812
Contingency	200,000
Construction Administration/Testing	175,000
Design & miscellaneous (including past concept plan development) <sup>1</sup>	454,000
 Expenditures: Morgan Creek Trail	 2,085,579

1. Includes design and permitting for Phase II, which includes the underpass of Culbreth Road

This proposal includes shifting funds from the Battle Branch, Dry Creek and Bolin Creek Trail projects. We think that those funds can be at least partially restored upon sale of the Parks bonds currently scheduled for the spring of 2010.

NCDOT Change Order Process: The Council's normal process is to authorize the Manager to approve change orders up to \$50,000 or 10% of the bid amount, whichever is less. For large and complex projects we typically ask Council to increase this amount up to the contingency amount. For this project it will be necessary to allow NCDOT and/or the Federal Highway Administration to approve each change order. The attached resolution includes a provision that allows NCDOT and/or the Federal Highway Administration to approve change orders as long as the project budget is not exceeded. The Town will participate in the process, but any change order approval must be made by NCDOT and/or the Federal Highway Administration.

## **RECOMMENDATION**

That the Council adopt the attached resolution, which would authorize the Manager to negotiate and execute a contract with the lowest responsive bidder, Sullivan Eastern, Inc., in an amount not to exceed \$1,216,812.10 for the construction of the Morgan Creek Trail, Phase I.

The resolution would also authorize the Manager to work with NCDOT and/or the Federal Highway Administration to approve change orders in a method consistent with NCDOT and/or the Federal Highway Administration policy and procedures, but not to exceed the approved project budget without additional Council action.

We also recommend that the Council enact the attached budget ordinances, which would transfer \$154,600 from the Dry Creek Trail project, \$180,000 from the Bolin Creek Trail project, and \$90,000 in Greenways Capital Improvement Program funds to the Morgan Creek Trail project. The ordinances would also allocate \$70,622 from lease payments received for parking at Pritchard Park.

## **ATTACHMENTS**

1. Map of Morgan Creek Trail Project Limits (p. 10).