

**Mayor Patrick L. McCrory**

Susan Burgess  
Nancy Carter  
Patsy Kinsey  
John W. Lassiter  
Don Lochman

**Mayor Pro Tem Patrick De'Angelo Cannon**

James E. Mitchell, Jr.  
Patrick Mumford  
Greg Phipps  
John H. Tabor, AIA  
Warren Turner

# **CITY COUNCIL MEETING**

**Monday, February 21, 2005**

---

# CITY COUNCIL AGENDA

Monday, February 21, 2005

## TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<b>Consent</b>			
1.	Consent agenda items 3 through 7 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.	1	
<b>Business</b>			
2.	Nominations to Boards and Commissions	2	1
<b>Consent I</b>			
3.	Various Bids		
	A. Prosperity Church Road Widening Landscaping	3	
	B. Rail Crossing Lane/South Boulevard Streetscape Improvements	4	
<b>Consent II</b>			
4.	South Corridor Light Rail Project- Construction Project	5	2
5.	South Corridor Construction Management	9	3
6.	Statesville Avenue Widening Landscaping	10	
7.	Traffic Signal Communications Cable Design for Various Locations	11	

## **CONSENT**

- 1. Consent agenda items 3 through 7 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## **BUSINESS**

### **2. Nominations to Boards and Commissions**

**Action:** Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

#### **A. CITIZENS REVIEW BOARD**

One position beginning immediately and ending July 2006. David Blough did not meet the 65% attendance requirement for 2004.

This item is on the Zoning Agenda because the person appointed cannot serve until they attend the Citizen's Academy at the Charlotte-Mecklenburg Police Academy. Appointment is scheduled for February 28<sup>th</sup> and the Academy begins on March 8, 2005. Also, the person appointed must have time to register for the Academy and staff is holding a space for this purpose.

**Attachment 1**  
Applications

## Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

**Contractors and Consultants**

All contractor and consultant selections follow the Council approved process unless described otherwise.

## CONSENT I

### 3. Various Bids

#### A. Prosperity Church Road Widening Landscaping EPM

##### **Action**

Award the low bid of \$194,156.78 by Metrolina Landscaping of Charlotte, North Carolina. The project includes supplying and planting trees, shrubs and groundcover along Prosperity Church Road from Dearmon Road to Mallard Creek Road. Construction completion is scheduled for the second quarter of 2005.

This item is included on the Zoning Agenda because landscaping season ends April 15<sup>th</sup>. This project would be delayed until fall planting season.

##### **Small Business Opportunity**

The Small Business Program Manager waived the SBE Goal for this project. In order to establish the goal, there must be SBE firms in the City's Vendor Management System to perform the subcontracting opportunities identified for the project (trees, shrubbery, evergreens and mulch). There were no SBE firms certified to perform this work.

---

**B. Rail Crossing Lane / South Boulevard Streetscape Improvements** **EPM**

**Action**

Award the low bid of \$236,675.25 by United of Carolina, Inc., Charlotte, North Carolina. This project is part of the South Corridor Infrastructure Program. The project includes streetscape improvements along Rail Crossing Lane (formerly Griffith Street) and a portion of South Boulevard adjacent to the new 3030 South Development. Construction completion is second quarter of 2005.

This item is on the Zoning Agenda because the project is part of the South Corridor Infrastructure Program and is being done in conjunction with new development. The City has made a commitment to the developer.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 0.42%

The bid is non-compliant because the Prime failed to meet the mandatory contacts by failing to appropriately document the mandatory contacts per the Program; and the goals were not met; however, the Good Faith Efforts points were met. The SBO Program Manager granted a wavier according to Section 14.6 for this non-compliance.

United of Carolinas has committed 0.42% (\$1,000) of the total contract amount with the following certified SBE: Chippewa Trucking.

## CONSENT II

### 4. South Corridor Light Rail Project-Construction Project

- Action:**
- A. Adopt a resolution to amend the FY2005-FY2009 Capital Improvement Plan,**
  - B. Approve a budget ordinance appropriating \$146,838,843,**
  - C. Authorize CATS CEO to negotiate and execute a contract with Ascom Transport Systems for the purchase and installation of the ticket vending machines (fare collection) for an amount not to exceed \$2,125,712.75 contingent upon receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA),**
  - D. Authorize CATS CEO to negotiate and execute a contract with Archer Western Contractors Corp. for the construction of the South Corridor Light Rail Project-Roadbed, Bridges and Trackwork for an amount not to exceed \$106,800,000 contingent upon receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA),**
  - E. a. Authorize CATS CEO to execute a contract with the Joint Venture of Mass Electric/Aldridge Electric for the construction of the South Corridor Light Rail Project-Train Control and Communications for an amount not to exceed \$33,593,094 contingent upon receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA), and**
  - E. b. Adopt a resolution authorizing CATS CEO to submit grant applications and execute funding agreements with North Carolina Department of Transportation (NCDOT) for FY2005.**

**Staff Resource:** Ron Tober, Charlotte Area Transit System

#### Note

The Federal Transit Administration (FTA) will issue Letters of No Prejudice (LONP) authorizing CATS to move forward with the South Corridor Light Rail Project (SCLRP) contracts following resolution of all vendor protests and approval of contracts by City Council. In order to assure FTA of no issues with contract awards and no further delays in construction while the Full Funding Grant Agreement (FFGA) is being reviewed by Congress prior to execution, it is essential that the contracts be approved by City Council as early as possible so that Notices to Proceed can be issued to the contractors involved before March 1<sup>st</sup> consistent with the new Project schedule to start service by April 30, 2007.

**A. Capital Improvement Plan Resolution**

- The resolution amends the FY2005-FY2009 Capital Improvement Plan (CIP).
- The adopted resolution for the current CIP approves \$103,317,595 in COPS for the South Corridor LR Project (SCLRP), of which \$63,199,240 is appropriated.
- Delays in federal funding authorizations require a temporary revision of this source of funding for the project of an additional \$130,042,296.
- The resolution amends the authorization of COPS to a total of \$193,241,536 to fund upcoming SCLRP contracts.

**B. Budget Ordinance**

- The budget ordinance appropriates \$130,042,296 in COPS for these contracts and upcoming FY2005 SLRP contracts.
- Additionally, the Transit Program anticipates receiving State grant revenue to fund a portion of the Train Control contract.
- CATS estimates the State grant participation at \$16,796,547 and advances funding from the Transit Fund Balance to cover projected grant revenues.
- Upon receipt of the grant revenues, funds advanced to the capital program revert back to the Transit Fund Balance.

**C. Award of SCLRP Fare Collection Contract**

- Pursuant to receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration, award a contract to Ascom Transport Services and authorize the CATS CEO to execute agreement with the contractor for the purchase and installation of fare vending equipment.
- Self-service ticket vending machines, capable of issuing single ride tickets or day passes, will be installed at each station.

Summary of Bids

Scheidt Bachmann	\$1,979,864.00
Ascom	\$2,125,712.75
GFI Genfare	\$2,559,301.00
Indra Systems	\$2,901,124.00
Project estimate	\$3,199,450.00

- The apparent low bidder, Scheidt Bachmann, modified the bid Terms and Conditions at time of bid and was declared non-responsive and therefore disqualified.

**D. Award of SCLRP Roadbed Contract**

- Pursuant to receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration, award a contract for \$106,800,000 to Archer Western Contractors and authorize the CATS CEO to execute an agreement with the contractor for construction of the roadbed necessary to accommodate the rail track, public utility relocation,



bridges, track installation, road and pedestrian crossings, security fencing and sidewalks.

- Notice to Proceed will be issued immediately upon receipt of the LONP from the FTA.

Summary of Bids

- In August 2004 CATS publicly advertised for prospective bidders to participate in a competitive Invitation to Bid (ITB).
- CATS held a pre-bid conference to actively solicit participation and to share information.
- On November 9, 2004 CATS received three bids all of which were over budget.
- CATS negotiated cost reductions with two of the three bidders and received revised bids on January 6, 2005.

<u>Bidders</u>	<u>Original Bid Price</u>	<u>Revised Bid Price</u>
Herzog Contractors	\$123,465,200	\$108,697,610
Archer Western	\$125,915,000	\$106,800,000
Lane Construction	\$153,360,001	Chose Not To Negotiate

- The second low bidder for the revised bid filed a protest alleging unfair competitive advantage and non-responsiveness by the other bidder.
- Staff and legal counsel determined that the protest had no merit and advised both bidders accordingly.

**E.a. Award of SCLRP Train Control and Communications Contract**

- Pursuant to receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration, award a contract to the Joint Venture of Mass Electric/Aldridge Electric for \$33,593,094.
- Authorize the CATS CEO to execute an agreement with the contractor to furnish and install train control and signal equipment along the corridor and at the operations center.
- Elements of the work also include electronic signage, fire and security monitoring, CCTV, public address, ticket vending monitoring and required spare parts.

Summary of Bids

- In September 2004, CATS publicly advertised for prospective bidders to participate in a competitive Invitation to Bid (ITB). CATS held a pre-bid conference to actively solicit participation and to share information.
- On November 30, 2004 the City on behalf of CATS received two bids.
- CATS could not accept the bids at that time due to the three bid minimum required by North Carolina General Statute 143-132. The bids were returned unopened and the new bid date was December 13, 2004.

- On December 13, 2004 the Joint Venture of Mass Electric/Aldridge Electric submitted the lowest responsive, responsible bid.
- The second low bidder filed a protest claiming the low bidder was non-responsive due to lack of appropriate licensing.
- Staff reviewed the protest.
- Staff and legal counsel determined that the low bidder does meet the North Carolina Licensing requirements and therefore is a qualified, responsive bidder.

<u>Bidders</u>	<u>Bid Price</u>
MassElectric/Aldridge Electric, JV	\$33,593,094
Crowder Construction Company	\$34,473,000
Siemens Transportation	\$37,960,991

### **Disadvantaged Business Enterprise Participation**

#### 1. Fare collection

Established DBE Goal: 10%

Committed DBE Goal: 7.6%

DBEs identified are A.A. Pierce Electrical and Capricorn Systems, Inc.

#### 2. Roadbed

Established DBE Goal: 20%

Committed DBE Goal: 20%

DBE Firm identified is The Artis Group, Inc.

#### 3. Train Control

Established DBE Goal: 14%

Committed DBE Goal: 14%

DBE Firm identified is E. Moore & Son Electrical

### **Funding**

#### 1. Fare Collection

Transit Capital Program

100 % Certificates of Participation

#### 2. Roadbed

Transit Capital Program

100 % Certificates of Participation

#### 3. Train Control

Transit Capital Program

50% Certificates of Participation

50% NCDOT

### **Attachment 2**

Resolutions

Budget Ordinance

SCLR Project Control Worksheet

## 5. South Corridor Light Rail Project Contract Amendment with STV Inc. for Construction Management Services

- Action: A. Authorize CATS CEO to negotiate and execute Amendment to the contract with STV Inc. to provide construction management and start-up and testing services on the South Corridor Light Rail Project for an amount not to exceed \$15,185,337,**
- B. Authorize CATS CEO to negotiate and execute Amendment to the contract with Parsons Transportation Group (PTG) to reduce the total amount of the contract by \$7,500,000, and**
- C. Approve a budget ordinance appropriating the Federal and State share totaling \$5,764,003. (Local match of \$1,921,334 in COPS previously appropriated).**

**Staff Resource:** Ron Tober, Charlotte Area Transit System

### Note

The construction of the South Corridor Light Rail Project (SCLRP) Vehicle Maintenance Facility is scheduled to start with a formal groundbreaking ceremony on February 26, 2005, which is already four months behind the original October 2006 Project schedule. Recent decision to change the Construction Services Manager (from Parsons Transportation Group to STV, Inc.) for SCLRP construction has resulted in the urgent need for STV, Inc. to be under contract and ready to perform their task prior to start of construction. If this item is held for the next Council Business Meeting scheduled for February 28, 2005, construction will be further delayed pending execution of a contract with STV, Inc. and preliminary tasks required by FTA for Construction Manager services.

### Explanation

- CATS has finalized its organizational structure and process for conducting construction management and design services for the South Corridor Light Rail Project (SCLRP). STV Inc. has been serving as the Project Management Support Services Consultant (PMSSC) under an existing contract and is recommended to serve as Construction Manager for the SCLRP. The services STV Inc. currently provides include constructability reviews of design plans, change order and claims analysis, field verifications, quality audits of design, construction, systems integration and testing, and disputes resolution and partnering.
- The addition of construction management and start-up and testing services is consistent with the support services work STV Inc. is performing under their current contract. Parsons Transportation Group is the Designer of Record and will continue to provide design services during construction in accordance with their existing contract.

- CATS had originally planned to use the Parsons Transportation Group to provide construction management services for the SCLRP. However, after reviewing how the project has developed, CATS staff has determined that utilizing a Construction Manager that is different than the Designer of Record better ensures CATS goal of achieving the best final product. CATS will have two expert points of view that will be very beneficial for developing solutions to construction issues. The separate Construction Manager adds an additional perspective that can enhance constructability of the work, which helps to maintain cost and schedule.
- The funding for this contract amendment is included in the project budget. The construction management services portion of this amendment was originally included in the PTG contract. Actions A and B represent amendment of two current contracts and a shifting of funding resources for this work from CATS contract with PTG to CATS contract with STV, Inc.
- The budget for the two additional services to be provided by STV, Inc. is distributed as follows.

Construction Management	\$13,703,200
Start-up and Testing	<u>\$1,482,137</u>
Total Contract Amendment	\$15,185,337

**Disadvantaged Business Enterprise Participation:**

Established DBE Goal: 11%

Committed DBE Goal: 11%

The DBE firms participating are GNA Design, Altura Environmental and Paco Group.

**Funding**

Transit Capital Fund

**Attachment 3**

SCLRP Worksheet

Budget Ordinance

**6. Statesville Avenue Widening Landscaping**

<p><b>Action:</b></p> <p style="margin-left: 40px;"><b>A. Reject the bid of \$99,999.99 from SLS of Charlotte, North Carolina, pursuant to non-responsive bid. Bidder does not have a valid North Carolina Landscape Contractor’s License as required by the project specifications, and</b></p> <p style="margin-left: 80px;"><b>B. Award the contract for Statesville Avenue Widening Landscaping to the next low bidder, Superior Seeding Inc. of Gastonia, North Carolina for \$114,956.89.</b></p>
---

**Staff Resource:** Candice Heintz, Engineering & Property Management

**Statesville Avenue Widening Landscaping**

- Proposed work is the installation of median landscape materials, supplemental planting soil mix in existing medians and perimeter street tree planting on widened section of Statesville Avenue between Newland Road and Hickory Lane.
- Construction completion is second quarter of 2005.
- This item is included on the Zoning Agenda because landscaping season ends April 15th. This project would be delayed until fall planting season.

**Reject the low bid of SLS**

- Reject the bid of SLS based on their bid deemed non-responsive due to failure to have a valid North Carolina Landscape Contractors License.
- The project was advertised on December 26, 2004.
- A mandatory pre-bid conference was held on January 6, 2005. SLS representatives attended the meeting.
- All attendees were advised that the Project Specifications require all bidders to possess a valid North Carolina Landscape Contractors License and to submit that license number with the bid.
- No license number was submitted by SLS.

**Award the Contract to Superior Seeding Inc.**

- Superior Seeding Inc. attended the mandatory pre-bid Conference, submitted their valid North Carolina Landscape Contractor's License number and met all other bid requirements.
- Superior Seeding Inc. bid is \$14,956.90 higher than the SLS bid but still 31% lower than the estimate for construction.

**Small Business Opportunity**

The Small Business Program Manager waived the SBE Goal for this Project. In order to establish the goal, there must be SBE firms in the City's Vendor Management System to perform the subcontracting opportunities identified for the project (trees, shrubbery, evergreens and mulch). There were no SBE firms certified to perform this work.

**Funding**

Transportation Capital Investment Plan

## 7. Traffic Signal Communications Cable Design for Various Locations

**Action:** Approve contracts for the design and construction administration of fiber optic cable routes and traffic signal interconnections for a total amount of \$2,015,000 with:

- A. CBW Communications Engineers for \$850,000,
- B. Kimley-Horn and Associates for \$765,000, and
- C. HNTB for \$400,000.

**Staff Resource:** Liz Babson, Transportation

**Explanation**

- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.
- During a formal selection process, three firms were chosen to provide design, construction administration and inspection services for 35 sections of streets. The sections do not have uniform lengths and/or street conditions. Individual projects scopes will vary some in their requirements.
- CBW was awarded 19 sections, Kimley-Horne was awarded 13 sections and HNTB was awarded 3 sections.
- This item is on the Zoning Agenda for approval of three separate contracts for fiber optic cable design and construction administration. Several of the segments have already been designed and are ready for construction. The contracts need to be approved before consultants can move ahead with construction.

**Small Business Opportunity**

Pursuant with Section 2.21 of the SBO Policy, these contracts fall outside of the SBO Program scope since selection of the firms as made following federal and state requirements, and the consultant contracts will comply with Federal DBE requirements.

**Funding**

Transportation Capital Investment Plan