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**WEEK IN REVIEW:**

<b>Mon (Aug. 25)</b>	<b>Tues (Aug. 26)</b>	<b>Wed (Aug. 27)</b>	<b>Thurs (Aug. 28)</b>	<b>Fri (Aug. 29)</b>
2:00 PM City Attorney Evaluation, Room CH-14				
5:00 PM Council Business Meeting, Room 267				
6:30 PM Citizens' Forum, Meeting Chamber				

## CALENDAR DETAILS:

### Monday, August 25

- 2:00 PM City Attorney Evaluation, Room CH-14
- 5:00 PM Council Business Meeting, Room 267
- 6:30 PM Citizens' Forum, Meeting Chamber

ATTACHED: [August and September calendars](#)

## AGENDA NOTES:

### Agenda Item #8 – LYNX Blue Line Extension Parking Garages

Staff Resources: Carolyn Flowers, CATS, 704-336-3855, [cflowers@charlottenc.gov](mailto:cflowers@charlottenc.gov)  
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Danny Rogers, CATS, 704-432-3033, [drogers@charlottenc.gov](mailto:drogers@charlottenc.gov)

This memo is to provide further background regarding the Disadvantaged Business Enterprise (DBE) goals and participation related to the two Blue Line Extension (BLE) parking garages and the BLE projects' overall DBE participation. As a preliminary technical correction, the printed Agenda Item listed All Points Trucking as a DBE participant in the University City parking garage contract. However, in lieu of All Points Trucking, Express Logistics is the DBE firm that will perform that scope of work.

The City issued the Invitations to Bid for the J.W.Clay and University City parking garages on April 2, 2014. DBE goals of **12.5%** and **12%** respectively were specified for the garages. The same three bidders submitted bids for each of the two garages. Staff noted (as shown below) that none of the bids met, and indeed fell well short of the established DBE goals.

BIDDER	BID DBE COMMITMENT	
	J.W. CLAY	UNIVERSITY CITY
China Construction America	<b>7.45%</b>	<b>1.51%</b>
New Atlantic Contracting	<b>0.45%</b>	<b>0.56%</b>
Messer Construction Company	<b>0%</b>	<b>0%</b>

*The apparent low bidders (based on the bid alternates chosen) are highlighted in the above chart.*

Because the bid DBE goals were not met, staff reviewed the bid submissions regarding the efforts the bidders exerted to obtain DBE participation, in order to determine if the federal standard of 'adequate good faith efforts' (GFEs) was met. Based on the bid submissions, it was determined that the bidders failed to meet the GFE requirement. Both low bidders exercised their right to request an administrative reconsideration hearing and to submit further evidence and argument that they had met the GFE requirement.

After hearing from the bidders and reviewing the further evidence submitted, two separate hearing officers (one for each bidder and hearing) found that the bidders met the GFE requirements and that the low bids were responsive. However, the Request for Council Action to award contracts to the bidders was pulled from the July 28 Business Agenda by the City Manager to allow time for staff to finish its review of the DBE process.

The review is now complete and its findings are:

- The garage structures were designed by Neighboring Concepts, a subcontractor to the project designer, STV.
- Based on the projects' aggressive schedule and the limited site space at the J.W. Clay location, Neighboring Concepts specified the Pre-Cast concrete construction method. (The Pre-Cast method manufactures large concrete components off-site.)
- The City has historically used Cast-In-Place concrete construction methods for parking garages. (The Cast-In-Place method pours concrete into forms on-site.)
- Pre-Cast construction saves time and space by consolidating construction activities. However, this method typically results in fewer trades being subcontracted which results in fewer DBE participation opportunities.
- The effect of Pre-Cast upon DBE Participation was not noted during the design process and was not considered when the DBE goals of 12.5% and 12% were set.
- The low bidders confirmed that in their opinion, the use of Pre-Cast lowered the amount of DBE participation that they could obtain.
- The low bidders also opined that the NCDOT DBE certification database is focused more on horizontal construction subcontractors as opposed to the vertical construction of the parking garages.
- Staff noted that landscaping (which normally contains DBE opportunities) was not included in these contracts as it is being contracted for separately.

After the bid opening, both low bidders continued to seek DBE opportunities and firms, and have successfully added DBE participation. Staff also calculated the effect that Pre-Cast would have had on the DBE goals had it been accounted for. This information is shown below:

BIDDER	Bid DBE Goal	Pre-Cast accounted for DBE Goal	DBE commitment at Bid	Added DBE commitment (Post Bid)	Total
China Construction J.W. CLAY	12.5%	8.2%	7.45%	1.18%	<b>DBE – 8.63%</b> <b>SBE – 2.38%</b> <b>HUB – 3.07%</b>
New Atlantic UNIVERSITY CITY	12%	6.55%	0.56%	3.07%	<b>DBE – 3.63%</b>

Staff has now altered the CATS DBE process to implement a 'lesson learned':

- The City staff review of design will specifically include consideration and appropriate balancing of DBE opportunities in concert with other project imperatives such as schedule and cost.

DBE participation data for the BLE project as a whole was also reviewed and is [ATTACHED HERE](#). Staff found that the DBE commitments in 10 out of the 11 previous key BLE contracts have met their DBE goals. It is noted that in one of these 10, the contractor failed to actually meet its DBE commitment. In that case, staff assessed contractual liquidated damages for the failure. The Federal Transit Administration fully supported the action taken by staff and complimented CATS on its innovative approach to implementing and fully defending the DBE program.

The City is fully committed to obtaining appropriate DBE participation pursuant to the updated DBE program adopted by City Council on March 25, 2013. Consistent with that program, staff will fully review and respond accordingly to unusual DBE bidding occurrences. As it has done so in the past, the City will continue to fully implement and defend the DBE program with innovation and vigilance.

#### **Agenda Item #28 – Over/Underpass Enhancement Program**

*Staff Resource: Vivian Coleman, CDOT, 704-336-4275, [vcoleman@charlottenc.gov](mailto:vcoleman@charlottenc.gov)*

At Monday night's Business Meeting, City Council will be voting on an award for a low-bid contract for the Over/Underpass Enhancement Program. Projects under this program were recommended through the Center City Transportation Plan and 2020 Center City Vision Plan to enhance pedestrian and bicycle connectivity between Uptown and surrounding neighborhoods. Locations designed for construction under this contract are S. McDowell St/I-277, E. 3<sup>rd</sup> St/I-277, E. 4<sup>th</sup> St/I-277, and W. 4<sup>th</sup> St/I-77. Please note that the agenda item lists "Interstate-277/West 4<sup>th</sup> Street" but the correct description is the one listed here, W. 4<sup>th</sup> St/I-77.

The S. McDowell Street/I-277 Underpass project between Stonewall Street and Morehead Street will add retaining walls under the bridge to widen sidewalks on both sides, improve lighting and enhance the walking and bicycling experience.

Part of the work specific to this project is the proposed installation of commemorative historical plaques to celebrate Charlotte's history of the Brooklyn and Dilworth neighborhoods. The stainless steel plaques are 20" x 20" and proposed to be located on decorative columns on both sides of the underpass. Two plaques will provide information and photos about Brooklyn; two will provide information and photos about Dilworth.

City staff engaged stakeholders by reaching out to historic and neighborhood groups for their input. Response was very positive about commemorating Charlotte's history through the installation of these plaques. Endorsements for the historic plaques were received from the Historic Districts Commission, Historic Landmarks Commission, the Dilworth Community

Development Association Board and Land Use Committee, Second Ward Foundation High School National Alumni Foundation, Inc. and Charlotte Center City Partners.

City staff also worked with the Levine Museum for the New South and Office of the North Carolina Archives to review these plaques.

The staff will request Council Action on the four commemorative plaques at the September 22, 2014 City Council Meeting.

**ATTACHMENTS:** [Plaque content](#) and [rendering of the McDowell Street underpass project](#)

**Agenda Item #36 – CATS and Charlotte-Mecklenburg School System Service Agreement**

*Staff Resource: Lawrence Kopf, CATS, 704-432-0497, [lkopf@charlottenc.gov](mailto:lkopf@charlottenc.gov)*

Agenda Item 36 on the August 25 Business Agenda requests Council authorization to enter into an agreement with the Charlotte-Mecklenburg School System (CMS) to extend bus service on the current #51 Pineville-Matthews Road bus route. CMS will pay 100% of the costs to extend service to the Levine campus of Central Piedmont Community College for high school students participating in a new CMS honors program. This program will permit students to earn college credits while still in high school. Because this agreement will be one of interlocal cooperation between two units of local government, North Carolina statutes require that the agreement be ratified by adoption of a resolution by City Council. The current RCA in the City Council Agenda inadvertently did not include the required resolution.

**ATTACHMENTS:** [Revised Request for Council Action \(RCA\)](#) and [Resolution to replace the current RCA in the City Council Agenda.](#)

## **INFORMATION:**

**September 27 – Neighborhood Leadership Awards**

*Staff Resource: Liz Mitchell, NBS, 704-336-8409, [enmitchell@charlottenc.gov](mailto:enmitchell@charlottenc.gov)*

On Saturday, September 27, Neighborhood & Business Services will host the annual Neighborhood Leadership Awards from 8:30 a.m. to 1:30 p.m. at BB&T Ballpark. The 2014 Neighborhood Leadership Awards will build upon the success of last year's event by incorporating shared learning and networking opportunities for neighborhood participants. This format provides an opportunity for the City to recognize excellence and ongoing collaboration between City departments and neighborhood groups.

Through partnership with several City departments and the Knight Foundation, the following award categories have been created to celebrate outstanding contributions toward improving Charlotte:

- Community Safety Ambassador (CMPD)

- Good Neighbors (NBS - Code Enforcement)
- Embracing Diversity (Community Relations)
- Moving Forward (CDOT)
- Sustainability Pioneer (NBS - Community Engagement)
- People's Choice Individual Award (Knight Foundation)

The Mayor and City Council are asked to encourage neighborhoods to nominate their organization or other deserving neighborhood organizations, as well as submit their own nominations. City departments are also encouraged to submit nominations.

Award recipients will be determined by a selection committee consisting of members from City departments and select event sponsors. The People's Choice Award will be chosen by popular vote via online voting.

Additional event information and a link to make nominations can be found online at: <http://charmeck.org/city/charlotte/nbs/communityengagement/Pages/Neighborhood-Leadership-Awards.aspx>. **The nomination deadline is Sunday, August 31.**

The Mayor and City Council are invited to attend and are requested to RSVP at [nlawards@charlottenc.gov](mailto:nlawards@charlottenc.gov) or 704-336-8409 by September 20.

**ATTACHMENT:** [Event agenda](#)

## **ATTACHMENTS:**

[April 24 Transportation and Planning Committee Summary](#)