

Resolution #22-0336  
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**RESOLUTION AWARDING CONTRACT FOR RESURFACING CITY STREETS**

**WHEREAS**, bids for a contract to resurface City streets during the period of July 18, 2022, through November 15, 2023, were scheduled to be received on May 18, 2022, but fewer than three bids were received; and

**WHEREAS**, North Carolina General Statute (N.C.G.S.) 143-132(a) requires a minimum of three bids for formal construction and repair contracts and N.C.G.S. 143-129 authorizes the project to be re-advertised; and

**WHEREAS**, after proper advertisement bids were received and publicly opened by the City/County Purchasing Department at 3:00 p.m., Friday, May 27, 2022, for resurfacing City streets per Attachment A during the period of July 18, 2022, through November 15, 2023, and the following bids were offered:

	<u>City/State</u>	<u>Base Bid</u>
APAC-Atlantic, Inc., Thompson-Arthur Division	Winston-Salem, NC	\$7,595,587.65
Sharpe Bros., a Division of Vecellin & Grogan, Inc.	Greensboro, NC	8,695,988.68

**WHEREAS**, the low bid of \$7,595,587.65 submitted by APAC-Atlantic, Inc., Thompson-Arthur Division, exceeded the FY21-22 available funds of \$5,661,945; therefore, additional funds will be made available through appropriated Powell Bill revenues in the FY 22-23 budget; and

**WHEREAS**, APAC-Atlantic, Inc., Thompson-Arthur Division has agreed, to subcontract at a minimum 5.13% with certified minority owned businesses and 5.13% with certified woman owned businesses exceeding the goals established for this project of 5% minority and 5% woman owned businesses; and

**WHEREAS**, it is the recommendation of the Finance Committee that a contract for resurfacing City streets per Attachment A during the period of July 18, 2022, through November 15, 2023, be awarded to APAC-Atlantic, Inc., Thompson-Arthur Division, the low bidder meeting specifications, in the estimated amount not to exceed \$7,595,587.65.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Winston-Salem that the contract for resurfacing City streets per Attachment A during the period of July 18, 2022, through November 15, 2023, per bid specifications is hereby awarded to APAC-Atlantic, Inc., Thompson-Arthur Division, in the estimated amount not to exceed \$7,595,587.65, and that all other bids are rejected, and that the City Manager and City Clerk are authorized to execute the contract on behalf of the City, contract forms to be approved by the City Attorney, and bid deposit retained until the successful bidder has delivered satisfactory contract, performance, and labor and materials payment bonds.

**BE IT FURTHER RESOLVED** that the award of this contract constitutes a preliminary determination as to the qualifications of the bidder. The City is not legally bound to perform the contract until the contract is duly executed by the City. The bid deposit shall be retained if the bidder fails to execute the contract or give satisfactory surety as required by N.C.G.S. 143-129.

**BE IT FURTHER RESOLVED** that APAC-Atlantic, Inc., Thompson-Arthur Division, will be required to subcontract 5.13% of this contract with minority owned businesses and 5.13% with women owned businesses as indicated in Affidavit "C" submitted by the contractor.

**BE IT FURTHER RESOLVED** that funds are subject to approved FY22-23 City Council budget appropriation.