

The low bidder, Bar Construction Co., Inc., submitted subcontracting goals less than those established for this project of 9% and 7%, respectively. Therefore, pursuant to the City's M/WBE Policy, the City's Internal M/WBE Committee and Citizen's M/WBE Advisory Committee met to review and consider all documentation of the bidder's good faith efforts which follow this resolution. Both committees determined that the bidder did make the necessary good faith efforts to achieve the established project goals. N.C.G.S. 143-128.2(f) requires a contractor to accumulate a minimum of 50 out of 100 points to demonstrate a Good Faith Effort. In addition to the point system, state legislation explicitly lists the efforts required by a contractor. In the review conducted by the M/WBE Citizens Advisory Committee, the contractor must accumulate a minimum of 115 out of 180 points to demonstrate a Good Faith Effort. The City's stringent modification ensures contractors are exhausting all opportunities, per the statute's specifications, to achieve certified minority-and women-owned business participation. Bar Construction Co., Inc. will be required to subcontract, at a minimum, 5.7% of this contract with certified minority-owned businesses and 3.5% with certified women-owned businesses as indicated on the Affidavit "D" submitted by the company.

The 2018 G.O. Bond allocated \$2,480,000 for the construction budget for Phase 2. The designer's base bid estimate was \$2,435,680. Since all bids exceeded budget, the city entered negotiations with the low bidder, as allowed by N.C. General Statute 143-129(b), in an effort to bring the project within the available funds. The following scope was removed from the project: delete one large picnic shelter with its concrete pad and water line, reduce the climbing wall height by 30%, replace the circular benches with standard benches, and lease Duke Energy lights instead of installing solar lights. The value engineering effort, agreed to by both parties, resulted in a cost savings of \$498,469.

It is therefore recommended that the contract be awarded to Bar Construction Co., Inc., the low bidder meeting specifications, in the negotiated total amount of \$2,660,531. The overall project budget totals \$3,100,000 including, design, construction, and project contingency. In addition, the City received a grant for a pollinator garden at Quarry Park, which is part of this scope, and \$40,000 from that grant will fund the irrigation line and vegetation needed for this garden. The additional funding for construction will come from savings in design and project contingency.

M/WBE comment: This project was advertised on the City and State websites and with several electronic plan rooms. Notifications were sent to all local M/WBE and regional HUB businesses on a weekly basis. See Exhibit A for a complete list of businesses that were notified the bidding opportunity and the low bidder's Workplace Demographics form. Dreambuilt Construction, Inc. is a HUB-certified WBE firm.