



## Takoma Park City Council Meeting – July 1, 2024 Agenda Item 5

### **Voting Session**

Single Reading Ordinance Approving Payment in Excess of the Original Contract Amount for the Brashear's Run Outfall Repair and Stream Restoration.

### **Recommended Council Action**

Approve Ordinance

### **Context with Key Issues**

The Council authorized the expenditure of \$102,335 for the contract with AB Construction, the low bidder for the Brashear's Run Outfall and Stream Restoration, on March 6, 2024. The bid award was based on the City's estimation of quantities required for the project and the contractor's unit price. The bid included 32 items ranging from lump sum amounts for site preparation to unit-based amounts by weight or volume for excavation, removal of debris, building an access road, imbricated stone, gravel and rock, tree protection, soil stabilization and meadow replanting.

The project began April 15 and was completed May 20. Early in the project the contractor, Montgomery Park staff, and Public Works staff identified a number of site conditions that would require work beyond what was originally specified in the original bid. The extent of erosion of the outfall and stream valley exceeded what was original assumed and the quantity of unsuitable and unstable soils and debris that was present along the stream bank were in excess of what was estimated. As a result, the project required significant increases in some of the quantities initially identified. Additionally, the original project was developed assuming access to the site through the Essex House Apartment parking lot. City staff had met with apartment management before development of the bid and received approval for the access. However, at the pre-construction meeting, the apartment management no longer agreed to allow access which required identification of a new location for the access road that was more than twice as long as the original one. Attachment 1 details the original bid by item and quantity as well as the actual quantity required and the resulting cost.

In total, 10 items required quantities in excess of the amount originally identified, 14 items had reductions in the quantity required and 8 items met the originally amount assumed. Additionally, 3 new items, not included in the original bid, were required. These new items resulted in additional cost of \$7,111.08. The final cost of the project, based on the actual quantities used was \$268,128.44. This amount is \$165,793.44 more than the originally approved contract amount.

### **Council Priority**

Engaged Responsive and Service Oriented Government  
Environmentally Sustainable Community

### **Environmental Impact of Action**

The stream restoration project included the restoration of 100 linear feet of Brashear's Run stream valley and stabilized the failing outfall and added the creation of a plunge pool for improved habitat and pollution control as well as streambank stability. The completion of the design of the project was under the review and approval of M-NCPPC staff and the City Engineer's office.

As a result of this project, the City will be able to claim treatment credit of two acres for this Best Management Practice. The City is required, through our NPDES permit (National Pollution Discharge Elimination System – mandated by the Clean Water Act) to provide water quality treatment for 20% of the impervious area in the City, which is equivalent to treatment of 92 acres.

### **Racial Equity Considerations**

The area where this project occurred is adjacent to high-rise apartment buildings with a large population of low- & moderate-income residents of color. The improvement of the outfall area from that of a broken concrete swale and eroded streambank, to one resembling a natural stream valley will provide an improved attractive area for the enjoyment of those visiting the stream valley area.

### **Fiscal Impact of Action**

The funds for the project are available in the Stormwater budget. A portion of the total project cost can be covered in the Stormwater Capital budget and the balance in the Outside Labor budget.

Capital - 0030-80001 – The Current Budget, including budget amendments, is \$433,000. Expenditures to date are \$249,354. The available balance is \$183,647.

The project list for the FY24 Stormwater capital budget included Takoma Branch Stream Restoration, as well as the Jefferson Ave bio facility and Albany & Baltimore treatment facility. Actual expenditures include the Takoma Branch Stream Restoration and the new stormwater facility for the Kentland, Hopewell, Larch project. The Jefferson Ave bio facility and Albany & Baltimore treatment facility were not done and will be carried forward for future work.

Outside Parts & Labor - 0030-53350 – The Current Budget, including budget amendments, is \$254,000. Expenditures to date are \$101,225. The available balance is \$152,775.

The projects originally included for these funds included outfall repair on Glenside Court, Outfall repair on Central Avenue and a project on Hilltop Road (near Mississippi Ave). Throughout the course of the fiscal year these projects were replaced with other higher priority projects. Actual projects completed in this fiscal year include: the 7600 block Maple Ave inlet repair, invasive plant treatment project at the wetland near Park Ritchie, outfall repair at Public Works, New Hampshire Ave sinkhole repair, New Hampshire Service Road near Linden Ave pipe replacement and Maple Ave and Tulip Ave pipe replacement and refurbishment of several bioretention facilities.

### **Attachments and Links**

Single Reading Ordinance  
Project Cost Comparison with Photo Exhibits 1 thru 29  
Before & After Photo

Introduced by:

Single Reading:

**CITY OF TAKOMA PARK  
ORDINANCE NO. 2024-**

**AMENDING PRIOR AUTHORIZATION FOR A CONTRACT FOR BRASHEAR’S RUN  
OUTFALL REPAIR AND RESTORATION**

WHEREAS, the Fiscal Year 2024 Stormwater Management includes funding for the Brashear’s Run Outfall Repair and Stream Restoration; and,

WHEREAS, the City has coordinated with Maryland National Park and Planning, the land owner, and received the required permits and approvals for the work; and

WHEREAS, the Council authorized a contract with AB Construction, the low bidder, through Ordinance 2024-04 on March 6, 2024 for an amount of \$102,335.

WHEREAS, the project, which began on April 15, 2024, required numerous changes to the scope of work due to site conditions including severe erosion and deposition of unsuitable soils; and

WHEREAS, the original bid was based on per unit price for specific quantities estimated by the City; and

WHEREAS, the changes in site conditions required the increase in quantities of specific material and work, at the per unit bid price, resulting in a total project cost of \$268,128.41.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT:

Section 1. The City Council approves the expenditure of TWO HUNDRED SIXTY-EIGHT THOUSAND AND ONE HUNDRED TWENTY-EIGHT DOLLARS AND FORTY-FOUR CENTS (\$268,128.44) for the expanded scope of work completed on the Brashear’s Run Outfall Repair and Stream Restoration by AB Construction.

Section 2. This Ordinance shall become effective upon adoption.

Adopted this \_\_\_\_ day of July, 2024.

AYE:

NAY:

ABSTAIN:

ABSENT:

Brashear's Run Bid vs Actual Quantity Comparison & Explanation													
Date	Item Description BID	Item No. BID	UNIT BID	UNIT \$ BID	QTY BID	Total \$ BID	UNIT Actual	UNIT \$ Actual	QTY Actual	Total \$ Actual	Cost Overrun \$	Cost Overrun %	Explanation
May 15, 2024	Clearing & Grubbing	1	AC	\$ 10,000	0.1	\$ 1,000	AC	\$ 10,000	0.1	\$ 1,000	\$0	0.0%	As per project plan
April 19, 2024	Temporary Orange Const. Fence	3	LF	\$ 5	150.00	\$ 750	LF	\$ 5	616.00	\$ 3,080	\$2,330 (OVER)	310.7% (OVER)	Due to management of Essex Apartments refusal to allow construction access through their parking lot, the access road needed to be relocated to a location from Sligo Creek PKWY. This change significantly increased the construction area to be enclosed with Orange Fence as directed by MCNCPPC (Parks). Orange fence was placed along Essex Apartment parking lot, North side of the stream banks up to Sligo Creek PKWY, and on both sides of the access road. (SEE EXHIBIT 1 AND 2)
April 25, 2024	Construction Stakeout	4	LS	\$ 5,000	1	\$ 5,000	LS	\$ 5,000	1	\$ 5,000	\$0	0.0%	Lump sum cost, as per project plan
April 15, 2024	Mobilization & Demobilization	5	LS	\$ 4,000	1	\$ 4,000	LS	\$ 4,000	1	\$ 4,000	\$0	0.0%	Lump sum cost, as per project plan
	Stream Restoration As Built & Certification	6	LS	\$ 5,000	1	\$ 5,000	LS	\$ 5,000	1	\$ 5,000	\$0	0.0%	Lump sum cost, as per project plan
April 24-May 14, 2024	Class 1-A Excavation	7	CY	\$ 50	200.00	\$ 10,000	CY	\$ 50	0	\$ -	-\$10,000 (UNDER)	-100.0% (UNDER)	Item was not needed, instead Class 5 Excavation was required
	Class 5 Excavation	8	CY	\$ 100	0	\$ -	CY	\$ 100	98.63	\$ 9,863	\$9,863 (OVER)	(OVER)	As required by site conditions / observed and verified by Inspector (SEE EXHIBIT 7, 8, 9, AND 11)
May 25, 2024	Removal of Existing Concrete Apron	9	CY	\$ 125	20.00	\$ 2,500	CY	\$ 125	15	\$ 1,875	-\$625 (UNDER)	-25.0% (UNDER)	Original project plan called for removal of a larger portion of the concrete outfall apron. City staff and Parks staff determined during construction that removal of all materials would cause greater disturbance, so a portion of the material was allowed to remain on site, resulting in a lower cost than originally projected.
April 25-May 10, 2024	Removal of Existing Debris	10	CY	\$ 200	5.00	\$ 1,000	CY	\$ 200	60	\$ 12,000	\$11,000 (OVER)	1100.0% (OVER)	During excavation, debris consisting of concrete, asphalt, and brick were encountered buried under water, stream bed and banks. The amount of debris removed was more than originally anticipated. The quantity of debris removed was verified by City Inspector (SEE EXHIBIT 5)
April 19, 2024	Access Road (Standard Duty Mulch Mat)	11	SY	\$ 100	180.00	\$ 18,000	SY	\$ 100	412.78	\$ 41,278	\$23,278 (OVER)	129.3% (OVER)	The originally access road was planned to be through the Essex Apartment parking lot. However, in the pre-construction meeting the Apartment Managers decided to no longer allow access, thereby necessitating the redesign of the access road to an area under Montgomery Parks control. In addition to an increase in length, Montgomery Parks also required an increase in width from 6 ft to 12 ft. (SEE EXHIBIT 1 AND 2)
April 22-May 8, 2024	Imbricated Rock	12	TON	\$ 300	25.00	\$ 7,500	TON	\$ 300	192.08	\$ 57,624	\$50,124 (OVER)	668.3% (OVER)	Imbricated Rock had to be placed deeper than previously anticipated due to more severe erosion than the original design estimated. The plunge Pool area was eroded up to 4 ft below the existing Concrete Apron. Imbricated Rock had to be installed at 5 ft below concrete apron to be set on stable ground. In addition, the top of Rock Sill had to be set 18" above the stream bed in order to maintain a minimum of 2 % Riffle Grade Control. Due to these factors, significantly more than previously planned Imbricated Rock was required. (SEE EXHIBIT 4, 7, 8, 9, 11, 13, 14, 17, 18, AND 20)
	Stone for Channel Stabilization	14	TON	\$ 300	35	\$ 10,500	TON	\$ 300	0	\$ -	-\$10,500.00 (UNDER)	-100.0% (UNDER)	Item was not needed
April 23-May 16, 2024	Channel Bed Stability Mix	15	SY	\$ 120	60.00	\$ 7,200	TON	\$ 160	631.85	\$ 101,096	\$93,896.00 (OVER)	1304.1% (OVER)	The original bid price used Square Yards as the unit of measurement. Once on site, the contractor recommended that the unit be changed to tonnage due to the variation in depth along the stream bank where the Channel Bed stability mix was intended. The contractor identified that the quantity needed would exceed the original bid amount, and further that tonnage would be a more accurate way to track the amount installed. The City Engineer approved the change to \$160/ton from \$120/SY and determined the cost was equivalent. The material was used to maintain Riffle Grade Control and to backfill behind South side stream bank that had significantly eroded further than originally assumed. Additional material was required due to lack of suitable onsite soil material for backfill behind imbricated structures, and filling the large cavity under the existing concrete apron, as well as the transition area of the downstream channel beyond the Rock Sill. (SEE EXHIBIT 3,10,15,19,20,21,22,23,24)
	Rootwad Placement	16	EA	\$ 1,000	2	\$ 2,000	EA	\$ 1,000	2	\$ 2,000	\$0.00	0.0%	As per project plan
	42 in clear water diversion pipe	17	LF	\$ 1	150	\$ 150	LF	\$ 1	0	\$ -	-\$150.00 (UNDER)	-100.0% (UNDER)	Item was not needed
	Stabilized Construction Entrance	18	EA	\$ 3,000	1	\$ 3,000	EA	\$ 3,000	0	\$ -	-\$3,000.00 (UNDER)	-100.0% (UNDER)	Item was not needed.
April 19, 2024	Filter Bag	19	EA	\$ 500	1	\$ 500	EA	\$ 500	1	\$ 500	\$0.00	0.0%	As per project plan

April 19, 2024	18" Filter Log	20	LF	\$ 15	70	\$ 1,050	LF	\$ 15	26	\$ 390	-\$660.00 (UNDER)	-62.9% (UNDER)	As per project plan
	Class II Riprap for Slope & Channel Protection	21	TON	\$ 100	15	\$ 1,500	TON	\$ 100	0	\$ -	-\$1,500.00 (UNDER)	-100.0% (UNDER)	Item was not needed
April 19, 2024	Maintenance of Stream Flow	22	LS	\$ 6,000	1	\$ 6,000	LS	\$ 6,000	1	\$ 6,000	\$0.00	0.0%	As per project plan
	5 in Concrete Sidewalk	23	SF	\$ 10	80	\$ 800	SF	\$ 10	0	\$ -	-\$800.00 (UNDER)	-100.0% (UNDER)	Item was not needed
April 19, 2024	LTE Services	24	LS	\$ 2,500	1	\$ 2,500	LS	\$ 2,500	1	\$ 2,500	\$0.00	0.0%	As per project plan
	Tree Protection Fence	25	LF	\$ 4	400	\$ 1,600	LF	\$ 4	0	\$ -	-\$1,600.00 (UNDER)	-100.0%	Item not needed
	Placing Furnished Topsoil, 2" Depth	26	SY	\$ 5	350	\$ 1,750	SY	\$ 5	0	\$ -	-\$1,750.00 (UNDER)	-100.0%	Item not needed
May 17, 2024	Placing Furnished Topsoil, 4" Depth	27	SY	\$ 8	350	\$ 2,800	SY	\$ 8	128	\$ 1,024	-\$1,776.00 (UNDER)	-63.4% (UNDER)	The area requiring topsoil was less than the original plan.
	Turfgrass Establishment	28	SY	\$ 4	60	\$ 240	SY	\$ 4	0	\$ -	-\$240.00 (UNDER)	-100.0% (UNDER)	Item not needed
May 20, 2024	Upland Meadow Establishment	29	SY	\$ 4	200	\$ 800	SY	\$ 4	412.78	\$ 1,651	\$851.12 (OVER)	106.4% (OVER)	The area requiring spreading of the Upland Meadow seed mix was greater than the original plan
May 17, 2024	Wet Meadow Mix	30	SY	\$ 4	55	\$ 220	SY	\$ 4	128	\$ 512	\$292.00 (OVER)	132.7% (OVER)	The area requiring spreading of the Wet Meadow seed mix was greater than the original plan
	Type A Soil Stabilization	31	SY	\$ 5	250	\$ 1,250	SY	\$ 5	0	\$ -	-\$1,250.00 (UNDER)	-100.0% (UNDER)	Item not needed
May 17, 2024	Type D Soil Stabilization Matting	32	SY	\$ 8	150	\$ 1,200	SY	\$ 8	240.53	\$ 1,924	\$724.24 (OVER)	60.4% (OVER)	As required by Parks (SEE EXHIBIT 26, 27, AND 29), Necessary due to The area requiring the soil stability mat was larger than the original plan due to the extended areas of erosion.
	Tree Root Pruning	34	LF	\$ 5.5	350	\$ 1,925	LF	\$ 6	0	\$ -	-\$1,925.00 (UNDER)	-100.0% (UNDER)	Item not needed
April 19, 2024	Tree Planking/Heavy Tree Protection	35	EA	\$ 300	2	\$ 600	EA	\$ 300	9	\$ 2,700	\$2,100.00 (OVER)	350.0% (OVER)	As a result of the relocation of the access road, more trees needed to be protected.
May 13, 2024	Septic Gravel	NOBL	NOBL	NOBL	NOBL	NOBL	TON	\$ 100	22.62	\$ 2,262	\$2,262.00 (OVER)	0.0% (OVER)	NOT ON BID LIST. Item was added in lieu of native stream bed material, Parks instructed contractor to mix bank run gravel and septic gravel in 2 to 1 ratio (SEE EXHIBIT 21, 23, AND 24)
May 13-May 17, 2024	Bank Run Gravel	NOBL	NOBL	NOBL	NOBL	NOBL	TON	\$ 52	88.54	\$ 4,604	\$4,604.08 (OVER)	0.0% (OVER)	NOT ON BID LIST; See note above( SEE EXHIBIT 28)
May 20, 2024	Wedge Stakes	NOBL	NOBL	NOBL	NOBL	NOBL	EA	\$ 1	245	\$ 245	\$245.00 (OVER)	0.0% (OVER)	NOT ON BID LIST; Required to secure soil stabilization matting in place/ required by Parks Inspection ( SEE EXHIBIT 29)

102,335.00

268,128.44 \$165,793.44



EXHIBIT #1



EXHIBIT #2



EXHIBIT #3



EXHIBIT #4



EXHIBIT #5



EXHIBIT #6



EXHIBIT #7



EXHIBIT #8



EXHIBIT #9





EXHIBIT #11

EXHIBIT #12

EXHIBIT #13

EXHIBIT #10



EXHIBIT #14



EXHIBIT #15



EXHIBIT #16



EXHIBIT #17



EXHIBIT #18



EXHIBIT #19





**EXHIBIT #20**



**EXHIBIT #21**



**EXHIBIT #22**



**EXHIBIT #23**



**EXHIBIT #24**



**EXHIBIT #25**





APPENDIX-4

**EXHIBIT #26**

SOIL STABILITY MATTING  
PLACEMENT IN PROGRESS BEHIND  
SOUTH SIDE STREAM BANK



**EXHIBIT #27**



**EXHIBIT #28**

12" LIFT OF BANK RUN GRAVEL  
AND 4" OF TOPSOIL BEHIND  
SOUTH SIDE STREAM BANK



**EXHIBIT #29**

TOPSOIL COVERED WITH SOIL  
STABILITY MATTING, SECURED  
WITH WOOD WEDGE STAKES



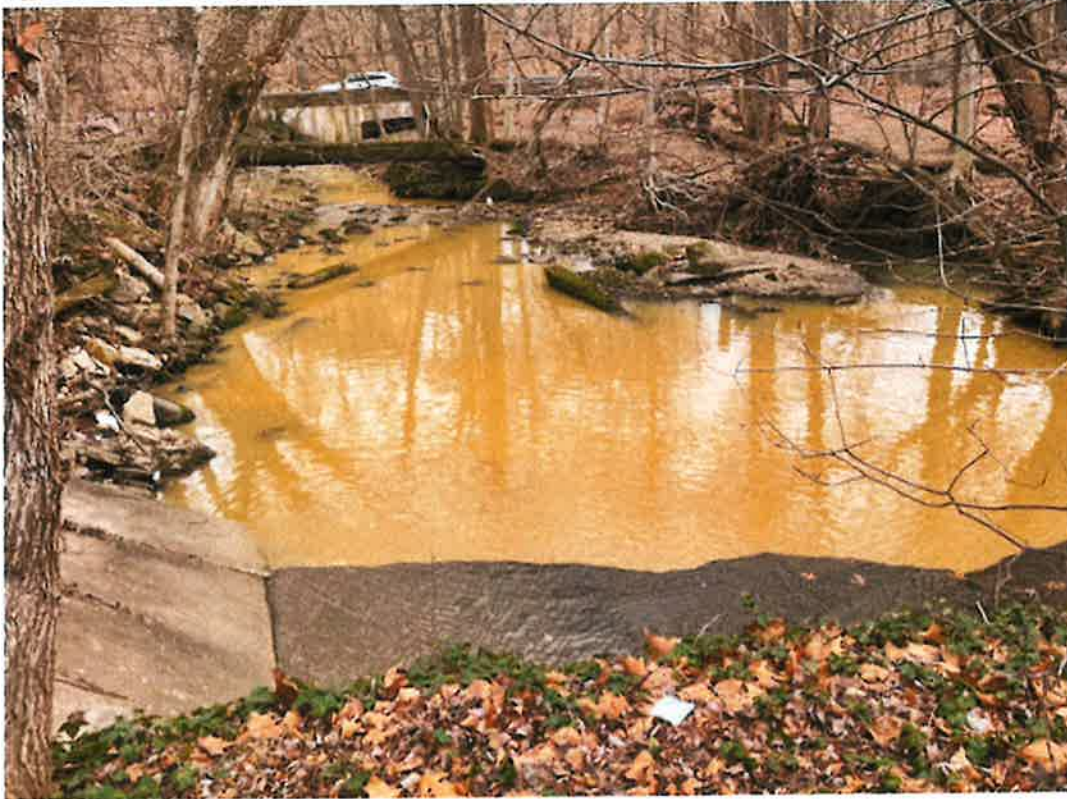
**EXHIBIT #30**

COMPLETED OUTFALL  
RESTORATION PROJECT





Before



After

