



March 10, 2015

**TO:** David Parrish – Assistant City Manager  
Kenney McDowell – Director, Engineering & Inspections

**FROM:** Ted Partrick – Engineering Manager, Engineering & Inspections Department

**SUBJECT:** Michael Baker Engineering, Inc.  
Harris Concrete Company  
Wendover Avenue Sidewalk, EL5101DD

### **Background**

Little Mountain Builders, Inc., the general contractor on the Wendover Avenue Sidewalk project, committed to providing a 5.7% DBE subcontractor participation and exceeded the 5% goal established by NCDOT. They had an agreement with Harris Concrete & Construction Company for \$60,000 for concrete construction. This contract represented a 5.7% participation commitment. That commitment and the agreement were approved by NCDOT. Harris Concrete completed their portion of the contract and was paid \$66,386.79 for their work.

In response to concerns raised by Sean Harris (Harris Concrete & Construction), a meeting was held in the Construction Inspections office at Engineering & Inspections on July 29, 2014. Attending were Sean Harris, Ed McKeever, Reginald McNeill (NCDOT Compliance Officer for DBE), Chad Huffines (Michael Baker Engineering –the inspection consultant), Norm Patterson and Marvin Ferguson (Little Mountain Builders), Gwen Carter (MWBE Office), and Engineering Staff: Dale Clark, Andy Vincent, Brad King, and Ted Partrick. Summary notes from the meeting include the following:

Sean Harris stated that Little Mountain had told him that Michael Baker's inspector had requested the removal of a Harris Concrete crew. Norm Patterson, the project manager for Little Mountain, stated that Michael Baker Engineering had not made such request and that Little Mountain ordered one Harris Concrete crew off the job in response to their failure to perform up to Little Mountain's standards. Norm Patterson stated concern about the amount of repair and rework that is required on Harris Concrete's work.

Chad Huffines, the project manager for Michael Baker Engineering, stated that no request for removal of a crew was ever made. Michael Baker Engineering did require Little Mountain Builders to replace portions of completed sidewalks that were not in compliance with NCDOT and FHWA specifications. The re-worked portions included work by Harris Concrete, Little Mountain Builders, and Praylor Construction (a second DBE on the project). The rework requirements are documented in inspector diaries.

Reggie McNeill, DBE Compliance with NCDOT, reviewed the agreements and payment history provided by Little Mountain Builders and the Engineering Division records. McNeill confirmed

that Little Mountain had complied with their DBE commitment and had no further obligations to Harris Concrete.

It was the understanding of the meeting, and as noted above, Michael Baker Engineering did not request or direct removal of Harris Concrete from the Wendover Avenue Sidewalk project. Harris Concrete completed their portion of the contract and was paid accordingly. Harris Concrete did have sections of their work, as did other contractors, required to be reworked to comply with NCDOT and FHWA specifications.

Michael Baker Engineering, Inc. has no contractual relationship with Little Mountain Builders or Harris Concrete & Construction. They are under contract with the City of Greensboro to provide construction engineering and inspections (CEI) services. Their primary responsibility is to provide complete inspection and documentation of all construction on the project. The services are required for compliance with grant fund conditions of the NCDOT and the Federal Highway Administration (FHWA).

THP