



CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

Sam Adams, Mayor
Jack D. Graham, Chief Administrative Officer
Jeffrey B. Baer, Director, Bureau of Internal Business Services

Christine Moody
Chief Procurement Officer
Procurement Services

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August 3, 2011

REGULAR CALENDAR

TO THE COUNCIL:

On December 15, 2010 City Council adopted Ordinance No. 184328 authorizing the use of a competitive bid for the Powell Butte Reservoir No. 2 Phase 2 Project. At that time, Council also authorized the use of a modified good faith effort process in which the awarded contractor was required to create a Minority, Women and Emerging Small Business Outreach Program Plan that must be approved and accepted in order to receive the Phase 1 (Limited) Notice to Proceed to begin construction work. The use of a modified good faith effort process was determined to be necessary to ensure maximization of minority, women and emerging small business (M/W/ESB) participation on this project. The standard Good Faith Effort Program only applies to prime contractors and it does not require good faith efforts be conducted for lower tier subcontracts. Based on the size and scope of the work for this project, it was determined there would be significant first-tier subcontracts apportioned to the piping, site civil, facilities, and landscaping work that will more than likely exclude M/W/ESB subcontractors due to the complexity and size of the work. The modified good faith effort process went one step further requiring the first-tier subcontractors to perform good faith efforts with M/W/ESB firms for any work they intend to subcontract, thus maximizing the potential for M/W/ESB participation.

On May 25, 2011, Council accepted the bid of SSC Construction (SSC), Inc. and directed Procurement Services to prepare and execute a contract. On May 26, 2011, Contract Number 30002100 was executed. As a condition of receiving the Phase 1 (Limited) Notice to Proceed to begin work, SSC was required to create a Minority, Women and Emerging Small Business Program Construction Plan (Plan) outlining the processes to be used for maximizing the participation of minority, women, and emerging small business (M/W/ESB) contractors throughout all construction phases.

As part of the Chief Procurement Officer's May 25 Report to Council, Procurement Services was directed to not only execute the contract, but to also return to Council to report on the results of the modified good faith effort process and SSC's Minority, Women and Emerging Small Business Program Construction Plan.

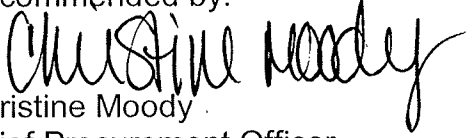
SSC's Plan is attached hereto as Exhibit A and will be incorporated into the contract by change order. SSC will require that all first-tier subcontractors with contracts in excess of \$100,000 comply with this Plan and accordingly will take all reasonable steps to accomplish the aspirational target of \$13 million in M/W/ESB subcontractor participation

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

which is 35% of the overall subcontracted amount of \$37,979,688.00 on this project. To ensure that agreed upon goals and aspirations are met, SSC has designated Mr. Mick Haggerty as the M/W/ESB Outreach Program Coordinator who will be responsible for conducting outreach and implementing the Plan throughout the duration of the project.

Recommended by:

A handwritten signature in black ink, appearing to read "Christine Moody", written in a cursive style.

Christine Moody
Chief Procurement Officer

CM:kbm

FINANCIAL IMPACT STATEMENT For Council Action Items

INITIATOR'S SUMMARY OF COUNCIL ACTION (Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Teresa Elliott	2. Telephone No. (503) 823-7622	3. Bureau/Office/Dept. Water Bureau / Public Safety
4a. To be filed (date) December 2, 2010	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to FPD Budget Analyst: December 2, 2010

1) **Legislation Title:** Authorize a construction contract and provide payment for the Powell Butte Reservoir 2 Phase 2 Project (Ordinance)

2) **Purpose of the Proposed Legislation:** To authorize the solicitation and provide payment for a contractor to complete the Powell Butte Reservoir 2, Phase 2 Project. The work on the project involves construction of a 50 million gallon buried reservoir at Powell Butte for terminal storage, approximately 5,000 linear feet of a new supply pipeline (Conduit 5), reservoir overflow piping, modifications to the outfall structure near Johnson Creek, new vaults, a maintenance and storage facility, new caretaker's house, interpretive center, park improvements, and mitigation requirements. This work will provide terminal storage, reduce vulnerabilities of the water system and is part of the program to maintain compliance with the Environmental Protection Agency's (EPA) Long Term 2 Enhanced Surface Water Treatment Rule (LT2).

3) **Revenue:**

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated, please identify the source.
No.

4) **Expense:**

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years.) (If the action is related to a grant or contract, please include the local contribution or match required.)

The total Engineer's estimate for this project is \$100,000,000. Funding for the project is available in the FY 2010-11 Budget and will be requested in FY 2011-12, FY 2012-13 and FY 2013-14 Budgets.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created, please include whether they will be part-time, full-time, limited-term or permanent positions. If the position is limited-term, please indicate the end of the term.)

No.

6) Will positions be created or eliminated in future years as a result of this legislation?

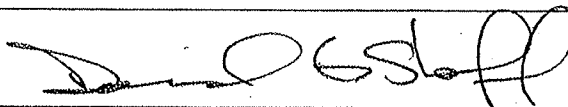
No.

COMPLETE THE FOLLOWING SECTION ONLY IF AN AMENDMENT TO THE BUDGET IS PROPOSED.

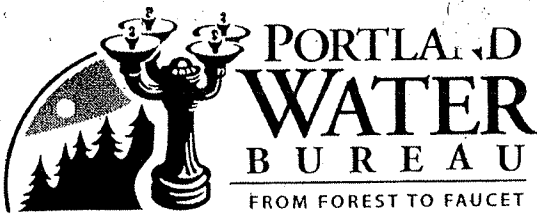
7) **Change in Appropriations:** (If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new cost element needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

David G. Shaff, Administrator



APPROPRIATION UNIT HEAD



Randy Leone, Commissioner
David G. Shaff, Administrator

1120 SW 5th Avenue, Room 600
Portland, Oregon 97204-1926
Information: 503-823-7404
www.portlandonline.com/water




An Equal Opportunity Employer

MEMORANDUM

DATE: April 12, 2011

TO: Christine Moody
Chief Procurement Officer
Procurement Services

FROM: Teresa Elliott 
Principal Engineer
Portland Water Bureau

SUBJECT: Return of Bids for Powell Butte Reservoir No. 2, Phase 2
Project Number W01343, Bid No. 112503

Returned herewith are the bid tabulations for the construction of the Powell Butte Reservoir No. 2, Phase 2.

SSC Construction, Inc. submitted the lowest bid in the amount of \$80,238,574.00. This bid is in compliance with the specifications.

It is recommended that the City accept the proposal of the Apparent Low Bidder, SSC Construction, Inc., as the lowest responsive bidder and award them the contract for this project in the amount of \$80,238,574.00.

Funds are available. (YES or NO)

Attachment: Bid Tabs

EXHIBIT A

LOW-BID SPECIAL PROJECT MINORITY, WOMEN, AND EMERGING SMALL BUSINESS PROGRAM CONSTRUCTION PLAN

I. Program Goal

The objective of SSC Construction's MWESB Program Construction Plan (Plan) on the Powell Butte Reservoir No. 2 Phase 2 Project (Project) is to maximize the utilization of MWESB Contractors to promote their economic growth and to increase competition for City of Portland construction contracts. The goal is to accomplish this objective while ensuring that the Project meets schedule, budget, and quality requirements. SSC construction will aspire to achieve the City's aspirational goal of 35% or \$13 million in MWESB subcontracting participation. SSC Construction will require full cooperation from its subcontractors in achieving the goals of this project.

To ensure that agreed upon goals and aspirations are met, and to assist in the implementation and monitoring, SSC has designated Mick Haggerty as the MWESB Outreach Program Coordinator. Mr. Haggerty will be in charge of the preparation of subcontractor procurement procedures, the MWESB Program Construction Plan, and in initiating MWESB Outreach during the pre-construction and construction services phases.

The procurement of subcontractors for the Project will consist of an open, fair and competitive subcontractor solicitation process, incorporating both SSC Construction's and the City's commitment to the utilization of MWESB's. SSC Construction and its tier 1 subcontractors will use procurement methods as described in Section V of this Plan to emphasize the utilization MWESB subcontractors.

The process, as a minimum, will include timely notification of solicitation requests; availability of and easy access to plans and specifications; identification of subcontracting work feasible for MWESB solicitation; identification of MWESB subcontractors by work categories; facilitating the interest of these subcontractors on the Project; directing prospective bidders to interested MWESB subcontractors and evaluating bid proposals for compliance with the City's solicitation requirements.

II. EEO Certification

All bidders must be currently certified as an Equal Employment Opportunity (EEO) Affirmative Action Employer. SSC Construction is current in its certification and will require all subcontractors to be EEO certified prior to start date and time of bid opening or it could result in delay in the awarding of a contract.

III. Identified Bidding Opportunities

SSC Construction will identify per the Exhibit 2 form attached to this Plan potential subcontract work, much of which will be used for MWESB contract opportunities in the project to meet the established MWESB target amount.

Outreach began during the prebid process and efforts to obtain more MWESB participation will continue as scopes of work become available. During such efforts, many of the tier 1 subcontractors were obtained as they were required to be listed at bid time.

IV. MWESB Awards Target

SSC Construction, through the assistance of its tier 1 subcontractors, will aspire to achieve \$13 million in MWESB subcontractor participation which is 35% of the overall subcontracted amount of \$37,979,688.00 on the Project. Accordingly, SSC Construction and tier 1 subcontractors will take all reasonable steps to accomplish this target.

V. Procurement Methods

For all scopes of work that have not already been listed by SSC Construction in the bid documents for this Project, SSC and tier 1 subcontractors will procure remaining subcontractors in the construction of the Project using the following methods:

1. Direct Negotiations, project packages \$25,000 or less
2. Limited Solicitations, project packages \$100,000 or less
3. Informal Solicitations, project packages not greater than \$350,000
4. Formal Solicitations, project packages greater than \$350,000

The City and SSC Construction require that all tier 1 subcontractors with contracts in excess of \$100,000 will comply with this MWESB plan.

VI. Informal Bid Methods

1. Direct Negotiation - where the Estimated Package Value (EPV) is not greater than \$25,000

Project packages at this level will be negotiated directly with a subcontractor. Only one MWESB subcontractor need be solicited in this category and contract award may occur provided the bid amount is less than \$25,000 and other bid

requirements are properly met.

2. Limited Solicitation - where the EPV is not greater than \$100,000

Project packages at this level will be limited to subcontractor competition. Only two MWESB subcontractors need be solicited in this category and contract award may occur provided the bid amount is less than \$100,000 and other bid requirements are properly met.

3. Informal Solicitation - where the EPV is greater than \$100,000 and less than \$350,000

Project packages at this level will not be advertised; however, solicitations will target a minimum of three MWESB subcontractors indicating interest in bidding the package. If no bids are received, the project package may bid to the open market.

SSC and tier 1 subcontractors will select subcontractor(s) based on budget/price, schedule, qualifications and quality of work.

VII Formal Bid Method

1. Formal Open Solicitation MWESB Requirements - Required - where the EPV is greater than \$350,000

Subcontractor opportunities at this level will, as a minimum, be advertised in the *Daily Journal of Commerce*, *El Hispanic News*, *The Skanner*, *The Portland Observer*, *The Asian Reporter*, other MWESB publications and will be made available for posting on the City's Procurement Services web page. Posting information will be provided to the City Contract Compliance Specialist.

2. SSC Construction and tier 1 subcontractors will conduct pre-bid meetings for all scopes of work that have not already been listed by SSC Construction in the bid documents for this project and with an estimated value greater than \$350,000 until all scopes of work have been awarded. The purpose of the meetings is to provide clarity to bid specifications, encourage bidders to submit proposals, and to reiterate the importance of SSC Construction's commitment to and expectations for MWESB utilization. SSC Construction will coordinate meetings with the City Contract Compliance Specialist to enable attendance at all Pre-bids.

3. Any scopes of work having an EPV greater than \$350,000, regardless of subcontracting tier will be solicited from open market subcontractors. Subcontractors bidding on any package, division of work and/or work element having an EPV greater than \$350,000, will be required to meet the MWESB Outreach Program requirements and including the submission of all required forms. SSC Construction will require all subcontractors, either bidding or quoting work on the Project for a dollar amount greater than \$350,000 to engage MWESB requirements toward utilizing MWESB subcontractors on the work being bid or quoted. SSC Construction will deem bid proposals not meeting this requirement to be non-responsive.

VIII. Outreach Components/Utilization Strategies

1. SSC will conduct outreach conferences apprising MWESB contractors of the subcontracting procurement process and approach to MWESB utilization. The conferences will include information on future bidding opportunities by description of work, anticipated solicitation dates, and divisions of work identified for MWESB and local subcontractor participation. Conference attendees will be informed of the resources that will be available to them during the bidding and construction phases. Conferences may be part of regular scheduled meetings of an MWESB organization.
2. MWESB firms will be provided ample notification of contract opportunities. Outreach must be performed via one of the following methods: mail, email, fax or phone, through the City Procurement Services electronic resources, through minority/women trade associations and general publications. Ads will be placed in El Hispanic News, The Skanner and the Portland Observer. The notifications will inform prospective subcontractors of the type of work, bid date, availability of plans and specifications and technical assistance.
3. Plans and specifications will be available for review at the local plan centers, such as the Daily Journal of Commerce, OAME Plan Center, MCIP and Ford Graphics. SSC will maintain two full sets of plans and specifications for project packages for review at the OAME Plan Center by MWESB firms and via SSC Construction's ftp site, free of charge.
4. SSC Construction will list the names, addresses, etc. of those subcontractors having indicated interest in bidding the scope of work. SSC Construction will in turn mail an RFQ to those interested subcontractors and/or make it available for pick-up. The Request for Quotation will include a proposal number, bid date and time, bid submittal address and fax number.
5. All tier 1 subcontractors with contracts in excess of \$100,000 will conduct outreach as outlined above and the results of the efforts, i.e. the names, addresses, etc. of interested subcontractors will be transmitted to SSC Construction and the City Contract Compliance Specialist.
6. The City Contract Compliance Specialist will be provided with a copy of each project package anticipated to bid, regardless of size, scope or procurement method used, but in accordance with Section V, VI, and VII. All MWESB Forms will be submitted; Quotes, Letters of Intent to Award, and any other required forms, to the City Contract Compliance Specialist for auditing purposes.
7. All subcontractors that have lower tiered subcontractor(s) will be required to submit a Monthly Subcontractor Payment and Utilization Report (Form 3) however all subcontractors can expect to be paid according to accelerated payment requirements,

which is twice monthly.

X Accelerated Payment

All contracts are subject to the requirements of Volume 1 - Part B – 1.13 C-D, Progress Payments and Retained Amounts, and Mid-Month Payments, of the City of Portland Water Bureau Specification for Powell Butte Reservoir No. 2 - Phase 2, , which requires twice-monthly payment to primes and subcontractors. These provisions are mandatory on all contracts of the Project at any tier.

XII. MWESB Replacement Policy and Procedure

SSC Construction will not be permitted to substitute or replace any tier 1 MWESB subcontractors on the Project without adhering to the criteria set forth below. Prior to termination, SSC Construction will notify the City Contract Compliance Specialist in a written statement of the decision and the basis upon which the MWESB is being terminated. SSC Construction will not be permitted to terminate or substitute an MWESB subcontractor without the consent of the City's Chief Procurement Officer. The City's Chief Procurement Officer shall issue a response to the request to substitute or replace a subcontractor within 7 calendar days of receipt of notification from SSC. If a response is not issued within 7 calendar days SSC shall be allowed to substitute or replace the subcontractor without any further action.

While affording maximum opportunities for MWESB subcontractors to participate on the Project, it is imperative that the overall Project budget and schedules be maintained. Any MWESB subcontractor on the Project deemed to warrant replacement will be terminated in accordance with the relevant contract provisions as set forth in project specifications, the MWESB Bid Specifications or Plan requirements, and/or as allowed by law. The basis for termination will be one or more of the following with supportive documentation:

1. Inability of the company to perform the work as required, per plans and specifications
2. Inability to execute a subcontract with the company.
3. Refusal of the company to perform the work as required, as per plans and specifications
4. Mutual agreement of Prime Contractor and the subcontractor not to perform the work due to reasons beyond the control or influence of the Prime.
5. Good Cause
6. Failure to meet bonding requirements as required per plans and specifications

Tier 1 subcontractors will not be permitted to substitute or replace an MWESB subcontractor without notifying SSC and the City Contract Compliance Specialist. Tier 1 subcontractors are expected to follow the above guidelines and provide supportive documentation for the basis of termination.

An MWESB is considered substituted or replaced when any portion of the work identified on Form 1 of the MWESB Requirements is performed with the resources of any firm other than

that MWESB. Resources include supplying the labor, supervision, material, equipment, technical and management expertise to perform the MWESB's work.

If any subcontractor is added or replaced after the bid is submitted, the successful bidder shall make good faith efforts to contract with a MWESB for the work to be performed by that subcontractor. Documentation of these efforts is required, and must be submitted to the City Contract Compliance Specialist regardless of tier.

XIII. Documentation, Reporting and Program Evaluation

The City Contract Compliance Specialist will be provided with a copy of each project package anticipated to bid, regardless of size, scope or procurement method used. All MWESB Forms will be submitted to the City Contract Compliance Specialist for auditing purposes. See Exhibits 2-5.

SSC Construction will provide documentation of outreach efforts in the following forms provided.

- Exhibit 2: MWESB Outreach Program Identification of Subcontracting Opportunities
- Exhibit 3: MWESB Outreach Program Subcontractor and Self-Perform Work List (Form 1)
- Exhibit 4: MWESB Outreach Program Contact/Bids Received Log (Form 2)
- Exhibit 5: MWESB Outreach Program Monthly Subcontractor Payment and Utilization Report (3)

XIV. Required Procurement Documents

- MWESB Program Requirements including all related forms
- Provide specification per solicitation
- Upcoming List of Bids for solicitation, Pre-bid dates
- Provide City of Portland Workforce Training and Hiring Program Specifications including all related forms
- Quarterly reporting of subcontract awards, material & major expenditures in Procurement Services- Electronic Spreadsheet format.
- Presentations of overall project progress to NAMC and OAME is expected quarterly
- Charts and graphs as agreed upon by the City and SSC
- Project Intro Letter

EXHIBIT 2

**MWESB OUTREACH PROGRAM
IDENTIFICATION OF SUBCONTRACTING OPPORTUNITIES**

Location	Scope Of Work	Total Value	Specialty Need	Local Opportunity	MWESB Opportunity	Schedule Requirement	Critical Path	PreCon Procure
Res = Reservoir Site = Site Improvements Bldg = Buildings C5 = conduit 5 R/W = offsite right-way work								
SUBCONTRACTING/								

EXHIBIT 3
MWESB OUTREACH PROGRAM
SUBCONTRACTOR AND SELF-PERFORM WORK LIST
(FORM 1)

NOTE: IF BIDDER IS NOT USING ANY SUBCONTRACTORS ON THE PROJECT, BIDDER MAY
WRITE "SELF PERFORMING ALL WORK" ON THE FORM

Bidder Name:

Total Bid Amount:

Bid Number:

Project Name:

BIDDER SELF-PERFORMING: List below all Work to be self-performed. MWESB Outreach is otherwise required.

WORK BIDDER WILL SELF-PERFORM (MWESB Outreach not required)

DISCLOSE AND LIST ALL SUBCONTRACTORS including those M/W/ESBs, that you intend to use on the project, include their address, telephone #, CCB #, Fax #, the type of work to be done and the dollar amount of the subcontract regardless of the amount of the contract. If this bid includes alternates for additional work, follow the same instructions as above.

LIST ALL SUBCONTRACTORS BELOW (Please Print) Please use <u>correct legal name</u> of Subcontractor	DIVISION OF WORK (Painting, electrical, landscaping, etc.)	DOLLAR AMOUNT OF SUBCONTRACT	Certified Subcontractor MBE/WBE/ESB Check box <input checked="checked" type="checkbox"/>		
			MBE	WBE	ESB
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#	Name Address City/St/Zip Phone# Fax #: CCB# FED ID#		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT 3
SUBCONTRACTOR AND SELF-PERFORM WORK LIST (FORM 1) cont'd

Bidder Name:

Bid Number:

Total Bid Amount:

Project Name:

LIST ALL SUBCONTRACTORS BELOW (Please Print) Please use <u>correct legal name</u> of Subcontractor	DIVISIONS OF WORK (Painting, electrical, landscaping, etc.)	DOLLAR AMOUNT OF SUBCONTRACT	If Certified MBE/WBE/ESB Subcontractor Check box <input checked="checked" type="checkbox"/>		
			MBE	WBE	ESB
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name Address City/St/Zip Phone# Fax # OCCB# FED ID#			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**EXHIBIT 4
CITY OF PORTLAND
MWESB OUTREACH PROGRAM
MWESB CONTACT / BIDS RECEIVED LOG
(FORM 2)**

Contractor Name:

Bid Number:

Contractor shall record their contacts with MBE/WBE/ESB Subcontractors through use of this log. All columns must be completed. Additional forms may be copied if needed.

NAME OF M/W/ESB SUBCONTRACTOR	Divisions of Work <small>Use list provided for areas of subcontracting. (Painting, electrical, landscaping, etc.)</small>	Date Solicitation Letter / Fax Sent	PHONE CONTACT		BID ACTIVITY <small>Check Yes or No</small>			REJECTED BIDS <small>(if bid received & not used)</small>		Notes
			Date of Call	Person Receiving Call	Will Bid	Bid Received	Bid Used	Bid Amount	Article I. Reason Not Used <small>(Price, Scope or Other. If Other, explain in Notes>>)</small>	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article II.	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article III.	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article IV.	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article V.	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article VI.	
MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/>					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		Article VII.	

If an equivalent form is used, it must include all information requested on this form. Completed form may be faxed to: 503-823-6865. The City of Portland is not responsible for delays or problems with fax transmission.

EXHIBIT 5

MWESB OUTREACH PROGRAM

MONTHLY SUBCONTRACTOR PAYMENT AND UTILIZATION REPORT (MUR)

(FORM 3)

☐ I am the Prime

☐ I am a Sub submitting amounts

I've paid to my subs

2. Contract Number

3. Contractor Name

5. Month End Date

6. Project Name

8. Are you being paid twice per month? YES ☐ NO ☐

9. Is this your Final MUR (all subs paid in full)? YES ☐ NO ☐

SECOND TIER PAYMENTS TO SUBCONTRACTORS MUST BE INCLUDED ON THIS REPORT

[illegible]

*SUBCONTRACTORS ADDED AFTER PROJECT AWARD (Must be EEO Certified with the City of Portland)

[illegible]

* **CHANGES TO CONTRACT:** Before replacing, substituting, or adding any subcontractor, please contact the Chief Procurement Officer / Contract Compliance Specialist

Please note: Instructions for completing this report are available on the next page.

BY SIGNING BELOW, I HEREBY CERTIFY THAT THE ABOVE LISTED FIRMS HAVE BEEN UTILIZED BY OUR COMPANY IN THE AMOUNTS REPRESENTED ABOVE AND THAT THE INFORMATION CONTAINED HEREIN IS COMPLETE AND ACCURATE..

Authorized Signature of Contractor Representative

Date _____

Submit by the 15th of the month to Contract Compliance Specialist, Procurement Services, 1120 SW 5th Ave., Room 750, Portland, OR 97204, and Owner's Representative with Progress Payment requests.

EXHIBIT 5

INSTRUCTIONS FOR COMPLETING THE MONTHLY SUBCONTRACTOR PAYMENT & UTILIZATION REPORT

1. **BID NUMBER:** City of Portland Bid Number.
2. **CONTRACT NUMBER:** City of Portland contract number.
3. **CONTRACTOR NAME:** Name of submitting the MUR. Indicate by checking the box whether you are the Prime or a Subcontractor listing payments to your Subs.
4. **PRIME CONTRACT AMOUNT:** Total dollar amount.
5. **MONTH END DATE:** Indicate the month end date you are reporting payments for (i.e. 6/30/08; 07/31/08; 08/31/08, etc).
6. **PROJECT NAME:** As indicated on the contract documents.
7. **PROGRESS REPORT NUMBER:** Enter report No.1 for the first report submitted and subsequent numbers for reports submitted thereafter.
8. **ARE YOU BEING PAID TWICE PER MONTH?:** Indicate whether you are being paid twice per month per the City's Standard Construction Specifications 109.20.
9. **IS THIS YOUR FINAL MUR?:** Please check whether or not this is your final MUR, indicating that all Subcontractors have been paid.
10. **ALL SUBCONTRACTORS LISTED ON SUBPLAN:** Names of all Subcontractors listed on the Contractor's original subcontract plan (Form 1) submitted at bid time.
11. **CHECK IF SECOND TIER SUBCONTRACTOR**
12. **ORIGINAL AWARD AMOUNT (From Form 1 at bid time):** Indicate the dollar amount shown on the Form 1 for each subcontractor at bid time.
13. **AMENDED SUBCONTRACT AMOUNT:** This amount should show the current subcontract amount as it changes throughout the project, reflecting additions or deletions of work.
14. **MONTHLY AMOUNTS:** Please list dollar amount of retainage with-held and actual payment amount (excluding retainage) for the month.
15. **PROJECT TOTALS TO DATE:** The cumulative retainage with-held and total payments (excluding retainage) made to date for each Subcontractor.

SUBCONTRACTORS ADDED AFTER PROJECT WAS AWARDED

16. **SUBCONTRACTOR NAME:** Please list any Subcontractors not appearing on original subplan (Form 1).
17. **CHECK IF SECOND TIER SUBCONTRACTOR**
18. **STATUS:** Indicate the certification status of each Subcontractor listed (i.e. MBE, WBE, and ESB). Leave blank for non-certified Subcontractors.
19. **NATURE / TYPE OF WORK:** Briefly describe Subcontractors work (i.e. Landscaping, Electrical, Paving, etc.).
20. **SUBCONTRACT AMOUNT:** Indicate the dollar amount of the subcontract. If any changes during project, change to reflect current amount here.
21. See #14.
22. See #15.

Completed form may be faxed to: 503-823-6865. The City of Portland is not responsible for delays or problems with fax transmission.

Bid No: 112503
Project Name: Powell Butte Reservoir No. 2 Phase 2
Date Bid Opened: April 7, 2011
Project Manager: Teresa Elliott
Engineers Estimate: \$100,000,000.00

Item No	Description	Est. Quant	Unit	SSC Construction, Inc.		Graham Contracting. Ltd.		PCL Construction Services, Inc.		Kiewit Infrastruccion West Co.	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Mobilization and Demobilization	1	LS	\$400,000.00	\$400,000.00	\$6,750,000.00	\$6,750,000.00	\$4,000,000.00	\$4,000,000.00	\$1,000,000.00	\$1,000,000.00
2	Traffic Control Plan/Maintenance/Inspection	1	LS	\$156,000.00	\$156,000.00	\$5,500.00	\$5,500.00	\$150,000.00	\$150,000.00	\$320,000.00	\$320,000.00
3	Flaggers	30,000	HR	\$45.00	\$1,350,000.00	\$41.00	\$1,230,000.00	\$50.00	\$1,500,000.00	\$20.00	\$600,000.00
	Erosion Control										
4	Plan/Maintenance/Inspection	1	LS	\$320,740.00	\$320,740.00	\$235,000.00	\$235,000.00	\$400,000.00	\$400,000.00	\$580,000.00	\$580,000.00
5	Inlet Protection	500	EA	\$107.50	\$53,750.00	\$53.00	\$26,500.00	\$350.00	\$175,000.00	\$40.00	\$20,000.00
6	Wheel Wash Facility	2	EA	\$141,000.00	\$282,000.00	\$230,000.00	\$460,000.00	\$140,000.00	\$280,000.00	\$7,000.00	\$14,000.00
7	Check Dams	700	EA	\$180.00	\$126,000.00	\$43.00	\$30,100.00	\$172.00	\$120,400.00	\$200.00	\$140,000.00
8	Wattles	100,000	LF	\$2.00	\$200,000.00	\$1.50	\$150,000.00	\$2.00	\$200,000.00	\$2.00	\$200,000.00
9	Sediment Fence, Supported	41,000	LF	\$2.53	\$103,730.00	\$2.00	\$82,000.00	\$3.25	\$133,250.00	\$3.50	\$143,500.00
10	Coir Erosion Control Fabric	2,000,000	SF	\$0.25	\$500,000.00	\$0.20	\$400,000.00	\$0.50	\$1,000,000.00	\$0.10	\$200,000.00
11	Coir Blankets for Sediment Control	500,000	SF	\$0.43	\$215,000.00	\$0.17	\$85,000.00	\$0.85	\$425,000.00	\$0.15	\$75,000.00
12	Temporary Mulching	80,000	SY	\$2.15	\$172,000.00	\$0.20	\$16,000.00	\$0.25	\$20,000.00	\$0.40	\$32,000.00
13	Rock Construction Entrances	18	EA	\$4,300.00	\$77,400.00	\$13,000.00	\$234,000.00	\$6,000.00	\$108,000.00	\$1,000.00	\$18,000.00
14	Temporary Metal Fencing	29,000	LF	\$7.37	\$213,730.00	\$7.25	\$210,250.00	\$7.00	\$203,000.00	\$6.00	\$174,000.00
15	Temporary Plastic Fencing	5,000	LF	\$4.00	\$20,000.00	\$4.00	\$20,000.00	\$6.80	\$34,000.00	\$4.00	\$20,000.00
16	Tree Protection Fencing	6,000	LF	\$3.38	\$20,280.00	\$6.50	\$39,000.00	\$6.25	\$37,500.00	\$5.00	\$30,000.00
17	Removal, Salvage, and Disposal	1	LS	\$107,500.00	\$107,500.00	\$400,000.00	\$400,000.00	\$300,000.00	\$300,000.00	\$700,000.00	\$700,000.00
18	Distribution Water Utility Improvements	1	LS	\$520,077.00	\$520,077.00	\$283,000.00	\$283,000.00	\$600,000.00	\$600,000.00	\$280,000.00	\$280,000.00
19	-----NOT USED-----	N/A	N/A		\$0.00		\$0.00		\$0.00		\$0.00
	Water Quality Sampling Lines and										
20	Chlorination System	1	LS	\$121,000.00	\$121,000.00	\$75,000.00	\$75,000.00	\$65,000.00	\$65,000.00	\$135,000.00	\$135,000.00
21	Site/Civil Improvements	1	LS	\$5,250,000.00	\$5,250,000.00	\$4,250,000.00	\$4,250,000.00	\$3,000,000.00	\$3,000,000.00	\$5,000,000.00	\$5,000,000.00
22	Gates and Fencing	1	LS	\$191,000.00	\$191,000.00	\$245,000.00	\$245,000.00	\$200,000.00	\$200,000.00	\$315,000.00	\$315,000.00
23	Road Improvements	1	LS	\$669,000.00	\$669,000.00	\$1,550,000.00	\$1,550,000.00	\$1,200,000.00	\$1,200,000.00	\$1,300,000.00	\$1,300,000.00
	Permanent Traffic Control Signs, Posts and										
24	Pavement Markings	1	LS	\$50,000.00	\$50,000.00	\$87,000.00	\$87,000.00	\$30,000.00	\$30,000.00	\$70,000.00	\$70,000.00
	PGE Line Extension/Service - SE 158th and										
25	Harrison	1	LS	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	PGE Line Extension/Service - SE 147th and										
26	Powell Blvd	1	LS	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	PGE Line Extension - Maintenance Building										
27	Electrical Service - Reservoir No. 2	1	LS	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
	Mechanical Space and Electrical Room										
28	Electrical Service - Caretaker's Residence	1	LS	\$173,000.00	\$173,000.00	\$105,000.00	\$105,000.00	\$175,000.00	\$175,000.00	\$70,000.00	\$70,000.00
29	Electrical Service - Interpretive Center	1	LS	\$173,000.00	\$173,000.00	\$23,000.00	\$23,000.00	\$10,000.00	\$10,000.00	\$13,000.00	\$13,000.00
30	Fiber Conduit - Maintenance Building	1	LS	\$260,000.00	\$260,000.00	\$17,000.00	\$17,000.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
31	Fiber Conduit - Mechanical Space	1	LS	\$173,000.00	\$173,000.00	\$80,000.00	\$80,000.00	\$47,000.00	\$47,000.00	\$50,000.00	\$50,000.00
32	Fiber Conduit - Caretaker's Residence	1	LS	\$173,000.00	\$173,000.00	\$34,000.00	\$34,000.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00
33	Fiber Conduit - Interpretive Center	1	LS	\$173,000.00	\$173,000.00	\$32,000.00	\$32,000.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00
34	Reservoir No. 2	1	LS	\$173,000.00	\$173,000.00	\$33,000.00	\$33,000.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
35	Inspection Vault	1	LS	\$37,583,867.00	\$37,583,867.00	\$23,800,000.00	\$23,800,000.00	\$40,324,870.00	\$40,324,870.00	\$38,051,000.00	\$38,051,000.00
36	Mechanical Space and associate Electrical										
37	and Water Quality Rooms and Structures	1	LS	\$4,000,000.00	\$4,000,000.00	\$4,100,000.00	\$4,100,000.00	\$4,200,000.00	\$4,200,000.00	\$9,500,000.00	\$9,500,000.00
	90-inch Diameter Steel Pipe:										
	Inlet Pipe - From Sta "IP" 2+90 To Sta "IP" 10+28										
	Conduit 5 - From Sta "C5" 1+00 To Sta "C5" 1+67	1	LS								
	(Remainder of 90-inch pipe work is "Owner Selected Additive Work", See Below)										
38	Conduit 5 Bypass, 66-inch Diameter Steel Pipe	1	LS	\$3,713,000.00	\$3,713,000.00	\$4,200,000.00	\$4,200,000.00	\$2,000,000.00	\$2,000,000.00	\$3,300,000.00	\$3,300,000.00
39	Reservoir No. 2 Connections to SE Feeder Pipeline (WCSL) and Inlet Pipe	1	LS	\$253,000.00	\$253,000.00	\$675,000.00	\$675,000.00	\$290,000.00	\$290,000.00	\$370,000.00	\$370,000.00
40	Overflow and Reservoir Drain Pipe, 78-inch Diameter Steel Pipe	1	LS	\$663,000.00	\$663,000.00	\$650,000.00	\$650,000.00	\$600,000.00	\$600,000.00	\$860,000.00	\$860,000.00
41	Johnson Creek Outfall Structure	1	LS	\$4,600,000.00	\$4,600,000.00	\$6,454,650.00	\$6,454,650.00	\$4,664,536.00	\$4,664,536.00	\$4,200,000.00	\$4,200,000.00
42	Improvements	1	LS	\$37,000.00	\$37,000.00	\$78,000.00	\$78,000.00	\$12,000.00	\$12,000.00	\$7,000.00	\$7,000.00
43	Onsite Valve and Flowmeter Vaults	1	LS	\$1,150,000.00	\$1,150,000.00	\$2,950,000.00	\$2,950,000.00	\$2,000,000.00	\$2,000,000.00	\$1,800,000.00	\$1,800,000.00
44	Powell Butte Outlet Flowmeter Vault	1	LS	\$141,000.00	\$141,000.00	\$533,000.00	\$533,000.00	\$250,000.00	\$250,000.00	\$400,000.00	\$400,000.00
	Powell Butte Inlet Flowmeter Vault and										
45	Valve Replacement	1	LS	\$450,000.00	\$450,000.00	\$725,000.00	\$725,000.00	\$620,000.00	\$620,000.00	\$400,000.00	\$400,000.00
46	Southeast Feeder Flowmeter Vault	1	LS	\$130,000.00	\$130,000.00	\$590,000.00	\$590,000.00	\$300,000.00	\$300,000.00	\$315,000.00	\$315,000.00
47	Conduit 2 Valve and Flowmeter Vault Improvements	1	LS	\$850,000.00	\$850,000.00	\$1,420,000.00	\$1,420,000.00	\$1,000,000.00	\$1,000,000.00	\$1,500,000.00	\$1,500,000.00

Bid No: 112503
Project Name: Powell Butte Reservoir No. 2 Phase 2
Date Bid Opened: April 7, 2011
Project Manager: Teresa Elliott
Engineers Estimate: \$100,000,000.00

Item No	Description	Est. Quant	Unit	SSC Construction, Inc.		Graham Contracting. Ltd.		PCL Construction Services, Inc.		Kiewit Infrastruction West Co.	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
48	Conduit 3 Valve and Flowmeter Vault Improvements	1	LS	\$303,000.00	\$303,000.00	\$535,000.00	\$535,000.00	\$550,000.00	\$550,000.00	\$200,000.00	\$200,000.00
49	Conduit 4 Valve and Flowmeter Vault Improvements	1	LS	\$351,000.00	\$351,000.00	\$535,000.00	\$535,000.00	\$320,000.00	\$320,000.00	\$200,000.00	\$200,000.00
50	Conduit 3 Flow Control Vault	1	LS	\$1,051,000.00	\$1,051,000.00	\$1,693,000.00	\$1,693,000.00	\$1,300,000.00	\$1,300,000.00	\$1,850,000.00	\$1,850,000.00
51	Conduit 4 Flow Control Vault	1	LS	\$956,000.00	\$956,000.00	\$1,620,000.00	\$1,620,000.00	\$1,300,000.00	\$1,300,000.00	\$1,423,500.00	\$1,423,500.00
52	Dechlorination Structure, Pumping and Flowmeter Manholes	1	LS	\$833,000.00	\$833,000.00	\$1,860,000.00	\$1,860,000.00	\$1,400,000.00	\$1,400,000.00	\$2,200,000.00	\$2,200,000.00
53	Interpretive Center Building	1	LS	\$590,000.00	\$590,000.00	\$320,000.00	\$320,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00
54	Interpretive Center Displays and Features	1	LS	\$5,500.00	\$5,500.00	\$1,700,000.00	\$1,700,000.00	\$40,000.00	\$40,000.00	\$300,000.00	\$300,000.00
55	Miscellaneous Park Center Improvements	1	LS	\$71,000.00	\$71,000.00	\$105,000.00	\$105,000.00	\$160,000.00	\$160,000.00	\$100,000.00	\$100,000.00
56	Maintenance Building and Yard	1	LS	\$2,000,000.00	\$2,000,000.00	\$1,650,000.00	\$1,650,000.00	\$1,100,000.00	\$1,100,000.00	\$1,543,000.00	\$1,543,000.00
57	Single Family Residence	1	LS	\$456,000.00	\$456,000.00	\$460,000.00	\$460,000.00	\$475,000.00	\$475,000.00	\$434,000.00	\$434,000.00
58	Park Trails	1	LS	\$441,000.00	\$441,000.00	\$660,000.00	\$660,000.00	\$500,000.00	\$500,000.00	\$400,000.00	\$400,000.00
59	Park Center Landscaping	1	LS	\$99,000.00	\$99,000.00	\$97,000.00	\$97,000.00	\$140,000.00	\$140,000.00	\$156,000.00	\$156,000.00
60	Site Planting and Mitigation	1	LS	\$333,000.00	\$333,000.00	\$285,000.00	\$285,000.00	\$750,000.00	\$750,000.00	\$300,000.00	\$300,000.00
61	Reservoir No. 1 Roof Lining Improvements	1	LS	\$2,250,000.00	\$2,250,000.00	\$2,400,000.00	\$2,400,000.00	\$2,441,000.00	\$2,441,000.00	\$2,735,000.00	\$2,735,000.00
62	90-inch Diameter Steel Pipe: Conduit 5 From Sta "C5" 2+20 To Sta "C5" 11+80	1	LS	\$1,012,000.00	\$1,012,000.00	\$2,050,000.00	\$2,050,000.00	\$1,229,000.00	\$1,229,000.00	\$1,600,000.00	\$1,600,000.00
63	90-inch Diameter Steel Pipe: Conduit 5 From Sta "C5" 11+80 To Sta "C5" 17+60	1	LS	\$610,000.00	\$610,000.00	\$1,100,000.00	\$1,100,000.00	\$683,000.00	\$683,000.00	\$840,000.00	\$840,000.00
64	90-inch Diameter Steel Pipe: Conduit 5 From Sta "C5" 17+60 To Sta "C5" 23+90	1	LS	\$458,000.00	\$458,000.00	\$1,385,000.00	\$1,385,000.00	\$815,000.00	\$815,000.00	\$834,000.00	\$834,000.00
65	90-inch Diameter Steel Pipe: Conduit 5 From Sta "C5" 23+90 To Sta "C5" 37+00	1	LS	\$1,583,000.00	\$1,583,000.00	\$3,100,000.00	\$3,100,000.00	\$1,786,000.00	\$1,786,000.00	\$2,530,000.00	\$2,530,000.00
Total				\$80,238,574.00		\$85,750,000.00		\$86,784,556.00		\$91,280,000.00	
SPECIAL CLASS #32B LARGE DIAMETER STEEL WATERLINE				Emery & Sons Construction		Graham Contracting, Ltd.		PCL Construction Services, Inc.		Mountain Cascade, Inc.	
Bid Surety				Yes	BB	Yes	BB	Yes	BB	Yes	BB
Contractor Board License No.				101233		107878		83460		63471	

Agenda No.
REPORT NO.
 Title

Accept the Minority, Women and Emerging Small Business Program Plan of SSC Construction, Inc. for the Powell Butte Reservoir No. 2 Phase 2 Project as part of the Phase 1 (Limited) Notice to Proceed (Procurement Report - Bid No. 112503)

<p>INTRODUCED BY Commissioner/Auditor:</p> <p><i>K. Dillmann on behalf of Mayor Adams</i></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Procurement Services Bureau Head: Christine Moody <i>CM</i></p> <p>Prepared by: Kathleen Brenes-Morua Date Prepared: 07/26/11</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Council Meeting Date August 3, 2011</p> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	<p>CLERK USE: DATE FILED <u>JUL 29 2011</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">AUG 03 2011 ACCEPTED</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	