

# CITY OF PORTLAND

Christine Moo Chief Procurement Offic **Procurement Service** 

OFFICE OF MANAGEMENT AND FINANCE 1120 S.W. Fifth Avenue, Rm. 7

Portland, Oregon 97204-19

Charlie Hales, Mayor Jack D. Graham, Chief Administrative Officer Bryant Enge, Director, Bureau of Internal Business Services

FAX (503) 823-68 TTY (503) 823-68

(503) 823-50

### CONSENT CALENDAR

May 1, 2013

### TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 115341 -NE 33RD DRIVE & BUFFALO SLOUGH CULVERT REPLACEMENT, PHASE 2 for the Bureau of Environmental Services, with a project construction estimate of \$1,700,000.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on March 21, 2013, and four (4) bids were received. The low bid of Dirt & Aggregate Interchange, Inc. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Dirt & Aggregate Interchange, Inc. be accepted at the unit prices quoted in their bid for a total unit price amount of \$1,918,888.00.

The Bureau of Environmental Services along with Procurement Services, identified eleven (11) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$164,618.80 awarded to subcontractors.

The Divisions of Work identified were:

Asphalt Paving	Bridges	Clearing/Grubbing/Mowing/Brushing	Concrete Work
Hauling Services (Trucking)	Metal Fabrication	Sewer, Water & Storm Drain Work	Excavating
Site Clean Up	Striping	Traffic Control Services (Includes TPDT)	

In their bid Dirt & Aggregate Interchange, Inc., indicated their intent to self perform the following divisions of work:

Bridges	Clearing/Grubbing/Mowing/	Sewer, Water & Storm	Site Clean
	Brushing	Drain Work	Up
Excavating	Traffic Control Services	Hauling Services	·
	(Includes TPDT)	(Trucking)	

Total M/W/ESB participation represents 91.5% of the total bid amount, or \$1,756,656.70.

- MBE \$1,754,269.20 performing Bridges, Clearing/Grubbing/Mowing/Brushing, Excavating, Hauling Services (Trucking), Sewer/Water/Storm Drain Work, Site Clean Up, and Traffic Control Services.
- WBE \$2,387.50 performing Permeable Pavers.

Dirt & Aggregate Interchange, Inc. has a current City of Portland Business Tax Registration and their EEO Certification is current through January 18, 2015. The company is located in Fairview, OR, and is a State Certified M/W/ESB Contractor.

Dirt & Aggregate Interchange, Inc. is in Full Compliance with the Equal Benefits Program.

Funds are available for this project under Owner Cost Center E10377.C60.

It is further recommended that a Performance Bond and a Payment Bond each in the amount of 100% of the contract amount be furnished by the Contractor.

It is also recommended that a two (2) year Maintenance/Warranty Bond for 20% of the final contract amount be furnished by the Contractor before final payment is released.

The bid sureties of the remaining bidders should be returned immediately in compliance with Section 5.34.410D of the City Code.

Recommended by:

Christine Moody

Chief Procurement Officer

CM:jab

### BUREAU OF ENVIRONMENTAL SERVICES MEMORANDUM

ENGINEERING SERVICES DIVISION

DATE:

March 28, 2013

TO:

Kathleen Brenes-Morua, Procurement Services

THROUGH: Mark Hutchinson, Construction Division Manager

Susan Aldrich, CIP Manager

FROM:

Nicholas L. Naval, Jr., Construction Project Manager

Lloyd Stauning, Design Project Manager 165

RE:

Bid No. 115341

Project No. E10377

**SUBJECT:** 

NE 33<sup>rd</sup> Drive & Buffalo Slough Culvert Replacement, Phase 2

Contract Award Recommendation

We have reviewed the bids for this project.

The proposal from Dirt & Aggregate Interchange, Inc. shows a bid amount of \$1,918,888.00. which is 1.1% over the Engineer's Estimate of \$1,897,903.00 and is the apparent low bid.

We therefore recommend that Procurement Services accept the proposal from Dirt & Aggregate Interchange, Inc., the apparent low bidder, as the lowest responsible bidder. This recommendation is subject to your evaluation of the bid packet for completeness and responsiveness.

Please contact me at 503-823-7108, if you have any questions.

cc: Bill Ryan

Scott Gibson

Joe Panis

Jaime de la Garza

Neil Bruesch

Neil Choate

Const. File w/sup.docs

ec: Susan Wheaton

TRIM Folder 54.0

Attachment: Bid Tabs

### **GOOD FAITH EFFORT COMPLIANCE REPORT**

COM	OD FAITH EFFORT IPLIANCE REPORT	10213 133
Submission substantially com	plies with Good Faith Effort F	Requirements (YES) NO
Reviewed by:	Brenda Scott	
Date:	3-26-13	

### **PROJECT INFORMATION**

PROJECT NAME & BUREAU	NE 33 <sup>rd</sup> Drive & Buffalo Slough Culvert Replacement, Ph 2(BES)
BID NUMBER	115341
PRE-BID DATE	3-8-13
BID OPEN DATE	3-21-13
BID AMOUNT	\$1,918,888
CONTRACTOR	Dirt & Aggregate Interchange Inc. (MBE)

### AT BID SUBMISSION

QUESTION	YES	NO
Did contractor submit the GFE Form 1 (Subcontractor and Self-Perform Work List)?	х	

### M/W/ESB PARTICIPATION - Total Bid

PARTICIPATION TYPE	TOTAL \$	PERCENTAGE OF TOTAL BID AMOUNT	
MBE	\$1,754,269.20 (prime)	91.4%	
WBE	\$2,387.50	.1%	
ESB	\$0	0%	
Total M/W/ESB Participation	\$1,756,656.70	Total bid – 91.5% Subcontract percentage – 1.5%	

### M/WBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF M/WBE SUBCONTRACTS
\$164,618.80	\$2,387.50	1.5%

# GOOD FAITH DOCUMENTATION (24 HOURS AFTER BID OPENING)

	QUESTION	YES	NO	NOTES
1.	Did prime contractor attend the mandatory pre-bid meeting? (If pre-bid meeting was waived, note in NOTES column.) Check sign-up sheet with Buyer.	x		
2.	Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)	x		
3.	Were letters or faxes sent to all M/W/ESBs (in identified DOW's to be subcontracted) at the pre-bid meeting?(Form 2)	x		
4.	Was a minimum of five (5) M/W/ESB firms contacted (in each identified DOW to be subcontracted) by letter or fax to bid on this project?(Form 2)		x	See notes.
5.	Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)	x		
6.	Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?	x		
7.	Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?	x		

GOOD FAITH EFFORT ANALYSIS

	GOOD FAITH EFFORT ANALYSIS
1.	Divisions of Work Identified by City: Asphalt Paving; Bridges; Clearing/Grubbing/Mowing/Brushing; Concrete Work; Excavating; Hauling Services (Trucking); Metal Fabrication; Sewer, Water & Storm Drain Work; Site Cleanup; Striping; and Traffic Control Services (Includes TPDT).
2.	Rationale for non-utilization of subcontractors for suggested Divisions of Work: Self-performing.
3.	All Divisions of Work to be used on this project: Same as #1.
4.	Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project: Miller Factors (WBE Permeable Pavers) - \$2,387.50.
5.	Subcontractor names and subcontract amounts awarded to non-certified firms: Knife River (Asphalt Paving) - \$34,348.05; Van Lom Concrete (Concrete Work) - \$103,610.25; Apply-A-Line (Striping) - \$1,242; and Beko's Welding Inc. (Metal Fabrication) - \$23,031.
6.	Divisions of Work retained by Prime: Bridges; Clearing/Grubbing/Mowing/Brushing; Excavating; Hauling Services (Trucking); Sewer, Water & Storm Drain Work; Site Cleanup; and Traffic Control Services (Includes TPDT).
7.	Bids received from certified firms (not used): Vancouver Paving (WBE) - \$39,864.90.
8.	Check Compliance file for prime contractor. Are there any contract compliance issues in the prime's Compliance file (last 3 years) that should be noted for the Purchasing Agent's Report to Council? No.
9.	Any special Good Faith Efforts undertaken by the Prime Contractor? Yes, in one of the 4 DOW's the prime contacted more than the required number of MWESB's. They also solicited firms in 2 other areas of work – video inspection and permeable pavers (not DOW's).
10.	List of other prime bids received: Note any special Good Faith Efforts taken by the Prime Contractor and if good faith effort documentation submitted (Forms 1/2). James W Fowler - \$2,595,000 (Form 1); Tapani Inc \$2,254,305 (Form 1); and Moore Excavation Inc \$2,426,556 (Form 1).

### Notes:

EEO Cert. Expires: 1/18/15 CCB License No.: 26599 COP License No.: 121585

### Issues:

Form 2 – The prime did not contact the required number of firms in two DOW's: Asphalt Paving – Only 4 contacted, 5 required. Striping – Only 1 contacted, 3 required (only 3 on OMWESB website).

### Clarifications:

Spoke with Corey Pelfrey 4-1-13 who stated that they had documentation showing that the person who performed the GFE found only those limited amount of MWESB firms listed above. I asked him to email that documentation over to me, which he did, along with a long letter of explanation. After reviewing, in summary:

- a) the person doing the GFE searched for DBE's rather than MWESB's, which limited their search (4 asphalt paving & 1 striping) to less than what would have been received had they searched for MWESB's (17 asphalt paving & 3 striping).
- b) they state that they did solicit 5 MWESB's for asphalt paving; they contacted Kodiak Pacific (WBE) for an asphalt paving quote but did not list them on the Form 2. This was not submitted at bid time so cannot be considered.
- c) they did solicit 9 MWESB's in 3 other areas of work (video inspection, permeable pavers and concrete cutting). Note: the concrete cutting solicitations (5 firms) were not shown on the Form 2, but only shown with the letter.
- d) while they didn't perform GFE per exact specification; they show on Form 2 that they exceeded the solicitation requirement by soliciting 24 while the requirement was 18.

Summary of Dirt & Aggregate Interchange Inc.'s Good Faith Efforts:

DOW		Required M/W/ESB Contacts	# M/W/ESBs Contacted	# Bids Received	# Bids Used
91395	ASPHALT PAVING	5	4	1	0
91430	CONCRETE WORK	5	9	0	0
91458	METAL FABRICATION	5	5	0	0
91276	STRIPING	3	1	0	0
Total		18	19	1	0

#### Level of Effort:

	x Moderate Exceed		Met the aspirational goal.
			Exceeded the solicitation requirements and/or achieved some participation.
			Met the minimal solicitation requirements but achieved NO participation.

#### Recommendation:

Approval. The prime contractor is in substantial compliance with the GFE specifications.

Project Ma	nager: i	Lloyd	Staur	iing
Engineers	Estimat	e: \$1.	725.0	00.00

Item		Est.			ate Interchange, nc.	Tana	ni, Inc.	Moore Ev	cavation, Inc.	laman M. F	Foundar Co
No	Description	Quant	SKU		Extended	Unit Price	Extended	Unit Price	Extended		owler Company
1	MOBILIZATION	1	LS	\$244,565.00	\$244,565.00		\$195,000.00		Committee of the commit	Unit Price	Extended
2	TEMPORARY PROTECTION & DIRECTION OF TRAFFIC	1	LS	\$32,300.00	\$32,300.00		\$195,000.00	\$200,000.00 \$35,000.00		\$199,151.50	
3	FLAGGERS	1440	HR	\$56.00	\$80,640.00	\$55.00	\$79,200.00	\$50.00		\$25,000.00	
4	FLAGGER STATION LIGHTING	. 1	EA	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$2,000.00		\$44.00	
5	TEMPORARY TYPE ORANGE PLASTIC MESH FENCE	150	FT	\$10.00	\$1,500.00	\$4.00	\$600.00	\$2,000.00		\$10,000.00	
6	EROSION CONTROL	1	LS	\$20,550.00	\$20,550.00	\$31,500.00	\$31,500.00			\$6.00	
7	POLLUTION CONTROL PLAN	1	LS	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$6,500.00 \$500.00		\$5,000.00	
8	WORK CONTAINMENT PLAN AND SYSTEM	1	LS	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00	\$15,000.00		\$5,500.00	
9	WORK CONTAINMENT BARRIER	250	FT	\$65.00	\$16,250.00	\$25,000.00 \$50.00				\$17,000.00	
10	TURBIDITY MONITORING	1	LS	\$7,500.00	\$7,500.00	\$6,000.00	\$12,500.00	\$60.00		\$50.00	
11	CONTAMINATED MEDIA DISPOSAL	3360	TN	\$65.00	\$218,400.00	\$44.00	\$6,000.00	\$1,500.00		\$5,000.00	
12	CONTAMINATED WATER STORAGE TANK	3	EA	\$5,500.00	\$16,500.00	\$11,500.00	\$147,840.00	\$60.00		\$80.00	
13	TRUCK LINERS	100	EA	\$75.00			\$34,500.00	\$6,000.00		\$3,500.00	
14	REMOVAL OF CURBS	330	FT	\$5.00	\$7,500.00 \$1,650.00	\$200.00	\$20,000.00	\$60.00		\$55.00	
15	REMOVAL OF WALKS AND DRIVEWAYS	31	SY	\$20.00		\$3.00	\$990.00	\$2.00		\$6.00	
16	CLEARING AND GRUBBING	1	LS		\$620.00	\$20.00	\$620.00	\$12.00	\$372.00	\$10.00	
17	EMBANKMENT IN PLACE	5280	SF	\$10,000.00	\$10,000.00	\$10,500.00	\$10,500.00	\$8,000.00	\$8,000.00	\$5,000.00	
18	STONE EMBANKMENT			\$5.15	\$27,192.00	\$6.00	\$31,680.00	\$7.00	\$36,960.00	\$26.00	
19	EXTRA FOR SELECTED STONE BACKFILL MATERIAL	1400	TN	\$24.00	\$33,600.00	\$30.00	\$42,000.00	\$18.00	\$25,200.00	\$68.00	
20	EXTRA FOR SELECTED STONE BACKFILL MATERIAL  EXTRA FOR SELECTED TOPSOIL MATERIAL	963	TN	\$27.00	\$26,001.00	\$30.00	\$28,890.00	\$20.00	\$19,260.00	\$35.00	
21	GENERAL EXCAVATION	782	CY	\$30.00	\$23,460.00	\$30.00	\$23,460.00	\$30.00	\$23,460.00	\$68.00	
22		160	CY	\$50.00	\$8,000.00	\$25.00	\$4,000.00	\$30.00	\$4,800.00	\$13.00	\$2,080.00
23	SUBGRADE GEOTEXTILE	891	SY	\$2.00	\$1,782.00	\$3.00	\$2,673.00	\$1.00	\$891.00	\$1.50	
24	EMBANKMENT GEOTEXTILE	790	SY	\$3.00	\$2,370.00	\$6.00	\$4,740.00	\$2.00	\$1,580.00	\$1.00	
	EXPLORATORY EXCAVATION	48	CY	\$250.00	\$12,000.00	\$75.00	\$3,600.00	\$100.00	\$4,800.00	\$140.00	
25	LOOSE RIPRAP, CLASS 700	6	CY	\$200.00	\$1,200.00	\$115.00	\$690.00	\$180.00	\$1,080.00	\$210.00	
26	VIDEO INSPECTION OF SEWERS, MAINLINE	356	FT	\$3.00	\$1,068.00	\$3.00	\$1,068.00	\$4.00	\$1,424.00	\$2.25	
27	ENGINEERED SHORING	1	LS	\$46,908.00	\$46,908.00	\$75,000.00	\$75,000.00	\$150,000.00	\$150,000.00	\$1.00	
28	TRENCH FOUNDATION STABILIZATION	16	CY	\$100.00	\$1,600.00	\$70.00	\$1,120.00	\$90.00	\$1,440.00	\$140.00	
29	DEWATERING	1	LS	\$60,000.00	\$60,000.00	\$25,000.00	\$25,000.00	\$120,000.00	\$120,000.00	\$1.00	
30	STORMWATER CURB EXTENSIONS	45	SF	\$55.00	\$2,475.00	\$50.00	\$2,250.00	\$100.00	\$4,500.00	\$80.00	
31	SANITARY FORCE MAIN TEMPORARY RELOCATION	1	LS	\$75,755.00	\$75,755.00	\$75,000.00	\$75,000.00	\$160,000.00	\$160,000.00	\$190,000.00	
32	30 INCH PIPE, HDPE ASTM F714 SDR 21, BEDDING TYPE: D	60	FT	\$514.00	\$30,840.00	\$500.00	\$30,000.00	\$360.00	\$21,600.00	\$350.00	
33	CONCRETE MANHOLES, 48 INCH, 0-8 FT DEPTH	1	EA	\$4,470.00	\$4,470.00	\$4,500.00	\$4,500.00	\$11,000.00	\$11,000.00	\$3,400.00	
34	CONCRETE INLETS, TYPE BEEHIVE	1	EΑ	\$1,625.00	\$1,625.00	\$4,000.00	\$4,000.00	\$1,400.00	\$1,400.00	\$1,300.00	
35	DIVERSION OF FLOW	1	LS	\$30,000.00	\$30,000.00	\$90,000.00	\$90,000.00	\$190,000.00	\$190,000.00	\$230,000.00	
36	FILLING ABANDONED STRUCTURES	1	LS	\$4,500.00	\$4,500.00	\$4,000.00	\$4,000.00	\$6,500.00	\$6,500.00	\$6,700.00	
37	PERMANENT PLUGS	2	EA	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,200.00	\$2,400.00		
38	TRENCH RESURFACING W/O BASE, MHMAC, 8"	891	SY	\$44.00	\$39,204.00	\$44.00	\$39,204.00	\$45.00	\$40,095.00	\$4,500.00	\$9,000.00
39	TEMPORARY TRENCH RESURFACING	24	SY	\$50.00	\$1,200.00	\$31.00	\$744.00	\$25.00	\$600.00	\$41.00	\$36,531.00
40	STRUCTURE EXCAVATION	2493	CY	\$25.00	\$62,325.00	\$22.00	\$54,846.00	\$4.00		\$50.00	
41	STRUCTURE EXCAVATION BELOW ELEVATIONS SHOWN	850	CY	\$30.00	\$25,500.00	\$22.00	\$18,700.00	\$4.00 \$60.00	\$9,972.00	\$58.00	\$144,594.00
42	GRANULAR WALL BACKFILL	735	CY	\$47.50	\$34,912.50	\$40.00	\$29,400.00		\$51,000.00	\$55.00	\$46,750.00
43	GRANULAR STRUCTURE BACKFILL	1031	CY	\$47.50	\$48,972.50	\$40.00	\$41,240.00	\$40.00 \$32.00	\$29,400.00	\$175.00	\$128,625.00
44	TRENCH STABILIZATION MATERIAL	142	CY	\$40.00	\$5,680.00	\$40.00	\$41,240.00		\$32,992.00	\$45.00	\$46,395.00
45	STONE EMBANKMENT MATERIAL	142	CY	\$40.00	\$5,680.00	\$30.00		\$125.00	\$17,750.00	\$110.00	\$15,620.00
46	SHORING, CRIBBING AND COFFERDAMS	1	LS	\$77,720.00	\$77,720.00		\$4,260.00	\$100.00	\$14,200.00	\$130.00	\$18,460.00
47	BRIDGE RAILS	1	LS	\$83,490.00	\$83,490.00	\$200,000.00	\$200,000.00	\$225,000.00	\$225,000.00	\$215,000.00	\$215,000.00
48	REINFORCED CONCRETE BOX CULVERT	160	FT	\$2,645.00		\$90,000.00	\$90,000.00	\$120,000.00	\$120,000.00	\$110,000.00	\$110,000.00
49	HEADWALL	2	EA	\$9,288.00	\$423,200.00	\$4,205.00	\$672,800.00	\$2,900.00	\$464,000.00	\$2,300.00	\$368,000.00
50	AGGREGATE BASE	198	CY	\$9,288.00 \$40.00	\$18,576.00	\$10,500.00	\$21,000.00	\$12,000.00	\$24,000.00	\$10,000.00	\$20,000.00
51	CONCRETE CURBS, CURB AND GUTTER	248	FT	\$23.00	\$7,920.00	\$55.00	\$10,890.00	\$38.00	\$7,524.00	\$37.00	\$7,326.00
52	CONCRETE WALKS	475	SF		\$5,704.00	\$40.00	\$9,920.00	\$32.00	\$7,936.00	\$28.00	\$6,944.00
53	CONCRETE CURB, THICKENED CURB AND GUTTER	4/5	FT	\$7.00	\$3,325.00	\$12.00	\$5,700.00	\$7.00	\$3,325.00	\$15.00	\$7,125.00
54	PERMEABLE PAVERS	410		\$23.00	\$920.00	\$55.00	\$2,200.00	\$38.00	\$1,520.00	\$32.00	\$1,280.00
55	LONGITUDINAL PAVEMENT MARKINGS - PAINT	1400	SF FT	\$10.00	\$4,100.00	\$15.00	\$6,150.00	\$10.00	\$4,100.00	\$15.00	\$6,150.00
56	PAVEMENT LEGEND, TYPE B-HS: BICYCLE LANE SYMBOLS			\$0.41	\$574.00	\$1.50	\$2,100.00	\$0.60	\$840.00	\$0.40	\$560.00
57	TYPE "G" SIGNS IN PLACE	2	EA	\$382.00	\$764.00	\$775.00	\$1,550.00	\$400.00	\$800.00	\$360.00	\$720.00
<u></u>	THE O CHOING IN FLACE	2	EΑ	\$150.00	\$300.00	\$500.00	\$1,000.00	\$275.00	\$550.00	\$500.00	\$1,000.00
	Total				\$1,918,888.00		\$2,254,305.00		\$2,426,556.00		\$2,617,372.00
	Bid Surety				Yes BB		Yes BB		Yes BB		
									ies BB		Yes BB
Otto e de ser ser en	Contractor Board License No.				26599		63434		28397		63701

# Agenda No. **REPORT NO.**

Title

Accept bid of Dirt & Aggregate Interchange, Inc. for the NE 33rd Drive & Buffalo Slough Culvert Replacement, Phase 2 project for \$1,918,888 20 (Procurement Report – 115341)

Bid No.

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED APR 26 2013
COMMISSIONER APPROVAL  Mayor—Finance and Administration - Hales  Position 1/Utilities - Fritz  Position 2/Works - Fish  Position 3/Affairs - Saltzman  Position 4/Safety - Novick  BUREAU APPROVAL  Bureau: Procurement Services Bureau Head: Christine Moody  Prepared by: Jeff Blade Date Prepared: 4/25/2013  Financial Impact & Public Involvement Statement	By:  Deputy  ACTION TAKEN:  MAY 01 2013 ACCEPTED PREPARE CONTRACT
Completed Amends Budget Council Meeting Date May 1, 2013  City Attorney Approval: required for contract, code. easement, franchise, charter, Comp Plan	

AGENDA	
TIME CERTAIN Start time:	
Total amount of time needed:(for presentation, testimony and discussion)	
CONSENT 🖂	
REGULAR Total amount of time needed:(for presentation, testimony and discussion)	

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:				
8 III		YEAS	NAYS		
1. Fritz	1. Fritz	1/			
2. Fish	2. Fish				
3. Saltzman	3 <sub>.</sub> Saltzman		16		
4. Novick	4. Novick				
Hales	Hales				