



# CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

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

Christine Mood  
Chief Procurement Office  
Procurement Service  
1120 S.W. Fifth Avenue, Rm. 75  
Portland, Oregon 97204-191  
(503) 823-504  
FAX (503) 823-686  
TTY (503) 823-686

## CONSENT CALENDAR

*Originals*

July 31, 2013

### TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 115607 for SW Vincent/SW Capitol Hwy Sewer Replacement for the Bureau of Environmental Services, with a project construction estimate of \$1,183,500.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on June 11, 2013, and three (3) bids were received. The low bid of Emery & Sons Construction, Inc. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Emery & Sons Construction, Inc. be accepted at the unit price quoted in their bid for a total estimated amount of \$1,085,596.00.

The Bureau of Environmental Services along with Procurement Services, identified three (3) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$345,730.00 awarded to subcontractors.

The Divisions of Work identified were:

Excavating	Hauling Services (Trucking)	Traffic Control Services (Includes TPDT)
------------	--------------------------------	--

In their bid Emery & Sons Construction, Inc. indicated their intent to self-perform the following divisions of work:

Excavating	Hauling Services (Trucking) partial	Traffic Control Services (Includes TPDT)
------------	--	--

In their bid Emery & Sons Construction, Inc. indicated their intent to subcontract the following divisions of work:

Asphalt Paving	Concrete Cutting	Concrete Work	Drilling/Boring	Grading
Hazardous Waste Removal	Landscaping	Sewer, Water & Storm Drain Work		

### *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.*

MWESB participation represents 88.5% or \$305,729.00 of the estimated subcontracting dollars.

- MBE - \$290,729.00 performing Drilling/Boring.
- WBE - \$15,000.00 performing Hauling Services (Trucking).

Emery & Sons Construction, Inc. has a current City of Portland Business Tax Registration and their EEO Certification is current through June 21, 2014. The company is located in Salem, OR, and is not a State Certified M/W/ESB Contractor.

Emery & Sons Construction, Inc. is in Full Compliance with the Equal Benefits Program.

Funds are available for this project under Owner Cost Center E10300.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:** June 18, 2013

**TO:** Kathleen Brenes-Morua, Procurement Services

**THROUGH:** Mark Hutchinson, Construction Division Manager *MA*  
Susan Aldrich, CIP Manager *SA*

**FROM:** Don Poletski, Construction Project Manager *DP 6/19/13*  
Colleen Harold, Design Project Manager *CH 6/18/13*



**RE:** Bid No. 115607  
Project No. E10300

**SUBJECT:** SW Vincent / SW Capitol Hwy. Sewer Replacement  
Contract Award Recommendation

---

We have reviewed the bids for this project.

The proposal from Emery & Sons Construction, Inc. shows a bid amount of \$1,085,596.00, which is 8.41% under the Engineer's Estimate of \$1,185,335.00 and is the apparent low bid.

We therefore recommend that Procurement Services accept the proposal from Emery & Sons Construction, 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 503-823-2968, if you have any questions.

ec: Bill Ryan  
Scott Gibson  
Liz Moorhead  
Curt Obermeyer  
Dave Nunamaker  
Jaime de la Garza  
Neil Bruesch  
Neil Choate  
Susan Wheaten  
Project File  
TRIM Folder 54.0

Attachment: Bid Tabs

# GOOD FAITH EFFORT COMPLIANCE REPORT

*Handwritten initials/signature*  
*Handwritten initials/signature*

Submission substantially complies with Good Faith Effort Requirements		<b>YES</b>	NO
Reviewed by:	Angela Y. Pack		
Date:	6/20/13		

## PROJECT INFORMATION

PROJECT NAME & BUREAU	SW Vincent/SW Capitol Hwy Sewer Replacement (BES)
BID NUMBER	115607
PRE-BID DATE	5/30/13
BID OPEN DATE	6/11/13
BID AMOUNT	\$1,085,596
CONTRACTOR	Emery & Sons Construction Inc.

## AT BID SUBMISSION

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

## M/W/ESB PARTICIPATION – Total Bid

PARTICIPATION TYPE	TOTAL \$	PERCENTAGE OF TOTAL BID AMOUNT
MBE	\$290,729	26.8%
WBE	\$15,000	1.4%
ESB	\$0	0%
<b>Total M/W/ESB Participation</b>	<b>\$305,729</b>	<b>Total bid – 28.2% Subcontract percentage – 88.5%</b>

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

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF M/WBE SUBCONTRACTS
<b>\$345,730</b>	<b>\$305,729</b>	<b>88.5%</b>

**GOOD FAITH DOCUMENTATION (24 HOURS AFTER BID OPENING)**

	QUESTION	YES	NO	NOTES
1.	<i>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.</i>	<b>X</b>		
2.	<i>Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)</i>	<b>X</b>		
3.	<i>Were letters or faxes sent to all M/W/ESBs (in identified DOW's to be subcontracted) at the pre-bid meeting?(Form 2)</i>	<b>X</b>		
4.	<i>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)</i>	<b>X</b>		
5.	<i>Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)</i>	<b>X</b>		
6.	<i>Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?</i>	<b>X</b>		
7.	<i>Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?</i>	<b>X</b>		

**GOOD FAITH EFFORT ANALYSIS**

1.	<b>Divisions of Work Identified by City:</b> Excavating; Hauling Services(Trucking) and Traffic Control Services (includes TPDT)
2.	<b>Rationale for non-utilization of subcontractors for suggested Divisions of Work:</b> Self-performing.
3.	<b>All Divisions of Work to be used on this project:</b> Same as #1 plus (8) Missed Opportunities – Asphalt Paving, Concrete Cutting, Concrete Work, Drilling/Boring, Grading, Hazardous Waste Removal, Landscaping and Sewer, Water & Storm Drain Work.
4.	<b>Certified Subcontractors' name, Cert Type and Subcontract amount used on the Project:</b> Bent Enterprises, Inc.(WBE)(Trucking-Partial) - \$15,000 and Gonzales Boring, Inc.(MBE)(Drilling/Boring) - \$290,729
5.	<b>Subcontractor names and subcontract amounts awarded to non-certified firms:</b> NTA Contracting, Inc.(Excavating-Partial), Brix Paving(Asphalt Paving) - \$13,098, NW Hydro Mulchers, Inc. (Landscaping) - \$975, Bravo Environmental (Sewer, Water & Storm Drain Work-Partial) - \$6,928 and Coral Construction, Co.(Guardrail) - \$4,500
6.	<b>Divisions of Work retained by Prime:</b> Excavating; Hauling Services (Trucking Partial) and Traffic Control Services (includes TPDT). Also retained Missed Opportunities: Concrete Cutting, Concrete Work, Hazardous Waste Removal, Grading, Sewer, Water & Storm Drain Work – Partial
7.	<b>Bids received from certified firms (not used):</b> Missed Opportunity(Drilling/Boring) – Northwest Boring Company (MBE) - \$463,444
8.	<b>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?</b> No.
9.	<b>Any special Good Faith Efforts undertaken by the Prime Contractor?</b> Yes, prime contacted more than the required number of MWESB's in some DOW's. They also solicited and subcontracted to an MBE in an unidentified DOW (Missed Opportunity).

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).** K&R Plumbing - \$1,101,885.00 (Submitted 1<sup>st</sup> Tier, Form 1 & 2); Moore Excavation - \$1,435,037.50 (Submitted 1<sup>st</sup> Tier and Form 1)

**Notes:**

EEO Cert. Expires: 6/21/14

COP License No.: 388018

CCB License No.: 312

**Issues:** None.

**Clarifications:** None.

**Summary of Emery & Sons' Good Faith Efforts:**

DOW		Required M/W/ESB Contacts	# M/W/ESBs Contacted	# Bids Received	# Bids Used
91244	EXCAVATION	5	7	0	0
96239	HAULING SERVICES (TRUCKING)(PARTIAL)	5	5	1	1
99126	DRILLING/BORING (MISSED OPPORTUNITY)	0	6	2	1
Total		10	18	3	2

**Level of Effort:**

X	High	Met the aspirational goal.
	Moderate	Exceeded the solicitation requirements and/or achieved some participation.
	Low	Met the minimal solicitation requirements but achieved NO participation.

**Recommendation:** Approval. The contractor is in compliance with the GFE specifications.

Bid No: 115607

Project Name: SW VINCENT/SW CAPITOL HWY SEWER REPLACEMENT

Date Bid Opened: 6/11/2013

Project Manager: Colleen Harold

Engineers Estimate: \$1,183,500.00

Item		Est.		Spec	Emery & Sons Construction, Inc.		Moore Excavation, Inc.		K&R Plumbing Construction Co, Inc.	
No	Description	Quant	SKU	Reference	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	MOBILIZATION	1	LS	0210	\$200,000.00	\$200,000.00	\$130,000.00	\$130,000.00	\$148,000.00	\$148,000.00
2	TEMPORARY PROTECTION AND DIRECTION OF TRAFFIC	1	LS	0225	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
3	FLAGGERS	500	HR	0225	\$50.00	\$25,000.00	\$52.00	\$26,000.00	\$52.00	\$26,000.00
4	PORTABLE CHANGEABLE MESSAGE SIGNS	4	EA	0225	\$5,000.00	\$20,000.00	\$4,000.00	\$16,000.00	\$4,500.00	\$18,000.00
5	TEMPORARY TYPE ORANGE PLASTIC MESH FENCE	1000	FT	0270	\$3.50	\$3,500.00	\$2.00	\$2,000.00	\$5.00	\$5,000.00
6	EROSION CONTROL	1	LS	0280	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$10,500.00	\$10,500.00
7	CONSTRUCTION ENTRANCE	3	EA	0280	\$3,200.00	\$9,600.00	\$2,400.00	\$7,200.00	\$3,000.00	\$9,000.00
8	SEDIMENT FENCE, UNSUPPORTED	750	FT	0280	\$4.00	\$3,000.00	\$3.00	\$2,250.00	\$10.00	\$7,500.00
9	INLET PROTECTION	4	EA	0280	\$200.00	\$800.00	\$125.00	\$500.00	\$150.00	\$600.00
10	SEDIMENT BARRIER	300	FT	0280	\$5.00	\$1,500.00	\$7.00	\$2,100.00	\$5.00	\$1,500.00
11	POLLUTION CONTROL PLAN	1	LS	0290	\$1,500.00	\$1,500.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00
12	CONTAMINATED MEDIA DISPOSAL	200	TN	0291	\$35.00	\$7,000.00	\$65.00	\$13,000.00	\$20.00	\$4,000.00
13	REMOVAL OF GUARD RAIL	1	LS	0310	\$2,500.00	\$2,500.00	\$1,200.00	\$1,200.00	\$1,500.00	\$1,500.00
14	CLEARING AND GRUBBING	1	LS	0320	\$4,000.00	\$4,000.00	\$12,000.00	\$12,000.00	\$4,500.00	\$4,500.00
15	VIDEO INSPECTION OF SEWERS, MAINLINE	935	FT	0401	\$5.00	\$4,675.00	\$3.50	\$3,272.50	\$4.00	\$3,740.00
16	VIDEO INSPECTION OF SEWERS, LATERAL LAUNCH CAMERA	2	EA	0401	\$300.00	\$600.00	\$300.00	\$600.00	\$250.00	\$500.00
17	VIDEO INSPECTION OF SEWERS, PUSH CAMERA	2	EA	0401	\$300.00	\$600.00	\$300.00	\$600.00	\$250.00	\$500.00
18	TRENCH EXCAVATION, COMMON	450	CY	0405	\$5.00	\$2,250.00	\$15.00	\$6,750.00	\$20.00	\$9,000.00
19	TRENCH EXCAVATION, ROCK	100	CY	0405	\$70.00	\$7,000.00	\$120.00	\$12,000.00	\$200.00	\$20,000.00
20	TRENCH BACKFILL, CLASS B	286	CY	0405	\$20.00	\$5,720.00	\$30.00	\$8,580.00	\$30.00	\$8,580.00
21	ENGINEERED SHORING	1	LS	0405	\$8,000.00	\$8,000.00	\$120,000.00	\$120,000.00	\$21,500.00	\$21,500.00
22	BORING AND JACKING, 36" DIA.	79	FT	0406	\$1,250.00	\$98,750.00	\$1,900.00	\$150,100.00	\$1,480.00	\$116,920.00
23	BORING AND JACKING, 42" DIA.	169	FT	406	\$2,190.00	\$370,110.00	\$1,800.00	\$304,200.00	\$2,250.00	\$380,250.00
24	12 INCH PIPE, HDPE ASTM F714 SDR 26, BEDDING TYPE : D	110	FT	0445	\$175.00	\$19,250.00	\$90.00	\$9,900.00	\$40.00	\$4,400.00
25	24 INCH PIPE, RCP ASTM C76 CLASS V, BEDDING TYPE : B	61	FT	0445	\$300.00	\$18,300.00	\$265.00	\$16,165.00	\$120.00	\$7,320.00
26	CONCRETE CLOSURE COLLARS	1	EA	0445	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$1,200.00	\$1,200.00
27	CONCRETE MANHOLES, 48 INCH, 0-8 FT DEPTH	1	EA	0470	\$14,800.00	\$14,800.00	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00
28	CONCRETE MANHOLES, 48 INCH, DEEPER THAN 8 FT	8	FT	0470	\$150.00	\$1,200.00	\$225.00	\$1,800.00	\$120.00	\$960.00
29	CONCRETE MANHOLES, 60 INCH, 0-8 FT DEPTH	2	EA	0470	\$6,000.00	\$12,000.00	\$9,000.00	\$18,000.00	\$6,500.00	\$13,000.00
30	CONCRETE MANHOLES, 60 INCH, DEEPER THAN 8 FT	18	FT	0470	\$100.00	\$1,800.00	\$300.00	\$5,400.00	\$240.00	\$4,320.00
31	CONCRETE MANHOLES, 96 INCH, 0-8 FT DEPTH	1	EA	0470	\$10,400.00	\$10,400.00	\$22,000.00	\$22,000.00	\$15,500.00	\$15,500.00
32	CONCRETE MANHOLES, 96" INCH DEEPER THAN 8 FT.	7	FT	0470	\$200.00	\$1,400.00	\$800.00	\$5,600.00	\$150.00	\$1,050.00

Item		Est.		Spec	Emery & Sons Construction, Inc.		Moore Excavation, Inc.		K&R Plumbing Construction Co, Inc.	
No	Description	Quant	SKU	Reference	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
33	96" CAISSON	1	LS	0470	\$50,000.00	\$50,000.00	\$335,000.00	\$335,000.00	\$126,000.00	\$126,000.00
34	CONCRETE INLETS, TYPE G-2	2	EA	0470	\$1,200.00	\$2,400.00	\$1,800.00	\$3,600.00	\$2,200.00	\$4,400.00
35	CONCRETE INLETS, TYPE AREA DRAINAGE BASIN OR FIELD INLET	1	EA	0470	\$1,200.00	\$1,200.00	\$1,800.00	\$1,800.00	\$3,000.00	\$3,000.00
36	FILLING ABANDONED STRUCTURES	6	EA	0490	\$1,000.00	\$6,000.00	\$1,700.00	\$10,200.00	\$1,000.00	\$6,000.00
37	CLSM FOR ABANDONED STRUCTURES	55	CY	0490	\$270.00	\$14,850.00	\$168.00	\$9,240.00	\$140.00	\$7,700.00
38	RECONSTRUCT MANHOLE BASE	1	EA	0490	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00
39	DIVERSION OF FLOW	1	LS	0490	\$80,000.00	\$80,000.00	\$92,000.00	\$92,000.00	\$48,000.00	\$48,000.00
40	PERMANENT PLUGS	8	EA	0490	\$450.00	\$3,600.00	\$800.00	\$6,400.00	\$400.00	\$3,200.00
41	TEMPORARY TRENCH RESURFACING	300	SY	0495	\$18.00	\$5,400.00	\$10.00	\$3,000.00	\$10.00	\$3,000.00
42	TRENCH RESURFACING W/O BASE, MHMAC, 4 INCH	150	SY	0495	\$48.00	\$7,200.00	\$44.00	\$6,600.00	\$50.00	\$7,500.00
43	TRENCH RESURFACING W/O BASE, MHMAC, 8 INCH	150	SY	0495	\$80.00	\$12,000.00	\$84.00	\$12,600.00	\$75.00	\$11,250.00
44	AGGREGATE BASE	17	CY	0640	\$48.00	\$816.00	\$80.00	\$1,360.00	\$35.00	\$595.00
45	CONCRETE CURBS, STANDARD CURB	25	FT	0759	\$25.00	\$625.00	\$48.00	\$1,200.00	\$40.00	\$1,000.00
46	CONCRETE CURBS, CURB AND	90	FT	0759	\$40.00	\$3,600.00	\$48.00	\$4,320.00	\$55.00	\$4,950.00
47	GUARDRAIL, TYPE 3, WEATHERIZED	50	FT	0810	\$125.00	\$6,250.00	\$105.00	\$5,250.00	\$125.00	\$6,250.00
48	PERMANENT SEEDING	0.5	AC	1030	\$5,000.00	\$2,500.00	\$2,000.00	\$1,000.00	\$1,500.00	\$750.00
49	TOPSOIL	165	CY	1040	\$60.00	\$9,900.00	\$50.00	\$8,250.00	\$50.00	\$8,250.00
50	METAL STAIRS	1	LS	1095	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$1,700.00	\$1,700.00
Total						\$1,085,596.00		\$1,435,037.50		\$1,101,885.00

Bid Surety

Yes

BB

Yes

BB

Yes

BB

Contractor Board License No.

312

28397

3294



Agenda No.  
**REPORT NO.**  
 Title

Accept bid of Emery & Sons Construction, Inc. for the SW Vincent/SW Capitol Hwy Sewer Replacement for \$1,085,596.00 (Procurement Report - Bid No. 115607)

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>JUL 26 2013</u></p>
<p><b>COMMISSIONER APPROVAL</b>            Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By:           Deputy</p>
<p><b>BUREAU APPROVAL</b>          Bureau: Procurement Services          Bureau Head: Christine Moody </p>	<p><b>ACTION TAKEN:</b></p> <p style="font-size: 1.2em; font-weight: bold;">JUL 31 2013    <b>ACCEPTED</b> <del>PREPARE</del> CONTRACT</p>
<p>Prepared by: Jeff Blade          Date Prepared: 7/12/2013</p>	
<p>Financial Impact &amp; Public Involvement Statement          Completed <input checked="" type="checkbox"/>    Amends Budget <input type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b>          required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b>          required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date    <b>7/31/2013</b></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/>          Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/>  <b>Total amount of time needed:</b> _____          (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. Novick	4. Novick	✓	
Hales	Hales	_____	