



CITY OF PORTLAND
OFFICE OF MANAGEMENT AND FINANCE

Ted Wheeler, Mayor
Tom Rinehart, Chief Administrative Officer
Jennifer Cooperman, Chief Financial Officer, Director,
Bureau of Revenue and Financial Services

Lester Spitler
Chief Procurement Officer
Procurement Services
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REGULAR CALENDAR

July 24, 2019

TO THE COUNCIL:

The Leach Garden is a 17-acre botanical garden located in East Portland, and it serves as both a neighborhood open space and regional botanical educational destination. The garden is run in partnership by Leach Garden Friends (LGF), a non-profit organization and PP&R. For the past 5 years, PP&R and LGF have completed strategic development planning, land-use permits and construction documentation for the Leach Upper Garden Development Project.

The Garden is a City landmark and treasure and requires significant upgrades and seeks to become a nationally identified special place. The project has many complexities which will require creativity and special expertise to sequence and complete effectively. The Project will construct a pollinator garden, a wooded hillside garden, an aerial tree walk, public gathering spaces, an expanded pedestrian pathway system and other site infrastructure improvements.

The Council adopted Ordinance No. 189427 on March 20, 2019 that approved findings, authorized an exemption to the competitive low bid requirements, authorized the alternative contracting method of 2-Step Negotiated RFP for the Project, and authorized payment for the construction of the Leach Upper Garden Project.

A Request for Qualifications (RFQ) Number 00001202 was issued on March 22, 2019, for the construction of the Leach Upper Garden project. Two (2) prime contractors and three (3) subcontractors responded and all were determined qualified and invited to participate in the Step 2 Request for Proposals.

A Request for Proposals for the Leach Botanical Garden Upper Development, RFP No. 00001241, was issued on May 6, 2019. Two (2) proposals were received, reviewed, evaluated, and scored by a five (5)-member evaluation committee including one (1) member of the Minority Evaluator Program in accordance with Portland City Code 5.34. The evaluation committee selected James W. Fowler Company as the highest scoring proposer.

The Chief Procurement Officer recommends the award of a contract to James W. Fowler Company for the construction of the Leach Botanical Garden Upper Development for the Negotiated Price of \$8,185,616.

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.

The City has established an aspirational goal for State of Oregon COBID certified Disadvantaged, Minority, and Women owned firms as well as Emerging Small Businesses and Service-Disabled Veteran owned businesses (D/M/W/ESB/SDVBE) in subcontractor and supplier utilization at 20% of the hard construction costs for the project. James W. Fowler Company has made a commitment of 34.64% utilization of COBID certified subcontractors, material suppliers and manufacturers on this project of which 22.98% is DBE and 11.66% is ESB. James W. Fowler has committed to date a total of \$2,835,118.00 utilization of COBID certified contractors as detailed:

Subcontractor	Certification	Area of work	Ownership	Amount
Eagle Striping Services, Inc.	ESB	Striping	Caucasian/Female	\$8,162.00
Egami Construction, Inc.	D/M/W/ESB	Signage	Asian Pacific/Female	\$2,500.00
Eugene William Construction, LLC	D/M/ESB	Excavation	Native American/Male	\$1,628,717
Faison Construction, Inc.	DBE/MBE	Concrete	African American/Male	\$247,248.00
Innovative Manufacturing and Design, LLC	ESB	Metal fabrication	Caucasian/Male	\$876,016.00
Regional Traffic Management, LLC	D/M/ESB	Traffic Control	Asian Pacific/Male	\$2,475.00
Treecology, Inc.	ESB	Arborist	Caucasian/Male	\$70,000.00

Additionally, James W. Fowlers has committed to utilizing Pacific Landscape Services, Inc. for Landscape Services whose State of Oregon COBID certification was pending and approved on July 3rd, 2019. This change increases dollars going State of Oregon COBID firms from \$2,835,118 (34.64%) to \$4,524,569 (55.28%).

Subcontractor	Certification	Area of work	Ownership	Amount
Pacific Landscape Services, Inc.	WBE	Landscape	Caucasian/Female	\$1,689,451.00

James W. Fowler is located in Dallas, Oregon, and is not a State Certified D/M/W/ESB Contractor. They have a current City of Portland Business Tax Registration and EEO Certification, and are in Full Compliance with the City's contracting requirements.

Funds are available for this project under Owner Cost Center P10515.

It is recommended that a Performance Bond and Payment Bond each at 100% of the contract amount be furnished by the Contractor. Further, 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:

Lester Spitler
Chief Procurement Officer

LS:mss

Agenda No. _____

Item Type: Report _____ No. _____

Council Meeting Date: July 24, 2019 _____

Title: Accept Negotiated Price of \$8,185,616 from James W. Fowler Co. for the construction of the Leach Upper Garden Project. (Procurement Report - RFP No. 00001241)

AGENDA TYPE

Consent

Regular

Time Certain Start Time

Item 1 of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): 15 Minutes

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Mustafa Washington Digitally signed by Mustafa Washington Date: 2019.07.16 12:17:29 -0700

Position 1/ Utilities - Fritz

Position 2/ Works - Fish

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

1) Is a completed Impact Statement attached? Yes

3) Is the item a Code ordinance? Yes No

If yes, Auditor Office Approval

5a) Is item a Portland Policy Document or Administrative Rule? Yes No

BUREAU APPROVALS

Bureau: OMF/BRFS

OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart Date: 2019.07.09 08:33:08 -0700

Bureau Approval: Jennifer Cooperman Digitally signed by Jennifer Cooperman Date: 2019.07.08 10:16:46 -0700

Prepared By: Mahn Saechao

Date Prepared: July 3, 2019

2) Does the item amend the budget? Yes No
If yes, Budget Office Approval

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? Yes No
If yes, Attorney Office Approval

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? Yes No

ACTION TAKEN:

JUL 24 2019 **ACCEPTED** PREPARE CONTRACT

CLERK USE: DATE FILED 7/16/19

Mary Hull Caballero
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont Date: 2019.07.17 11:07:57 -0700
Deputy

FOUR-FIFTHS AGENDA

- 1. Fritz
- 2. Fish
- 3. Hardesty
- 4. Eudaly
- Wheeler

COMMISSIONERS VOTED AS FOLLOWS:

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	<input type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	<input type="checkbox"/>	<input type="checkbox"/>
Wheeler	<input checked="" type="checkbox"/>	