

Agenda No. 148

REPORT

Accept bid of Brown Contracting, Inc. for the Downtown I-405 Pedestrian Safety and Operational Improvements Project for \$2,088,823 (Procurement Report - Bid No. 00001557)

March 10, 2021

TO THE COUNCIL:

On May 6, 2020, Council approved Ordinance Number 189950 for Procurement Services to competitively solicit the Downtown I-405 Pedestrian Safety and Operational Improvements Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00001557 on behalf of the Portland Bureau of Transportation (PBOT), with a project construction estimate range of \$1,000,000 - \$2,000,000. PBOT rated the project estimate confidence level as low .

Bids were opened on January 7, 2021, and seven (7) bids were received. The low bid from Brown Contracting, Inc, was responsive to the solicitation requirements, thus it is recommended that Brown Contracting, Inc bid be accepted at the estimated unit prices quoted for a total bid amount of \$2,088,823.

Ordinance No. 179568 authorized PBOT to participate in Oregon Department of Transportations (ODOT) Local Public Agency Certification Program for the delivery of federal-aid projects. On June 29, 2011, ODOT's Director informed the Mayor that PBOT had successfully completed the requirements to become fully certified, and City Council accepted ODOT's certification acknowledgement by Ordinance No. 184710. This is a federal-aid transportation project under the ODOT Federal-Aid Highway Program. Under ODOT's

Introduced by
Mayor Ted Wheeler

Bureau
Management and
Finance

Prepared by
Mahn Saechao

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February 8, 2021

**Requested Council
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**Requested Agenda
Type**
Regular

Time Requested
15 minutes

Date Filed with Clerk
March 2, 2021

certification, this project will be reviewed and audited by ODOT for federal-aid project compliance.

Part of the certification is that ODOT shall administer on behalf of the City, ODOT's Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), and On-The-Job Training (OJT) programs. As such, ODOT establishes the minimum DBE goals for each federal-aid project in compliance with 49 CFR 26. The criteria used in assigning project goals includes: project location, size, duration, dollar value, and the availability of DBE firms that can perform identified subcontracting opportunities. This project has an 16% DBE goal. ODOT deemed Brown Contracting, Inc to be responsive to the DBE requirement. Brown Contracting, Inc has a committed DBE participation goal of 32.18%. State based certifications other than DBE are not reported in Federal Aid projects.

Brown Contracting, Inc has identified the following COBID firm as a participating company:

Contractor	Certification	Area of Work	Ownership	Amount
Affordable Electric, Inc.	DBE	Electrical	African American/male	\$672,180

Brown Contracting, Inc is located in Eugene, Oregon, and is not a State of Oregon Certified COBID Contractor. They have a current City of Portland Business Tax Registration, EEO Certification, and are in Full Compliance with the City's contracting requirements.

PBOT has funds budgeted in FY 19-20 and budget and five-year CIP forecast for construction, inspection and management of the project.

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

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

Recommended by:

Kathleen Brenes-Morúa

Interim Chief Procurement Officer

KBM: mss

Action taken: March 10, 2021 Accepted - Prepare Contract

Four Fifths Agenda	Commissioners voted as follows:		
		YEAS	NAYS
1. Rubio	1. Rubio	✓	
2. Ryan	2. Ryan	✓	
3. Hardesty	3. Hardesty	✓	
4. Mapps	4. Mapps	✓	
Wheeler	Wheeler	✓	