

## Agenda No. 285

### REPORT

Accept bid of MJ Hughes Construction, Inc. for the Balch Creek Trash Rack Retrofit Project for \$3,670,321 (Procurement Report - ITB No. 00001602)

April 28, 2021

TO THE COUNCIL:

On September 30, 2020, Council approved Ordinance Number 190155 for Procurement Services to competitively solicit the Balch Creek Trash Rack Retrofit Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00001602 on behalf of the Bureau of Environmental Services (BES), with a project construction estimate of \$3,000,000. BES rated the project estimate confidence level as Moderate.

Bids were opened on March 16, 2021, and four (4) bids were received. The lowest responsive bid is from MJ Hughes Construction, Inc., thus it is recommended that their bid be accepted at the estimated quoted for a total bid amount of \$3,670,321, which is 5% over the engineer's estimate unit price.

The City's equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization of firms certified by the State's Certification Office for Business Inclusion and Diversity (COBID) applies to this project **MJ Hughes Construction, Inc. has committed to subcontract 20.01% to COBID Certified firms** as follows:

#### **Introduced by**

Mayor Ted Wheeler

#### **Bureau**

Management and Finance

#### **Prepared by**

Rachel Beane

#### **Date Prepared**

April 1, 2021

#### **Requested Council Date**

April 28, 2021

#### **Requested Agenda Type**

Regular

15 minutes requested

#### **Date Filed with Clerk**

April 20, 2021

<b>Subcontractor</b>	<b>Certification</b>	<b>Area of Work</b>	<b>Ownership</b>	<b>Amount</b>
Brother Concrete Cutting, inc.	MBE	Asphalt/Concrete Saw Cutting	Native American /Male	\$100
DSE & Associates, Inc	ESB	Survey & Mapping	Caucasian /Female	\$17,700
Egami Construction, Inc	DMWESB	Traffic Sign Installation & Removal	Asian Pacific /Female	\$7,960
Eugene William Construction, LLC	DMESB	Culvert Hwy Construction	Native American /Male	\$326,000
Fox Erosion Control and Landscape, Inc.	DWBE	Erosion Control & Landscaping	Caucasian /Female	\$45,735
Northwest Geotechnical Consultants, Inc.	DMBE	Lab & Field Testing Services	Hispanic /Male	\$20,000
Reliable Fence & Construction, Inc.	ESB	Fence Install Maintenance & Repair	Caucasian /Male	\$17,000
Zavala Corporation	DMBE	Concrete	Hispanic /Male	\$300,000
<b>Total</b>				<b>\$734,495</b>

MJ Hughes Construction, Inc. acting as the prime contractor intends to self-perform 56.05% of the work and to contract 23.94% to the following non-certified firm:

<b>Subcontractor</b>	<b>Area of Work</b>	<b>Amount</b>
Brix Paving Northwest Inc.	Paving	\$28,500
Pacific Foundation Inc.	Solider Pile Walls	\$850,000
PBS Engineering and Environmental, Inc.	Environmental Consulting	\$100
<b>Total</b>		<b>\$878,600</b>

MJ Hughes Construction, Inc. is located in Vancouver, Washington and is not a State COBID Certified Contractor. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

Funds are available in the Sewer System Operating Fund, FY 20-21 Budget, Bureau of Environmental Services, WBS Element E10583.

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.

Procurement Services recommends that Council accept this Report and authorize the Chief Procurement Officer to execute the contract with Legacy Contracting, Inc.

Recommended by:

Kathleen Brenes-Morua

Interim Chief Procurement Officer

KBM: rab

Action Taken: April 28, 2021 Accepted - Prepare Contract

Commissioners voted as follows (Yea or Nay)

Rubio - Yea

Ryan - Yea

Hardesty - Yea

Mapps - Yea

Wheeler - Yea