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## 190972

Emergency Ordinance

### \*Authorize contract with Kodiak Pacific Construction for the OR99W/SW Barbur Blvd Area: Sidewalk Infill Project for \$1,019,180

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Bureau of Transportation (PBOT) is responsible for the operation and maintenance of public transportation and infrastructure.
2. OR99W/SW Barbur Blvd Area: Sidewalk Infill (Portland) project includes two areas of sidewalk infill where sections of the sidewalk network are missing. Corners in both areas within the project improvements will be brought up to current ADA standards. Sidewalk infill along the north side of SW Custer Drive to provide continuous sidewalk and a multiuse path for people walking and bicycling along the east side of SW 26<sup>th</sup>.
3. PBOT seeks Council's authorization for Procurement Services to execute a contract for the OR99W/SW Barbur Blvd Area: Sidewalk Infill (Portland) Project.
4. In accordance with Portland City Code Chapter 5.34.020, the Chief Procurement Officer is authorized to solicit bids estimated not to exceed \$1,000,000, and the Engineer's Estimate for this Project was \$992,500.50. Bids were solicited and the lowest responsive bid is from Kodiak Pacific Construction Co. in the amount of \$1,019,180.00. PBOT conducted a bid analysis and determined the bidder was 2.69% over the Engineer's Estimate due to the high labor demand currently prevailing within the commercial construction market, and the specialized nature of project completion. The City issued the Notice of Intent to Award a Contract to Kodiak Pacific Construction Co. on July 26, 2022, and no protests were received.
5. 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 certification, this project

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance;](#)  
[Revenue and Financial Services](#)

Contact

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**Requested Agenda Type**

Regular

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

6. 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 a 10% DBE goal. ODOT deemed Kodiak Pacific Construction to be responsive to the DBE requirement. Kodiak Pacific Construction has a committed DBE participation goal of 10.60%. State based certifications other than DBE are not reported in Federal Aid projects.
7. Kodiak Pacific Construction Co. has identified the following COBID firm as a participating company:

Subcontractor	Certification	Area of Work	Ownership	Amount
IMN Traffic Specialties, LLC	DBE	Flagging	African American/Female	\$59,500.00
Frank's Excavating, LLC	DBE	Excavation	Hispanic/Male	\$20,645.00
Egami Construction, INC	DBE	Traffic Signals	Asian Pacific/Female	\$27,842.00
<b>Total</b>				<b>\$107,987.00</b>

8. Kodiak Pacific Construction Co. has a current City of Portland Business Tax Registration and is in Full Compliance with the contracting requirements. They are located in Tualatin, Oregon and are not a State Certified COBID contractor.
9. This estimate construction cost for this contract is \$1,019,180.00, with funds available in the PBOT FY 22/23 budget.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to execute a contract with Kodiak Pacific Construction Co. for a sum of \$1,019,180.00 for the OR99W/SW Barbur Blvd Area: Sidewalk Infill (Portland) Project.
- B. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to PBOT project T00946 Fiscal Year 22/23 funds when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
August 24, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize the Chief Procurement Officer to execute a construction contract for the OR99W/SW Barbur Blvd Area: Sidewalk Infill (Portland) for \$1,019,180.00

The project includes two areas of sidewalk infill where sections of the sidewalk network are missing. Corners in both areas within the project improvements will be brought up to current ADA standards. Sidewalk infill along the north side of SW Custer Drive to provide continuous sidewalk and a multiuse path for people walking and bicycling along the east side of SW 26<sup>th</sup>.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

### Financial and Budgetary Impacts

The engineer's estimate for this project was \$992,500.50. Based on bids received, PBOT anticipates the construction contract cost to be \$1,019,180.00 which is 2.69% over the engineer's estimate.

PBOT conducted a bid analysis that the low bidder was over the Engineer's Estimate due to the high labor demand currently prevailing within the commercial construction market. Building contractors and construction materials are currently in high demand throughout the entire Pacific Northwest, but most specifically in the Portland market. These combined forces are resulting in higher prices for labor, equipment, and materials.

Funding for this project is included in the PBOT FY 22/23 budget.

No present positions will be created, eliminated or re-classified as a result of this legislation.

## Community Impacts and Community Involvement

The construction contracting community, including contractors certified with the State of Oregon as minority, women, and emerging small businesses became involved when the Chief Procurement Officer advertised and publicly posted the project on the City's Online Procurement System and in the DJC Oregon on June 08,2022.

Potential bidders were able to review the competitive solicitation, ask questions, provide comments, and submit a bid in response to the Invitation to Bid (ITB). Bids received resulted in the award of the construction contract. Procurement Services managed the procurement process. No protests were received.

No known persons or groups will be testifying.

No future public involvement is anticipated or necessary for this request.

## 100% Renewable Goal

This Project neither contributes nor takes away for the City's goal of meeting 100 percent community-wide energy needs with renewable energy by 2050.

## Budget Office Financial Impact Analysis

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Funding for this project is included in the PBOT FY 22/23 budget.

## Agenda Items

### 721 Regular Agenda in [August 24, 2022 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea