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78-2023

Report

Accept bid of Faison Construction, Inc. for the Washington Park - South Entry Improvement Project for \$7,665,763 (Procurement Report - ITB 00001976)

Accepted

TO THE COUNCIL:

On October 5, 2022, Council approved Ordinance Number 191019 for Procurement Services to competitively solicit the Washington Park – South Entry Improvement Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00001976 on behalf the Portland Parks & Recreation (PP&R), with a project construction estimate of \$5,200,000. PP&R rated the project estimate confidence level as medium.

Bids were opened on December 13, 2022, and four (4) bids were received. The lowest responsive bid is from Faison Construction, Inc., thus it is recommended that their bid be accepted at the estimated lump sum quoted for a total bid amount of \$7,665,763 which is approximately 47% above the engineer's estimate.

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. **Faison Construction, Inc. has committed to subcontract 24.83% to COBID Certified firms** as follows:

Subcontractor	Certification	Area of Work	Ownership	Amount
Affordable Electric Inc.	DBE/MBE	Electrical	African American/Male	\$343,879
Andersons Erosion Control Inc	DBE/WBE	Landscaping	Caucasian/Female	\$411,407

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Chief Procurement Officer

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

January 25, 2023

Time Requested

15 minutes

Complete Fusion Welding LLC	D/MBE/ESB	Metal Fabrication	African American/Male	\$117,381
Hybrid Construction, LLC	ESB	Seal Cutting	Caucasian/Male	\$156,760
M&M Construction Services, Inc.	WBE	Excavation	Caucasian/Female	\$873,821
Total				\$1,903,248

Faison Construction, Inc. acting as the prime contractor intends to self-perform 33.6% of the work and to subcontract 41.57% to the following non-certified firms:

Subcontractor	Area of Work	Amount
All About Flagging, LLC	Flagging	\$12,000
Crawford, Drummond & Associates, Inc.	Survey	\$48,550
Hatch Western Co Inc.	Asphalt Grinding	\$27,404
Natures Edge Stone Art, Inc.	Stone Masonry	\$2,780,297
NW Geosynthetics	Liner Installation	\$18,769
River City Rebar LLC	Rebar Install	\$90,880
Specialized Pavement Marking LLC	Striping	\$28,126
Vancouver Paving Company	Asphalt Paving	\$181,125
Total		\$3,187,151

Faison Construction, Inc. is located in Portland, Oregon, and is a State COBID Certified DBE/MBE contractor and is an African American male owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

Funding for this Project is included in the 5-year Capital Budget beginning in FY 2022-2023 through PP&R System Development Charges, the Washington Park – Parking Meter Fund, the ADA Transition Plan, a BES Percent for

Green Grant, and ODOT.

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 Faison Construction, Inc.

Recommended by:

Biko Taylor

Chief Procurement Officer

BT: rab

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 Washington Park – South Entry Improvement Project for \$7,665,763.

The Project will include an enhanced grand entry, better access and circulation for pedestrians and cyclists, increased sidewalks, wayfinding and signage, and a functional stormwater garden that satisfies requirements of LU 12-156689 CU.

Ordinance No. 191019 was approved by City Council on October 5, 2022, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Washington Park – South Entry Improvement Project. The construction cost based on bids received is \$7,665,763.

Financial and Budgetary Impacts

The engineer's estimate for this project was \$5,200,000 and the confidence level was medium. Based on the proposal received, the Portland Parks & Recreation (PP&R) anticipates the construction contract cost to not exceed \$7,665,763 which is approximately 49% above the engineer's estimate.

Funding for this Project is included in the 5-year Capital Budget beginning in FY 2022-2023 through PP&R System Development Charges, the Washington Park – Parking Meter Fund, the ADA Transition Plan, a BES Percent for Green Grant, and ODOT.

The purposed legislation will not create, eliminate or re-classify any positions now or in the future.

Community Impacts and Community Involvement

PP&R and its design consultants engaged the public through the focus groups, open houses, and online surveys to reach the final preferred design for the project. Community engagement for the Project began in 2015 and was completed 2019. In April of 2017, PP&R and the Project Team conducted multiple rounds of public outreach to gather feedback on proposed design alternatives for the master plan.

Public comments were received through the “Party in the Park” open house and on-line survey; social media; tabling outreach at three local farmers markets; focus groups conducted in Spanish, Russian, and Vietnamese; and meeting with PP&R staff, the Explore Washington Park board, and the Champion Committee.

Over 2,000 people participated and gave their opinions. Throughout the planning process, PP&R presented information to Arlington Heights, Sylvan-Highlands, and Goose Hollow-Foothill's neighborhood associations.

The community weighed in on three alternative designs. Community feedback resulted in the final preferred design. In addition to the stakeholders identified above, this long robust community engagement period involved Metro (zoo), Japanese Garden, Hoyt Arboretum, Tri-Met, Explore Washington Park, and the World Forestry Center. Additionally, the project included review with the City ADA advisory committee, and two additional public workshops were held for visitors to the Portland Children's Museum and World Forestry Center. The project maintains an active website that allows the community to provide feedback through construction. The above stakeholders and organizations all have significant employee diversity and equity goals, and their responses are reflective of these diverse opinions.

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 noticed the project on the City's Online Procurement System on October 26, 2022. A public notice was also posted in the Daily Journal of Commerce on October 26, 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). Proposals received resulted in the award of the construction contract. Procurement Services managed the procurement process. No protests were received.

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. **Faison Construction, Inc. has committed to subcontract 24.83% to COBID Certified firms** as follows:

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No known persons or groups will be testifying.

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

100% Renewable Goal

This action neither increases nor decreases the City's total energy use.

This action neither increases nor decreases the City's renewable energy use.

Budget Office Financial Impact Analysis

The anticipated contract cost is expected not to exceed \$7.7 million, which is approximately 49% above the original engineer's medium confidence estimate. Funding for this project is available in the bureau's five-year capital budget, backed by PP&R System Development Charges, the Washington Park – Parking Meter Fund, the ADA Transition Plan, a BES Percent for Green Grant, and ODOT. The ongoing operations and maintenance costs for this project will be absorbed within Parks 2020 Local Option Levy in the outyears, or a Council-funded successor resource. A successor resource will need to be identified and secured once the five-year term of the levy expires.

Agenda Items

78 Regular Agenda in January 25, 2023 Council Agenda

Accepted - Prepare Contract

Motion to accept the report: Moved by Ryan and seconded by Gonzalez.

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea