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120-2023

Report

Accept guaranteed maximum price of \$18,077,498 from Stacy and Witbeck, Inc. for construction of the Parklane Park Development Project (Procurement Report - RFP 00001418)

Accepted

February 8, 2023

TO THE COUNCIL:

Ordinance Number 189859 passed by Council on February 12, 2020, authorized Procurement Services to use an alternative contracting method to select a Construction Manager/General Contractor (CM/GC) for the Parklane Park Development Project. The Chief Procurement Officer advertised Request for Proposals (RFP) Number 00001418 on February 27, 2020, for pre-construction services and construction of the Parklane Park Development Project with a combined pre-construction and construction services estimate of \$8,500,000. Portland Parks and Recreation (PP&R) rated the project estimate confidence level as Low at that time.

On April 9, 2020 three (3) proposals were received. The proposals were reviewed, evaluated, and scored by a five (5)-member evaluation committee. The evaluation committee consisted of representatives from PP&R and one member from the Minority Evaluator Program. The evaluation committee selected Stacy and Witbeck, Inc. ("Stacy and Witbeck") as the highest scoring proposer. Pre-Construction Services Contract Number 30007304 was entered into with Stacy and Witbeck, effective June 1, 2020, with an amended value of One Million Two Hundred Thirty-Nine Thousand Two Hundred Ten Dollars and Twenty-Nine Cents (\$1,239,210.29), which includes \$973,421 in Early Work site fill and grading. All Preconstruction Services tasks are complete including final design.

The Chief Procurement Officer recommends the award of a CM/GC construction services contract to Stacy and Witbeck for the Guarantee Maximum Price (GMP) of \$18,077,498, as stated in the GMP Exhibit A, attached to this report. The Pre-Construction Services Contract included project partnering, collaborative project design, constructability reviews,

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

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Requested Agenda Type

Regular

Date and Time Information
Requested Council Date

February 8, 2023

Time Requested

15 minutes

development of construction procurement, management and safety plans, early work construction, cost estimating, and the development of the Guaranteed Maximum Price for construction of the Project.

The Parklane CM/GC Project is the first Regional Workforce Equity Agreement (RWEA) pilot effort by the City that centers on workforce development and safe/anti-racist workspaces for women and people of color with core values: equity, fiscal responsibility, transparency, communication, collaboration and anti-racism. COBID goal is 25% with women identified participation 9%. The Equity Contracting Program focuses on expanding economic opportunities by growing both the demand and capacity of BIPOC and women owned contractors.

RWEA is a collaborative effort between Public Owners and Unions with a collective interest in promoting the use of local vendors, suppliers, contractors, subcontractors, and encouraging the hiring of local area workforce, which will return long-term community benefits. Stacy and Witbeck has committed to meeting the 25% COBID goal but anticipates exceeding the goals with 30% COBID utilization and meeting the 9% women participation. SWI has been instrumental in outreach efforts and developing respectful workplace training as part of preconstruction services. The Construction Diversity and Inclusion Policy (CDIP) Plan from Stacy and Witbeck is attached as Exhibit B to this Report.

Stacy and Witbeck is located in Portland, Oregon, and is not a State Certified COBID 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 P10446.

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.

Recommended by:

Biko Taylor

Chief Procurement Officer

BT: rab

Documents and Exhibits

 [Exhibit A](#) 1.28 MB

 [Exhibit B](#) 469.63 KB

Impact Statement

Purpose of Proposed Legislation and Background Information

Accept Guaranteed Maximum Price of \$18,077,498 from Stacy and Witbeck, Inc. for construction of the Parklane Park Development Project.

The completed 25-acre Project will provide many important community functions including a space for cultural activities, picnic sites for family and group gathering, children's play and active recreation areas for community use, a multipurpose field and courts for team sports, areas for free play, and a large community garden in the Centennial neighborhood.

Ordinance Number 189859 passed by Council on February 12, 2020, authorized Procurement Services to use an alternative contracting method to select a CM/GC for the Parklane Park Development Project. The Chief Procurement Officer advertised Request for Proposals (RFP) Number 00001418 on February 27, 2020, for pre-construction services and construction of the Parklane Park Development Project with a combined pre-construction and construction services estimate of \$8,500,000. The Portland Bureau of Parks and Recreation (PP&R) rated the project estimate confidence level as Low at that time.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

Financial and Budgetary Impacts

Based on the Guaranteed Maximum Price received, PP&R anticipates the construction contract cost to not exceed \$18,077,498 with a High level of confidence. Funding has been approved in the FY 22-23 Budgets.

Funds are available in PP&R's Owner Cost Center P10446.

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

Community Impacts and Community Involvement

The public, construction contracting community, including contractors certified as State of Oregon disadvantaged, minority, women, and emerging small businesses became involved when the Chief Procurement Officer and PP&R advertised a notice of public hearing on the DJC on February 27, 2020.

Potential proposers were able to review the competitive solicitation, attend a pre-proposal meeting, ask questions, provide comments and submit a proposal in response to the Request for Proposals (RFP). Proposals received resulted in the award of the CM/GC Pre-Construction Services contract. Procurement Services managed the procurement process. No protests were received.

The use of a CM/GC contracting method is critical to facilitating this complicated Project with the least amount of disruptions to the general public, business and property owners, and commerce in the project area. This method promotes schedule efficiencies through early Contractor involvement and the incorporation of schedule-saving approaches prior to the completion of the design. The CM/GC method gives the contractor more time to engage the design team in alternatives helping to reduce the overall cost. Early work performed included importing and grading more than 27,000 cy of fill dirt available at no cost from Portland Water Bureau and TriMet, saving nearly \$1 million in project costs. The site includes a 20ac former quarry which required considerable fill to meet finished grades.

Utilizing the CM/GC method allows the City to monitor Contractor outreach and utilization of apprentices, SDVBE/D/M/W/ESB subcontractors and help the City achieve the Regional Workforce Equity Agreement (RWEA) and Construction Diversity and Inclusion Policy (CDIP) objectives for this Project. It also helps to set the City and local economy on a path where more local contractors have the ability to provide CM/GC services while meeting the requirements established by the RWEA. The Parklane CM/GC Project is the first Regional Workforce Equity Agreement (RWEA) pilot effort by the City that centers on workforce development and safe/anti-racist workspaces for women and people of color with core values: equity, fiscal responsibility, transparency, communication, collaboration and anti-racism. COBID goal is 25% with women identified participation 9%. The Equity Contracting Program focuses on expanding economic opportunities by growing both the demand and capacity of BIPOC and women owned contractors.

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No known persons or groups will be testifying.

No future public involvement is anticipated or necessary for this request, other than communications with the neighboring properties and the community concerning construction schedule and impacts.

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

The high-confidence estimate for this cost of this contract is 100% backed by Systems Development Charge revenue in the bureau's Capital Improvement Program Fund to fund this project.

Agenda Items

120 Regular Agenda in [February 8, 2023 Council Agenda](#)

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea