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162-2023

Report

Accept bid of \$1,774,800 from James W Fowler Co. for the Columbia Boulevard Wastewater Treatment Plant Effluent Channel Wash Water Line Replacement Project (Procurement Report - ITB 00001985)

Accepted

On October 5, 2022, Council approved Ordinance Number 190832 for Procurement Services to competitively solicit the Columbia Boulevard Wastewater Treatment Plant Effluent Channel Wash Water Line Replacement Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00001985 on behalf the Bureau of Environmental Services (BES), with a project construction estimate of \$1,500,000. BES rated the project estimate confidence level as high.

Bids were opened on December 13, 2022, and two (2) bids were received. The lowest responsive bid is from James W. Fowler Co., thus it is recommended that their bid be accepted at the estimated unit prices quoted for a total bid amount of \$1,774,800, which is approximately 18.3% 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. **James W. Fowler Co. has committed to subcontract 20.28% to COBID Certified firms** as follows:

Subcontractor	Certification	Area of Work	Ownership	Amount
Brothers Concrete Cutting, Inc.	MBE	Concrete Cutting	Native American/Male	\$11,000
Petrichor Constructors, LLC	WBE/ESB	Piping Supplier	Caucasian/Female	\$349,000
Total				\$360,000

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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 Monday thru Friday 7:30 AM
to 4:00 PM

Requested Agenda Type

Regular

Date and Time Information
Requested Council Date

February 22, 2023

Time Requested

15 minutes

James W. Fowler Co. acting as the prime contractor intends to self-perform 79.72% of the work.

James W Fowler Co. is located in Dalles, Oregon, 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.

Funding for this Project is included in the Sewer System Operating Fund, FY 2021 - 22 Budget.

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 James W. Fowler Co.

Recommended by:

Biko Taylor

Chief Procurement Officer

BT: mss

Impact Statement

Purpose of Proposed Legislation and Background Information

Authorize the Chief Procurement Officer to execute a construction contract for the Columbia Boulevard Wastewater Treatment Plant Effluent Channel Wash Water Line Replacement Project to James W. Fowler Co. The construction cost based on bids received is \$1,774,800.

The Bureau of Environmental Services (BES) operates the Columbia Boulevard Wastewater Treatment Plant (CBWTP) to provide wastewater treatment for the City of Portland, in accordance with State of Oregon Department of Environmental Quality (DEQ) issued NPDES (National Pollutant Discharge Elimination System) permit requirements.

The Bureau of Environmental Services (BES) needs to replace the deteriorated Wash Water Line in the Secondary Clarifier Effluent Channel at the Columbia Boulevard Wastewater Treatment Plant (CBWTP).

Ordinance No. 190832 was approved by City Council on October 5, 2022 authorizing the Chief Procurement Officer to issue a competitive solicitation for the Columbia Boulevard Wastewater Treatment Plant Effluent Channel Wash Water Line Replacement Project on behalf of BES.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

Financial and Budgetary Impacts

Based on bids received, BES anticipates the construction contract cost to be \$1,774,800. The engineer's estimate for this project was \$1,500,000 and the confidence level was . Though this price is higher than the range of anticipated bids, this escalation is most likely due to supply chain shortages which are currently impacting local construction projects. These supply chain shortages have led to higher than anticipated material costs and shipping difficulty contributing to extended wait times and higher costs for receiving goods.

BES conducted a bid analysis and determined that Funds are available in BES' Owner Cost Center WBS Element E11250.C60.

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 noticed the project on the City's Online Procurement System on November 7, 2022.

Potential bidders were able to review the competitive solicitation, attend a pre-bid meeting, 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 is not applicable to this project.

Agenda Items

162 Regular Agenda in [February 22, 2023 Council Agenda](#)

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea