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191197

Emergency Ordinance

*Authorize contract with Just Bucket Excavating, Inc. for the ADA Accessible Sidewalk Rebid Project for \$1,122,180 (Bid 00002033)

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. The City of Portland and the Civil Right Education and Enforcement Center (CREEC) organization have entered a consent decree, and one of its provisions stipulates that the City of Portland will build new ramps and or retrofit non-compliant ramps within the City at the rate of 1500 ADA ramps a year for a period of 12.5 years starting in 2018.
3. Bundle F ADA Accessible Sidewalk Rebid Project will build and retrofit 80 ADA ramps that have been requested by disabled constituents throughout the city.
4. PBOT seeks Council's authorization for Procurement Services to execute a contract for the ADA Accessible Sidewalk Rebid Project.
5. 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 \$989,298. Bids were solicited and the lowest responsive bid is from Just Bucket Excavating, Inc. in the amount of \$1,122,180. PBOT conducted a bid analysis and determined the bidder was 13.4% over the Engineer's Estimate due to the high labor demand currently prevailing within the commercial construction market, the high inflation, and the specialized nature of project completion. The City issued the Notice of Intent to Award a Contract to Just Bucket Excavating, Inc. on January 30, 2023, and no protests were received.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

March 8, 2023

Time Requested

15 minutes

6. 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. Just Bucket Excavating, Inc. has committed to subcontract 36.40% to COBID Certified firms as follows:

Subcontractor	Certification	Area of Work	Ownership	Amount
Bailey's Construction Unlimited	D/M/ESB	Hauling Services	African American /Male	\$68,850
Egami Construction Inc.	D/M/WBE	Signage	Asian Pacific /Female	\$23,660
Nuwave Concrete, Inc.	DBE	Concrete Work ADA Ramps	Caucasian /Male	\$315,996
Total				\$408,506

Just Bucket Excavating, Inc. acting as the prime contractor intends to self-perform 51.77% of the work and to subcontract 11.83% to the following non-certified firms:

Subcontractor	Area of Work	Amount
Prairie Electric Inc.	Electric	\$132,704
Total		\$132,704

7. Just Bucket Excavating, Inc. has a current City of Portland Business Tax Registration and is in Full Compliance with the contracting requirements. Just Bucket Excavating, Inc. is located in Albany, Oregon and is a State COBID Certified DBE/MBE contractor and is an African American male owned firm.

8. This construction cost for this contract is \$1,122,180 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 Just Bucket Excavating, Inc. for a sum of \$1,122,180 for the ADA Accessible Sidewalk Rebid Project.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver checks chargeable to PBOT project T00992 Fiscal Year 22/23 funds when demand is presented and approved by the proper authorities.

Section 2. The Council declares an emergency exists because this project has a time sensitive work window for construction and needs to be constructed immediately to abate the risk of future landslides; 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
March 8, 2023

Auditor of the City of Portland
Simone Rede

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 ADA Accessible Sidewalk Rebid Project for \$1,122,180.

This project is constructing and retrofitting ADA ramps for a total of 80 ramps. The project will also repair aging street light fixture and address drainage issues around the ADA ramps.

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 \$989,298. Based on bids received, PBOT anticipates the construction contract cost to be \$1,122,180 which is 13.4% 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, the high inflation, and the specialized nature of project completion.

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

This project was bid to the Prime Contractor Development Program (PCDP) participants. The construction contracting community, including contractors certified with the State of Oregon as Disadvantaged, Minority, Women, or Emerging Small Businesses became involved during enrollment in the PCDP. Projects bid to PCDP are not bid to the open market and are only available for participants in PCDP.

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.

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. Just Bucket Excavating, Inc. has committed to subcontract 36.40% 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.

Agenda Items**199 Regular Agenda in [March 8, 2023 Council Agenda](#)**

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea