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142-2024

Report

Accept bid of \$4,539,846 from Moore Excavation, Inc. for the Springwater Wetlands Enhancement Project (Procurement Report - ITB 00002188)

Accepted

TO THE COUNCIL:

On August 16, 2023, Council approved Ordinance Number 191418 for Procurement Services to competitively solicit the Springwater Wetlands Enhancement Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002188 on behalf the Bureau of Environmental Service (BES), with a project construction estimate of \$6,028,000. BES rated the project estimate confidence level as moderate.

Bids were opened on November 30, 2023, and four (4) bids were received. The lowest responsive bid is from Moore Excavation, Inc., thus it is recommended that their bid be accepted at the estimated unit prices quoted for a total bid amount of \$4,539,846 which is 25% below 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. **Moore Excavation, Inc. has committed to subcontract 20.01% to COBID Certified firms** as follows:

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
February 14, 2024
Time Requested
15 minutes

Subcontractor	Certification	Area of Work	Ownership	Amount
A2 Metals, LLC	ESB	Handrails & Install	Caucasian/Male	\$25,000
Brothers Concrete Cutting	MBE	Saw Cutting	Native American/Male	\$300

Cutter Construction Co, Inc.	DWBE	Trucking Hauling	Caucasian/Female	\$780,000
Egami Construction Inc.	DWMBE	Signage	Asian Pacific/ Female	\$17,275
Fox Erosion Control and Landscape, Inc.	DWBE	Landscaping	Caucasian/Female	\$85,650
Total				\$908,225

Moore Excavation, Inc. acting as the prime contractor intends to self-perform 72.42% of the work and to subcontract 7.57% to the following non-certified firms:

Subcontractor	Area of Work	Amount
ACS Testing Inc.	Testing Services	\$5,000
B & B Tile and Masonry Corporation	Masonry	\$163,952
Knife River Corporation – Northwest	Asphalt Paving	\$70,806
LaRusso Concrete	Concrete	\$53,216
Longhorn Geomatics	Surveyor Services	\$24,645
STANCO MFG. Inc.	Fence Install, Maintenance & Repair	\$26,070
Total		\$343,689

Moore Excavation, Inc. is located in Fairview, 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.

Funds are available in the Sewer System Operating Fund, FY 24-25 Budget, Bureau of Environmental Services, WBS Element E07383.

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 Moore Excavation, 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 Springwater Wetlands Enhancement Project for \$4,539,846.

The project will improve water quality, enhance habitat, reduce flooding on private property in a historically underserved and socially vulnerable community, and support community amenities in the Lents and Powellhurst-Gilbert neighborhoods.

Ordinance No. 191418 was approved by City Council on August 16, 2023, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Springwater Wetlands Enhancement Project. The construction cost based on bids received is \$4,539,846.

Financial and Budgetary Impacts

The engineer's estimate for this project was \$6,028,000 and the confidence level was moderate. Based on the proposal received, the Bureau of Environmental Services (BES) anticipates the construction contract cost to not exceed \$4,539,846 which is 25% below the engineer's estimate.

Funds are available in the Sewer System Operating Fund, FY 24-25 Budget, Bureau of Environmental Services, WBS Element E07383.

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

Community Impacts and Community Involvement

The project is in the Lents and Powellhurst-Gilbert neighborhoods. As reported by the 2020 US Census, the Lents neighborhood has about 15% and the Powellhurst-Gilbert neighborhood has about 20% of their populations which speak a language other than English at home. Additionally, comparing the poverty rate of the 94 neighborhoods in Portland, Powellhurst-Gilbert and Lents are ranked 87th and 77th respectively. The City of Portland has ongoing and planned outreach with the community. Some community project elements include:

- As part of the project, BES will update the National Flood Insurance Rate Maps for the Johnson Creek floodplain in this area.
- In 2002, Commissioner Salzman stated that fill from the Mid-County Sewer project, currently stockpiled near 111th and Harold, must be removed and is a community priority. This project will fulfill that commitment.
- During the Lents Collaborative process, community members asked to improve neighborhood conditions like increasing sidewalks and/or trails for pedestrians and cyclists and improving access to natural areas. This project will fulfill that need.
- Lents Stabilization and Job Creation Collaborative Oregon Solutions Project Declaration of Cooperation: Oregon Solutions engaged City of Portland bureaus, neighborhood groups, Metro, state and federal agencies, academic institutions, and community-based nonprofits to identify actions that would lessen the impacts of flooding and flood insurance costs on the physically, economically, and socially vulnerable neighborhoods of Lents and Powellhurst Gilbert.
- Regular Community Rating System newsletters to floodplain property owners, including the owners of the properties impacted by the Springwater Wetlands and Floodplain Restoration Project. The newsletter includes information about flood safety, flood plain development regulations, BES' efforts to address flood impacts from Johnson Creek.
- Neighborhood outreach: Lents Neighborhood Association, Lents Livability Association Meeting, Powellhurst-Gilbert Neighborhood Association and Johnson Creek Watershed Council presentations; Native American Community Advisory Council site tours (Fall 2019/Winter 2020). Large community events were delayed due to public health and safety concerns associated with the COVID-19 pandemic.
- Community-based organization partnerships: For over 20 years the City of Portland has actively partnered with organizations like Johnson Creek Watershed Council and Zenger Farms to promote environmental stewardship and education for students and adults about the ecological values of Johnson Creek and its wetlands. Zenger Farms is a working urban farm that models, promotes and educates about sustainable food systems, environmental stewardship, community development and access to good food for all. Many students who participate in these programs come from David Douglas

School District, where 63 native languages are spoken and 24% of students are English-language learners. The experiential and science-based programs teach kids of all backgrounds about food, farming, wetland conservation, and environmental stewardship. The Springwater Project will build upon and further enhance nearby natural area access, education, outreach, and stewardship activities.

- Foster Lents Integration Partnership, a multi-agency effort led by the Portland Development Commission (now Prosper Portland) with community engagement developed an action plan to support a healthier, more prosperous future for the Foster Corridor. This area is part of the Lents Urban Renewal District and includes substantially decreasing flood risks in the Lents and Powellhurst-Gilbert neighborhoods.

Since 2018, Environmental Services has conducted community outreach and public information activities regarding the goals of the project, investigative activities during the design phase such as soil sampling and utility location, demolition and site preparation work, and information on what to expect during construction. Outreach has included:

- Develop and maintain the project webpage.
- Project updates mailed to more than 800 property owners, renters, businesses, and public and private agencies.
- Email updates to the project email list (currently with 540 subscribers)
- Next door updates posted to Lents and Powellhurst-Gilbert neighborhoods totaling 7000 recipients.
- Public presentations to Lents and Powellhurst-Gilbert Neighborhood Associations.
- Focused outreach to nearby property owners to coordinate demolition work and site preparation on adjacent properties.
- Situational email, mail, and phone correspondence to answer community questions, take input, and address concerns.
- BES project information is available in multiple languages online. Fliers communicating what to expect during construction have been translated into 11 different languages. Future outreach will include work to identify underserved or low English proficiency stakeholders (LEP) impacted by construction and develop and implement an equity work plan that may include translating notification materials with site specific messages and use of translators, Community Engagement Liaisons, or other community organizations.

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 September 21, 2023. A public notice was also posted in the Daily Journal of Commerce on September 27, 2023.

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.

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

**142 Regular Agenda in [February 14, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/14)
(<https://www.portland.gov/council/agenda/2024/2/14>)**

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea