

[Home](#) / [Council Documents](#)

## 176-2024

Report

### Accept bid of James W. Fowler Co. General Contractors for the Sellwood Sanitary Sewer Extension for \$6,736,437 (Procurement Report - Bid 00002226)

Accepted

TO THE COUNCIL:

On April 12, 2023, Council approved Ordinance Number 191239 for Procurement Services to competitively solicit the Sellwood Sanitary Sewer Extension in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002226 on behalf of the Bureau of Environmental Services (BES), with an updated project construction estimate of \$7,900,000.

Bids were opened on December 21, 2023, and five (5) 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 \$6,736,437, which is 14.73% under 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 20.71% to COBID Certified firms as follows:**

Subcontractor	Certification	Area of Work	Ownership	Amount
A+ Flagging, Inc.	DBE, MBE, WBE	Flagging services	Hispanic/Female	\$76,320
Brothers Concrete Cutting Inc.	MBE	Concrete breaking and cutting for demolition	Native American (Indian)/Male	\$86,883

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 21, 2024

Time Requested

10 minutes

Cutter Construction Co, Inc.	DBE, WBE	Hauling Services	Caucasian (White)/Female	\$760,400
Egami Construction Inc.	DBE, MBE, WBE	Signs (except electrical) merchant wholesalers	Asian Pacific/Female	\$21,260
TTE, Inc.	ESB	Concrete paving	Caucasian (White)/Male	\$450,000.00
<b>Total</b>				<b>\$1,394,863</b>

James W Fowler Co., acting as the prime contractor intends to self-perform 69.08% of the work and to subcontract 10.21% to the following non-certified firm:

<b>Subcontractor</b>	<b>Area of Work</b>	<b>Amount</b>
A&A Pest Control Inc	Pest Control	\$10,000
Hatch Western Co Inc	Grinding	\$64,922
Knife River Corporation - Northwest	Paving	\$609,795
Sun Coast Environmental NW Inc.	Painting/Coating	\$3,500
<b>Total</b>		<b>\$688,217</b>

James W Fowler Co. is located in Dallas, Oregon, and is not a State COBID Certified Contractor and is a Caucasian (White)/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.

Bureau of Environmental Services has funds budgeted in FY 23-24 for construction, inspection and management of the project.

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: VEH

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Authorize the Chief Procurement Officer to execute a construction contract for the Sellwood Sanitary Sewer Extension to James W Fowler Co. The construction cost based on bids received is \$6,736,437.

The Bureau of Environmental Services (BES) needs to construct sanitary sewer extensions in the Sellwood neighborhood to resolve the nonconforming sewer status of properties that do not currently have direct access to sanitary sewer. The project will build approximately 7,200 feet of mainline sanitary sewer pipe and 153 individual property sewer laterals.

Ordinance No. 191239 was approved by City Council on April 12, 2023, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Sellwood Sanitary Sewer Extension 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 \$6,736,437. The original engineer's estimate for this project was \$7,400,000 and the confidence level was High.

The final engineer's cost estimate was increased to \$7,900,000 due to the addition of 4 ADA ramps and associated roadway paving and drainage improvements on SE 13th Ave identified by PBOT, as well as additional paving on streets throughout the project to meet PBOT standards. There was also an upward adjustment to unit prices for all items due to market prices seen in more recent bids over the last half of 2023.

BES conducted a bid analysis and determined that the lowest bid is a balanced bid and within an acceptable price range of current historical pricing data.

Funds are available in BES's Owner Cost Center E11162.

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 16, 2023.

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 project neither contributes nor takes away from the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

## Agenda Items

**176 Regular Agenda in [February 21, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/21)**  
(<https://www.portland.gov/council/agenda/2024/2/21>)

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea