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## 803-2024

Report

### Accept bid of \$2,473,004 from Faison Construction, Inc. for the Berrydale Park and SE 89th Ave & Taylor St Local Improvement District - Improvement Project (Procurement Report - ITB 00002374; C-10072)

Accepted

September 18, 2024

TO THE COUNCIL:

On December 14, 2022, Council approved Ordinance Number 191117 for Procurement Services to competitively solicit the Berrydale Park and SE 89<sup>th</sup> Avenue & Taylor Street Local Improvement District – Improvement Project in accordance with PCC 5.34. On June 5, 2024, Council approved Ordinance Number 191746 for Procurement Services to competitively solicit the Berrydale Park and SE 89<sup>th</sup> Avenue & Taylor Street Local Improvement District – Improvement Project in accordance with PCC 5.34.

The Chief Procurement Officer has advertised and received bids for Bid Number 00002374 on behalf Portland Parks and Recreation (PP&R), with a project construction estimate of \$3,700,000. PP&R rated the project estimate confidence level as medium.

Bids were opened on August 8, 2024, and five (5) bids were received. The lowest responsive bid is from Faison Construction, Inc., thus it is recommended that their bid be accepted at the estimated quoted for a total bid amount of \$2,473,004 which is 33% 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. **Faison Construction, Inc. has committed to subcontract 25.13% to COBID Certified firms** as follows:

Introduced by

[Mayor Ted Wheeler](#)

City department

[Procurement and Business Opportunities](#)

Contact

Kathleen Brenes-Morua  
Design & Construction,  
Manager II

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📞 [503-865-6156](tel:503-865-6156)

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date  
September 18, 2024

Subcontractor	Certification	Area of Work	Ownership	Amount
M & M Construction Services, Inc.	WBE	Excavation	Caucasian/Female	\$412,919
Miller Factors, LLC	WBE	Landscaping	Caucasian/Female	\$190,182
Jeffrey Raymond Grant	ESB	Fencing	Caucasian/Male	\$18,322
<b>Total</b>				<b>\$621,423</b>

Faison Construction, Inc. acting as the prime contractor intends to self-perform 40.15% of the work and to subcontract 34.72% to the following non-certified firms:

<b>Subcontractor</b>	<b>Area of Work</b>	<b>Amount</b>
Vancouver Paving Company	Asphalt	\$110,712
Bryan R. Green	Plumbing	\$14,100
Evergreen Skateparks LLC	Skatepark Installation	\$307,000
Precision Recreation Contractors, Inc.	Play Equipment	\$88,900
Robotics, Inc.	Survey	\$36,500
Lindberg Electrical	Electrical	\$301,500
<b>Total</b>		<b>\$858,712</b>

Faison Construction, Inc. is located in Portland, Oregon, and a State COBID Certified DBE/MBE Contractor. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

The Portland Parks & Recreation (PP&R) project funding source is from PP&R System Development Charges (SDC) funding, the ADA Transition Plan funding, PP&R PRMS, and PP&R Major Maintenance fund.

The Portland Bureau of Transportation (PBOT) project funding source is primarily from Local Improvement District (LID) funding with additional General Transportation Revenue (GTR) funding from the sidewalk gap budget and PBOT funding of overhead due to residential property owner participation.

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 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 Faison Construction, Inc.

Recommended by:

Kathleen Brenes-Morua

Interim Chief Procurement Officer

KBM: 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 Berrydale Park and SE 89<sup>th</sup> Avenue & Taylor Street Local Improvement District – Improvement Project for \$2,473,004.

The project will include the building of a new skate park, playground structures, seating areas, make ADA improvements, increase lighting for safety, and new pathways to allow better access and mobility.

Ordinance No. 191746 was approved by City Council on April 24, 2019, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Berrydale Park and SE 89<sup>th</sup> Avenue & Taylor Street Local Improvement District – Improvement Project. Ordinance No. 191117 was approved by City Council on December 14, 2022, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Berrydale Park and SE 89<sup>th</sup> Avenue & Taylor Street Local Improvement District – Improvement Project. The construction cost based on bids received is \$2,473,004.

### Financial and Budgetary Impacts

The engineer's estimate for this project was \$3,700,000 and the confidence level was medium. Based on the proposal received, PP&R anticipates the construction contract cost to not exceed \$2,473,004 which is 33% under the engineer's estimate.

The Portland Parks & Recreation (PP&R) project funding source is from PP&R System Development Charges (SDC) funding, the ADA Transition Plan funding, PP&R PRMS, and PP&R Major Maintenance fund.

The Portland Bureau of Transportation (PBOT) project funding source is primarily from Local Improvement District (LID) funding with additional General Transportation Revenue (GTR) funding from the sidewalk gap budget and PBOT funding of overhead due to residential property owner participation.

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

### **Economic and Real Estate Development Impacts**

Not Applicable.

### **Community Impacts and Community Involvement**

PP&R and its design team engaged the public through three (3) in-person open houses and online surveys to reach the final preferred design for the project. Community engagement for the Project began in July 2021 and was completed in June 2022. To best reach diverse communities, PP&R partnered with the Community Engagement Liaisons Services (CELS) for event recruitment and on-site translation and interpretation in Spanish, Vietnamese, and Chinese.

In July 2021, PP&R held an in-person community gathering to discuss design options for the Berrydale Park Improvement Project. The session was hosted by the PP&R project managers, the Community Engagement teams, and the design team. While the main improvement at the time continued to focus on the proposed skatepark, PP&R's goal was to also gain a general understanding of the Berrydale Park community priorities for the park improvements to help inform the project design proposals to be shared at the second open house. Survey responses indicated the type of action sport most practiced at the park and the design style that the community was most interested in seeing. When asked about additional amenities that were most important, responses indicated improved park lighting, site furnishings, and accessible pathways. Responses also showed an overwhelming interest in improved play equipment.

As a result of the open houses and culmination of the feedback received at each meeting, the preferred PP&R design was finalized in November 2022 and shared on the project website. The project maintains an active website that will allow the community to provide feedback through construction. To date the proposed improvements at Berrydale have been met with wide community support.

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 July 5, 2024. A public notice was also posted in the Daily Journal of Commerce on July 10, 2024.

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.

PBOT held an on-site property owner meeting on September 7, 2022 following years of requests from property owners to improve SE 89th Avenue. A Council hearing was held on October 12, 2022 resulting in Council approval of Resolution #37589, which included a much larger project scope than what is included in this bid package. Following property owner feedback following the approval of Resolution #37589, the LID Administrator recommended to City Council at the LID Formation Hearing that all residential properties abutting SE 89th Avenue be excluded from the LID scope. City Council approved this recommendation, resulting in only residential frontage improvements on SE Taylor Street per Council approval of Ordinance #191117, which modified the scope of the LID as originally approved by Resolution #37589.

No known persons or groups will be testifying. PBOT does not typically invite testimony on contract awards at this process follows the steps outlined in Chapter 5 and is not governed by Title 17. PBOT does, however, notify property owners of the start of construction once Council authorizes contract award.

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.

### **Financial and Budget Analysis**

The engineer's estimate for this project was \$3,700,000 and the confidence level was medium. Based on the proposal received, PP&R anticipates the construction contract cost to not exceed \$2,473,004 which is 33% under the engineer's estimate. Both Portland Parks & Recreation (PP&R) and Portland Bureau of Transportation (PBOT) resources will be utilized for the project. PP&R project funding source is from PP&R System Development Charges (SDC) funding, the ADA Transition Plan funding, PP&R Professional Repair and Maintenance Services, and PP&R Major Maintenance fund. PBOT project funding source is primarily from Local Improvement District (LID) funding with additional General Transportation Revenue (GTR) funding from the sidewalk gap budget and PBOT funding of overhead due to residential property owner participation.

## Document History

Item 803 Consent Agenda in [September 18-19, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/9/18) (<https://www.portland.gov/council/agenda/2024/9/18>)

City Council

Accepted - Prepare Contract

Aye (5):

Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler