



CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

Sam Adams, Mayor
Kenneth L. Rust, Chief Administrative Officer
Jeffrey B. Baer, Director, Bureau of Internal Business Services

Christine Moody
Chief Procurement Officer
Procurement Services

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REGULAR CALENDAR

May 19, 2010

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 111605 for the 83rd Avenue Wastewater Pump Station for the Bureau of Environmental Services, with a project construction estimate of \$810,000.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on April 22, 2010, and two (2) bids were received. The low bid of McClure and Sons Inc. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of McClure and Sons Inc. be accepted at the lump sum quoted in their bid for a total amount of \$801,904.00.

The Bureau of Environmental Services along with Procurement Services, identified sixteen (16) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$207,044.00 awarded to subcontractors.

The Divisions of Work identified were:

Asphalt Paving	Excavating	Plumbing
Clearing/Grubbing/Mowing/Brushing	Fencing	Sewer, Water & Storm Drain Work
Concrete Cutting	Hauling Services (Trucking)	
Concrete Work	HVAC	Site Clean Up
Drywall/Sheetrock	Insulation	Traffic Control Services
Electrical	Painting/Wallpapering	(Includes TPDT)

In their bid, McClure and Sons Inc. indicated their intent to self-perform the following divisions of work:

Clearing/Grubbing/Mowing/Brushing	Excavating	Sewer, Water & Storm Drain Work
Concrete Work	HVAC	Site Clean Up
Drywall/Sheetrock	Plumbing	

As part of the Good Faith Effort process, McClure and Sons Inc. solicited 46 bids in 8 DOWs from M/W/ESB subcontractors. The contractor received 6 bids and is awarding 3 subcontracts to M/W/ESBs representing 1.8% or \$ 3,700.00 of the estimated subcontracting dollars.

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

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- MBE - \$2,500.00 performing Concrete Cutting and Traffic Control Services.
 - WBE - \$1,200 performing Hauling Services (Trucking).

McClure and Sons Inc. has a current City of Portland Business License and their EEO Certification is current through May 31, 2012. The company is located in Mill Creek, Washington, and is not a State Certified M/W/ESB Contractor.

McClure and Sons Inc. is in Full Compliance with the Equal Benefits Program.

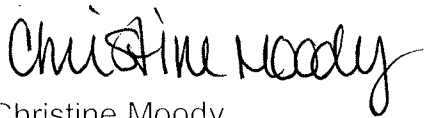
Funds are available for this project under Owner Cost Center WBS Element E08376.

It is further recommended that a Performance Bond and a Payment Bond each in the amount of 100% of the contract amount be furnished by the Contractor.

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.

Recommended by:



Christine Moody
Chief Procurement Officer

CM:kbm

BUREAU OF ENVIRONMENTAL SERVICES
MEMORANDUM
Engineering Services

DATE: April 27, 2010

TO: Kathleen Brenes-Morua, Bureau of Purchases and Stores

FROM: Bill Theiss, Construction Project Mgr. *BT*
Kelly Wood, Design Project Mgr.

THROUGH: Mark Hutchinson, Construction Division Manager *MH*
Susan Aldrich, CIP Manager *SA*

SUBJECT: Awarding Contract for: SE 83rd Avenue Wastewater Pump Station
Bid No. 111605, Project No. E08376



We have reviewed the bids for this project.

The proposal from McClure and Sons, Inc. shows a bid amount of \$801,904.00, which is 12.03% under the Engineer's Estimate of \$911,580.00 and is the apparent low bid.

We therefore recommend that the Bureau of Purchases and Stores accept the proposal from McClure and Sons, Inc., the apparent low bidder, as the lowest responsible bidder. This recommendation is subject to your evaluation of the bid packet for completeness and responsiveness.

Please contact me at 503-823-7931 if you have any questions.

cc: Dan Hebert
Ted Luyben
Gary Hodge
Jaime De La Garza
Scott Gibson
Bill Ryan
Dave Nunamaker
Susan Wheaton
Materials Testing Laboratory
BES File w/sup.docs

Attachment: Bid Tabs

BT/kmf

**GOOD FAITH EFFORT
COMPLIANCE REPORT**

Submission substantially complies with Good Faith Effort Requirements		YES	NO
Reviewed by:	Brenda Kern		
Date:	4-29-10		

PROJECT INFORMATION

PROJECT NAME & BUREAU	SE 83 rd Avenue Wastewater Pump Station (BES)
BID NUMBER	111605
PRE-BID DATE	3-22-10
BID OPEN DATE	4-8-10
BID AMOUNT	\$801,904
CONTRACTOR	McClure & Sons Inc

AT BID SUBMISSION

QUESTION	YES	NO
Did contractor submit the GFE Form 1 (Subcontractor and Self-Perform Work List)?	X	

MWESB PARTICIPATION – Total Bid

PARTICIPATION TYPE	TOTAL \$	PERCENTAGE OF TOTAL BID AMOUNT
MBE	\$2,500	.3%
WBE	\$1,200	.1%
ESB	\$	%
Total MWESB Participation	\$3,700	Total bid – .5% Subcontract percentage – 1.8%

MWBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF MWBE SUBCONTRACTS
\$207,044	\$3,700	1.8%

GOOD FAITH DOCUMENTATION (24 HOURS AFTER BID OPENING)

	QUESTION	YES	NO	NOTES
1.	<i>Did prime contractor attend the mandatory pre-bid meeting? (If pre-bid meeting was waived, note in NOTES column.) Check sign-up sheet with Buyer.</i>	X		
2.	<i>Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)</i>	X		
3.	<i>Were letters or faxes sent to all M/W/ESBs (in identified DOW's to be subcontracted) at the pre-bid meeting?(Form 2)</i>	X		
4.	<i>Was a minimum of five (5) M/W/ESB firms contacted (in each identified DOW to be subcontracted) by letter or fax to bid on this project?(Form 2)</i>	X		
5.	<i>Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)</i>	X		
6.	<i>Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?</i>	X		
7.	<i>Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?</i>	X		

GOOD FAITH EFFORT ANALYSIS

1.	<i>Divisions of Work Identified by City: Asphalt Paving; Clearing/Grubbing/Mowing/Brushing; Concrete Cutting; Concrete Work; Drywall/Sheetrock; Electrical; Excavating; Fencing; Hauling Services (Trucking); HVAC; Painting/Wallpapering; Plumbing; Sewer, Water & Storm Drain Work; Traffic Control Services (includes TPDT);</i>
2.	<i>Rationale for non-utilization of subcontractors for suggested Divisions of Work: Self-performing</i>
3.	<i>All Divisions of Work to be used on this project: Same as #1 plus missed opportunities Masonry: roofing.</i>
4.	<i>Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project: Brothers Concrete Cutting (MBE) - \$800; COAT Flagging (MBE) - \$1,700; Don Hines Trucking (WBE) - \$1,200.</i>
5.	<i>Subcontractor names and subcontract amounts awarded to non-certified firms: Hire Electric Inc - \$121,378; Roof Toppers - \$18,620; James Haberstich Masonry - \$11,700; United Fence Contractors - \$3,838; Brix Paving - \$2,463; Portland Mechanical Contractors - \$23,459; Shields Painting - \$21,886.</i>
6.	<i>Divisions of Work retained by Prime: Concrete Work; Excavating; Plumbing; Site Cleanup; Sewer, Water & Storm Drain Work; Clearing/Grubbing/Mowing/Brushing; Drywall/Sheetrock;</i>
7.	<i>Bids received from certified firms (not used): Sawcutters NW (ESB) - \$900; Fitzpatrick Fence & Rail Inc (ESB) - \$6,740; Ann Phelps Trucking (ESB) - \$80hr; Fine Painting (MBE) - \$28,500; Reliable Fence (ESB) - \$7,321;</i>
8.	<i>Check Compliance file for prime contractor. Are there any contract compliance issues in the prime's Compliance file (last 3 years) that should be noted for the Purchasing Agent's Report to Council? No.</i>
9.	<i>Any special Good Faith Efforts undertaken by the Prime Contractor? No.</i>
10.	<i>List of other prime bids received: Note any special Good Faith Efforts taken by the Prime Contractor and if good faith effort documentation submitted (Forms 1/2). Emery & Sons Inc - \$848,000.</i>

NOTES:

EEO cert: 3-31-10 (expired, see notes)
COP Lic: None
CCB Lic: 71127 Active

Clarifications: (Spoke to: David Bloch 4-29-10 & 4-30-10)

1. HVAC – listed as self-perform and sub, which is it?
 - a. PMC is performing all HVAC work
2. Who is doing the insulation?
 - a. They performed the GFE for it but received no bids but will subcontract this work out.
3. What was the Fine Painting bid amount?
 - a. \$28,500
4. Concrete Cutting – listed as self-perform and sub, which is it?
 - a. Brothers Concrete Cutting - \$800
5. What is the value of Hine Trucking and COAT Flagging?
 - a. Hines - \$1,200 and COAT - \$1,700
6. EEO certification expired as of 3-31-10 and no City of Portland business license. I advised David Bloch that these will both be needed prior to contract.

Issues: No GFE was performed for HVAC.
David stated that originally they were going to do the HVAC work themselves but received a good bid and so changed their minds but didn't do the GFE. He is going to see if they received any HVAC bids from MWESB's. On 4-30-10 David sent me an email that they had decided to self-perform the HVAC work. They will do GFE if they decide to subcontract ANY other work.

Recommendation: Approval. This is a tough one but in that they performed GFE in all the other DOW's (including some they decided to self-perform). I believe their efforts constitute substantial compliance.

- Bids Solicited – 46 in 8 DOW's
- Bids Received – 6 in 4 DOW's
- MWESB Bids Used - 3 in 3 DOW's
- OBE Bids Used - 7 in 7 DOW's

Comparatively, the next low bidder...had about \$95,000 of MWESB participation.

Level of effort:

	High	Met the aspirational goal.
x	Moderate	Exceeded the solicitation requirements and/or achieved some participation.
	Low	Met the minimal solicitation requirements but achieved NO participation.

Cc: Loretta Young – \$500k and above
Susan Wheaton – BES reports

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Agenda No.
REPORT NO.
Title

Accept bid of McClure and Sons Inc. for the 83rd Avenue Wastewater Pump Station for \$801,904.00
(Procurement Report - Bid No.111605)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams <i>K. Allmann on behalf of Mayor Adams</i></p>	<p>CLERK USE: DATE FILED <u>MAY 14 2010</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Procurement Services Bureau Head: Christine Moody <i>CM</i></p>	<p>ACTION TAKEN:</p> <p>MAY 19 2010 ACCEPTED PREPARE CONTRACT</p>
<p>Prepared by: Dona Gaertner Date Prepared: 5/6/10</p> <p>Financial Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Council Meeting Date 5/19/10</p>	
<p>City Attorney Approval</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: **5 min.**
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	