



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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(503) 823-5047
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CONSENT CALENDAR

May 18, 2011

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 112767 for the SW 18th Avenue Sewer Replacement for the Bureau of Environmental Services, with a project construction estimate of \$1,810,000.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on March 31, 2011 and Six (6) bids were received. The low bid of Northwest Earthmovers, Inc. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Northwest Earthmovers, Inc. be accepted at the unit price quoted in their bid for a total estimated amount of \$1,438,987.50.

The Bureau of Environmental Services along with Procurement Services, identified Nine (9) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$456,420.00 awarded to subcontractors.

The Divisions of Work identified were:

Asphalt Paving	Concrete Cutting	Concrete Work	Drilling/Boring	Excavating
Hauling Services (Trucking)	Hazardous Waste Removal	Sewer, Water & Storm Drain Work	Traffic Control Services (includes TPDT)	

In their bid Northwest Earthmovers, Inc. indicated their intent to self perform the following divisions of work:

Excavating	Hauling Services (Trucking)	Sewer, Water & Storm Drain Work	Traffic Control Services (includes TPDT)	Hazardous Waste Removal
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MWESB participation represents 68.3 % or \$311,803.00 of the estimated subcontracting dollars.

- MBE - \$311,803.00 performing Traffic Control Services, Drilling and Boring, Concrete Cutting and Trucking.

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.

Northwest Earthmovers, Inc. has a current City of Portland Business License and their EEO Certification is current through March 4, 2013. The company is located in Sherwood, Oregon, and is not a State Certified M/W/ESB Contractor.

Northwest Earthmovers, Inc. is in Full Compliance with the Equal Benefits Program.

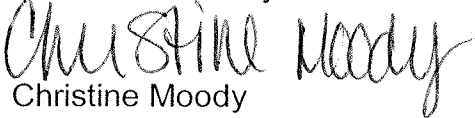
Funds are available for this project under Owner Cost Center E10010.

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:

Handwritten signature of Christine Moody in black ink.

Christine Moody
Chief Procurement Officer

CM:kbm

BUREAU OF ENVIRONMENTAL SERVICES
MEMORANDUM
Engineering Services

DATE: April 12, 2011

TO: Kathleen Brenes-Morua, Procurement Services

FROM: Bill Theiss, Construction Project Mgr. *BT*
Ayda Forouzan, Design Project Mgr. *AF*

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

SUBJECT: Awarding Contract for: SW 18th Ave. Sewer Replacement
Bid No. 112767, Project No. E10010



We have reviewed the bids for this project.

The proposal from Northwest Earthmovers, Inc. shows a bid amount of \$1,438,987.50, which is 20.49% under the Engineer's Estimate of \$1,809,745.00 and is the apparent low bid.

We therefore recommend that the Procurement Services accept the proposal from Northwest Earthmovers, 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: John Houle
Ted Luyben
Dave McLagan
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**

Handwritten initials and signature

Submission substantially complies with Good Faith Effort Requirements		YES	NO
Reviewed by:	Brenda Kern		
Date:	4-13-2011		

PROJECT INFORMATION

PROJECT NAME & BUREAU	SW 18th Ave Sewer Replacement (BES)
BID NUMBER	112767
PRE-BID DATE	3-16-2011
BID OPEN DATE	3-31-2011
BID AMOUNT	\$1,438,987.50
CONTRACTOR	NW Earthmovers

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	\$311,803	21.7%
WBE	\$0	0%
ESB	\$0	0%
Total MWESB Participation	\$311,803	Total bid – 21.7% Subcontract percentage – 68.3%

MWBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF MWBE SUBCONTRACTS
\$456,420	\$311,803	68.3%

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>	n/a		None at prebid
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		See notes
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.	Divisions of Work Identified by City: Asphalt Paving; Concrete Cutting; Concrete Work; Drilling/Boring; Excavating; Hauling Services (Trucking); Hazardous Waste Removal; Sewer, Water & Storm Drain Work; and Traffic Control Services (includes TPDT).
2.	Rationale for non-utilization of subcontractors for suggested Divisions of Work: Self-performing.
3.	All Divisions of Work to be used on this project: Same as #1 plus missed opportunity Waterproofing.
4.	Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project: AD Traffic Control Services (MBE) - \$4,180; Brothers Concrete Cutting (MBE) - \$12,959; Salt & Pepper Construction (MBE trucking) - \$122,000; and Northwest Boring (MBE) - \$172,664.
5.	Subcontractor names and subcontract amounts awarded to non-certified firms: Brix Paving - \$25,000; Roger Langeliers Construction (Concrete Work) - \$97,697; Suncoast Environmental Services (Waterproofing) - \$21,920.
6.	Divisions of Work retained by Prime: Excavating; Traffic Control Services (includes TPDT); Hauling Services (Trucking); Hazardous Waste Removal; and Sewer, Water & Storm Drain Work.
7.	Bids received from certified firms (not used): Kodiak Pacific Construction (WBE paving) - \$26,565; A Cut Above Concrete Cutting (ESB) – Unit prices; 4R7 Construction (ESB Concrete Work) - \$7,925; Bent Enterprises (WBE trucking) - \$80hr; Don Hines Trucking (WBE) - \$80hr; GI Trucks (MBE) - \$85hr; Bud Construction (ESB trucking) - \$83hr; Dwaine Baker Trucking (ESB) - \$75hr + BOLI increase; COAT Flagging (MBE) - \$43.50hr; D&H Flagging (WBE) - \$42.75hr; K&D Services of Oregon (WBE flagging) - \$47.25hr; and Kurahashi & Assoc Co (MBE flagging) - \$56.29hr.
8.	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.
9.	Any special Good Faith Efforts undertaken by the Prime Contractor? Yes, prime contacted more than the required number of MWESB firms in some DOW's.

10.	<p>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). Dunn Construction Inc - \$1,740,110(Form 1); Landis & Landis Construction - \$1,612,045(no forms); Emery & Sons Inc - \$1,498,241(Form 1); Moore Excavation Inc - \$1,589,116(Form 1); and James W. Fowler - \$1,993,000(no forms).</p>
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NOTES:

EEO cert: 3-4-13
 COP Lic: 378270
 CCB Lic: 62761

Clarifications: (Spoke to: Phillip Hansen 4-11-11)

1. Form 1 – NIGP 91345 Sewer, Water & Storm Drain Work is an identified DOW. Prime listed as self-performing on Form 1; yet also listed Suncoast Environmental Services as “91345 Sewer Work” on their Form 1. The work that Suncoast is doing was incorrectly identified by the prime as Sewer Work. While this work is overall part of the sewer work, the actual work itself entails applying a waterproof coating, and should have been identified as DOW – Waterproofing.

Issues:

None.

Recommendation:

Approval. The prime is in substantial compliance with the GFE specification. Although the prime made a clerical error in identifying Sewer Work rather than Waterproofing; this is merely a clerical error and meets substantial compliance.

- MWESB Bids Solicited – 33 in 6 DOW's
- MWESB Bids Received – 15 in 4 DOW's
- MWESB Bids Used - 4 in 4 DOW's
- OBE Bids Used – 3 in 3 DOW's

Comparatively, the next low bidder...Emery & Sons had only \$20k of MWESB participation.

Level of effort:

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

Agenda No.
REPORT NO.
Title

Accept bid of Northwest Earthmovers, Inc. for the SW 18th Avenue Sewer Replacement for \$1,438,987.50
(Procurement Report - Bid No. 112767)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams <i>R. Athmann on behalf of Mayor Adams</i></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>BUREAU APPROVAL</p> <p>Bureau: Procurement Services Bureau Head: Christine Moody <i>CM</i></p> <p>Prepared by: Kathleen Brenes-Morua Date Prepared: 05/04/11</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 May 18, 2011</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>MAY 13 2011</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p>MAY 18 2011: ACCEPTED PREPARE CONTRACT</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: 3 mins (for presentation, testimony and discussion)</p>

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