



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
1120 S.W. Fifth Avenue, Rm. 750
Portland, Oregon 97204-1912
(503) 823-5047
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CONSENT CALENDAR

June 15, 2011

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 112940 for Mason Flats Wetland Enhancement for the Bureau of Environmental Services, with a project construction estimate of \$900,000.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on May 10, 2011, and seven (7) bids were received. The low bid of Henderson Land Services LLC was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Henderson Land Services LLC be accepted at the unit price quoted in their bid for a total estimated amount of \$657,970.00.

The Bureau of Environmental Services along with Procurement Services, identified six (6) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$333,000.00 awarded to subcontractors.

The Divisions of Work identified were:

Clearing/Grubbing/ Mowing/Brushing	Excavating	Grading	Hauling Services (Trucking)	Site Clean Up
Traffic Control Services (Includes TPDT)				

In their bid Henderson Land Services LLC, indicated their intent to self perform the following divisions of work:

Clearing/Grubbing/ Mowing/Brushing	Grading	Site Clean Up		
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MWESB participation represents 9% or \$30,000.00 of the estimated subcontracting dollars.

- MBE - \$10,000.00 performing Traffic Control Services (Includes TPDT).
- WBE - \$20,000.00 performing Hauling Services (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.

300
Henderson Land Services LLC has a current City of Portland Business License and their EEO Certification is current through November 30, 2011. The company is located in Lake Oswego, Oregon, and is not a State Certified M/W/ESB Contractor.

Henderson Land Services LLC is in Full Compliance with the Equal Benefits Program.

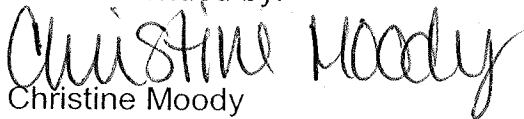
Funds are available for this project under Owner Cost Center E07155.

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:

A handwritten signature in cursive script that reads "Christine Moody".

Christine Moody
Chief Procurement Officer

CM:kbm

BUREAU OF ENVIRONMENTAL SERVICES
MEMORANDUM
Engineering Services

DATE: May 19, 2011

TO: Kathleen Brenes-Morua, Procurement Services

FROM: Brad Huard, Construction Project Mgr. *BH*
Sean Bistoff, Design Project Mgr. *SB*

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

SUBJECT: Awarding Contract for: Mason Flats Wetland Enhancement Project
Bid No. 112940, Project No. E07155



We have reviewed the bids for this project.

The proposal from Henderson Land Services, LLC shows a bid amount of \$657,970.00, which is 32.35% under the Engineer's Estimate of \$972,540.60 and is the apparent low bid.

We therefore recommend that the Procurement Services accept the proposal from Henderson Land Services, LLC, 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 503-823-4885 if you have any questions.

cc: Lloyd Stauning
Ted Luyben
John Johnson
Jaime de la Garza
Scott Gibson
Bill Ryan
Dave Nunamaker
Susan Wheaton
Materials Testing Laboratory
BES File w/sup.docs

Attachment: Bid Tabs

BH/kmf

**GOOD FAITH EFFORT
COMPLIANCE REPORT**

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Submission substantially complies with Good Faith Effort Requirements		YES	NO
Reviewed by:	Brenda Kern		
Date:	5-19-11		

PROJECT INFORMATION

PROJECT NAME & BUREAU	Mason Flats Wetland Enhancement (BES)
BID NUMBER	112940
PRE-BID DATE	4-21-11
BID OPEN DATE	5-10-11
BID AMOUNT	\$657,970
CONTRACTOR	Henderson Land Services

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	\$10,000	1.5%
WBE	\$20,000	3%
ESB	\$0	0%
Total MWESB Participation	\$30,000	Total bid – 4.5% Subcontract percentage – 9%

MWBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF MWBE SUBCONTRACTS
\$333,000	\$30,000	9%

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/fax/email 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/fax/email 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:</i> Clearing/Grubbing/Mowing/Brushing; Excavating; Grading; Hauling Services (Trucking); Site Cleanup; and Traffic Control Services (Includes TPDT).
2.	<i>Rationale for non-utilization of subcontractors for suggested Divisions of Work:</i> Self-performing.
3.	<i>All Divisions of Work to be used on this project:</i> Same as #1.
4.	<i>Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project:</i> COAT Flagging (MBE) - \$10,000; Fillups Trucking (WBE) - \$10,000; and Don Hines Trucking (WBE) - \$10,000.
5.	<i>Subcontractor names and subcontract amounts awarded to non-certified firms:</i> Endicott-Woods Enterprises Inc - \$303,000 (excavation and partial trucking).
6.	<i>Divisions of Work retained by Prime:</i> Clearing/Grubbing/Mowing/Brushing; Grading; and Site Cleanup.
7.	<i>Bids received from certified firms (not used):</i> M&M Construction Services Inc (ESB excavation) - \$398,000; City of Roses Disposal (MBE) - \$85/90hr; A D Traffic Control Services LLC (MBE) - \$13,408; and D&H Flagging (WBE) - \$13,680.
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?</i> No.
9.	<i>Any special Good Faith Efforts undertaken by the Prime Contractor?</i> Yes, prime contacted more than the required number of MWESB's in some DOW's.
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).</i> TCB Construction Inc - \$1,180,594 (Form 1); Brant Construction - \$828,310 (Form 1); Nutter Corporation - \$1,325,050.22 (no forms); Dirt & Aggregate - \$1,037,311 (Form 1); Smith & Smith Excavation - \$768,058 (Form 1); and BCI Contracting Inc - \$1,094,230 (no forms).

NOTES:

EEO cert: 11/30/11
COP Lic: 671356
CCB Lic: 142914

Clarifications: (Spoke to:)

1. Form 2 – Only 5 MWESB certified firms are listed under DOW – Excavation. There should have been 6 (5+1 pre-bid attendee). However, two other firms listed under NIGP code 91244 - Excavation were listed as being contacted under DOW – Trucking (JW Underground and Interlaken Inc); neither firm was interested (one said they weren't interested and the other didn't respond.)

Issues: None.

Recommendation: Approval. The contractor is in substantial compliance with the GFE specifications.

- MWESB Bids Solicited – 19 in 3 DOW's
- MWESB Bids Received – 7 in 3 DOW's
- MWESB Bids Used - 3 in 2 DOW's
- OBE Bids Used – 1 in 2 DOW's

Comparatively, the next low bidder...Smith & Smith Excavation Inc had only \$13k of MWESB participation.

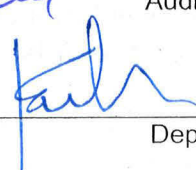
Level of effort:

	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: Susan Wheaton – BES reports

Agenda No.
REPORT NO.
 Title

Accept bid of Henderson Land Services LLC for the Mason Flats Wetland Enhancement Project for \$657,970
 (Procurement Report - Bid No. 112940)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JUN 10 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	<div style="text-align: right;"> LaVonne Griffin-Valade Auditor of the City of Portland </div> <div style="margin-top: 20px;"> By: <u></u> Deputy </div>
BUREAU APPROVAL Bureau: Procurement Services Bureau Head: Christine Moody <u>CM</u>	ACTION TAKEN: <div style="text-align: center; font-weight: bold; font-size: 1.2em;"> JUN 15 2011 ACCEPTED PREPARE CONTRACT </div>
Prepared by: K. Brenes-Morua Date Prepared: June 9, 2011 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Council Meeting Date June 15, 2011	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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