



# 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  
 FAX (503) 823-6865  
 TTY (503) 823-6868

## CONSENT CALENDAR

August 18, 2010

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 111983 for the NW Wilson Sewer Replacement Project for the Bureau of Environmental Services, with a project construction estimate of \$1,500,000.00. The Bureau of Environmental Services rated the level of project estimate confidence as High.

Bids were opened on July 15, 2010, and seven (7) bids were received. The low bid of Dunn Construction was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Dunn Construction be accepted at the unit price quoted in their bid for a total estimated amount of \$1,281,728.00.00.

The Bureau of Environmental Services along with Procurement Services, identified ten (10) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$75,000.00 awarded to subcontractors.

The Divisions of Work identified were:

Asphalt Paving	Clearing/Grubbing/ Mowing/Brushing	Concrete Cutting	Concrete Work	Excavating
Hauling Services (Trucking)	Hazardous Waste Removal	Sewer, Water & Storm Drain Work	Traffic Control Services	Traffic Sign Installation/Removal

In their bid Dunn Construction, indicated their intent to self perform the following divisions of work:

Asphalt Paving	Clearing/Grubbing/ Mowing/Brushing	Concrete Work	Excavating	Hazardous Waste Removal
Sewer, Water & Storm Drain Work	Traffic Control Services	Traffic Sign Installation/ Removal		

MWESB participation represents 100% or \$75,000.00 of the estimated subcontracting dollars.

- MBE - \$75,000.00 performing Concrete Cutting and 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.*

Dunn Construction has a current City of Portland Business License and their EEO Certification is current through February 28, 2011. The company is located in Gresham, Oregon, and is not a State Certified M/W/ESB Contractor.

Dunn Construction is in Full Compliance with the Equal Benefits Program.

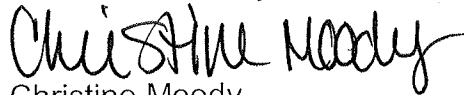
Funds are available for this project under Owner Cost Center E08962.

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

**GOOD FAITH EFFORT  
COMPLIANCE REPORT**

*OK*

Submission substantially complies with Good Faith Effort Requirements		<b>YES</b>	NO
<b>Reviewed by:</b>	Brenda Kern		
<b>Date:</b>	7-22-10		

**PROJECT INFORMATION**

<b>PROJECT NAME &amp; BUREAU</b>	NW Wilson Sewer Replacement (BES)
<b>BID NUMBER</b>	111983
<b>PRE-BID DATE</b>	6-29-10
<b>BID OPEN DATE</b>	7-15-10
<b>BID AMOUNT</b>	\$1,281,728
<b>CONTRACTOR</b>	Dunn Construction Inc

**AT BID SUBMISSION**

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

**MWESB PARTICIPATION – Total Bid**

PARTICIPATION TYPE	TOTAL \$	PERCENTAGE OF TOTAL BID AMOUNT
<b>MBE</b>	<b>\$75,000</b>	<b>5.9%</b>
<b>WBE</b>	\$	%
<b>ESB</b>	\$	%
<b>Total MWESB Participation</b>	<b>\$75,000</b>	<b>Total bid – 5.9% Subcontract percentage – 100%</b>

**MWBE PARTICIPATION – Subcontracting (35% Aspirational goal)**

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF MWBE SUBCONTRACTS
<b>\$75,000</b>	<b>\$75,000</b>	<b>100%</b>

**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>	<b>X</b>		
2.	<i>Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)</i>	<b>X</b>		
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>	<b>X</b>		
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>	<b>X</b>		
5.	<i>Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)</i>	<b>X</b>		
6.	<i>Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?</i>	<b>X</b>		
7.	<i>Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?</i>	<b>X</b>		

**GOOD FAITH EFFORT ANALYSIS**

1.	<b>Divisions of Work Identified by City:</b> Asphalt Paving: Clearing/Grubbing/Mowing/Brushing; Concrete Cutting; Concrete Work; Excavating; Hauling Services (Trucking); Hazardous Waste Removal; Sewer, Water & Storm Drain Work; Traffic Control Services (includes TPDT); Traffic Sign Installation/Removal;
2.	<b>Rationale for non-utilization of subcontractors for suggested Divisions of Work:</b> Self-performing
3.	<b>All Divisions of Work to be used on this project:</b> Same as #1
4.	<b>Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project:</b> Brothers Concrete Cutting (MBE) - \$15,000; Salt & Pepper Construction (MBE) - \$60,000.
5.	<b>Subcontractor names and subcontract amounts awarded to non-certified firms:</b> none
6.	<b>Divisions of Work retained by Prime:</b> Asphalt Paving: Clearing/Grubbing/Mowing/Brushing; Concrete Work; Excavating; Hazardous Waste Removal; Sewer, Water & Storm Drain Work; Traffic Control Services (includes TPDT); Traffic Sign Installation/Removal
7.	<b>Bids received from certified firms (not used):</b> Sawcutters NW LLC (ESB) - \$.35/inft; Bud Construction (ESB) - \$70-4 axle, \$80-7 axle; DB Trucking (ESB) - \$75-4 axle, \$90-7 axle; J Ashe (ESB) – unknown, see notes; Fillups Trucking (WBE) - \$75-4 axle.
8.	<b>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?</b> No.
9.	<b>Any special Good Faith Efforts undertaken by the Prime Contractor?</b> No.
10.	<b>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).</b> K&R Plumbing - \$1,522,848(Forms 1-2); Coffman Excavation - \$1,256,069(low bidder but no forms so deemed non-responsive); Tri-State Construction Inc - \$1,617,000(no forms); Moore Excavation Inc - \$1,533,719.43(no forms); Canby Excavating - \$1,480,115.50(Form 1); Landis & Landis Construction - \$1,547,798(no forms).

**NOTES:**

EEO cert: 2/28/11  
COP Lic: 642420 In Compliance  
CCB Lic: 126351 Active

**Clarifications: (Spoke to: Dan Johnston 4-27-10)**

1. No bid amount for J Ashe. Called Dunn Construction on 4-22-10 for this information but they close at 4pm. Proceeded without this information as it was not a compliance issue. Spoke to Dan on 4-27-10 who stated that they in fact did not receive a bid from J. Ashe, it was an error that they indicated "Yes" to bid rcvd.

**Issues:** None

**Recommendation:** Approval. The prime is in compliance with the GFE Program Requirements.

- Bids Solicited – 13 in 2 DOW's
- Bids Received – 7 in 2 DOW's
- MWESB Bids Used - 2 in 2 DOW's
- OBE Bids Used - 0 in 0 DOW's

Comparatively, the next low bidder...had \$74,000 in MWESB participation.

**Level of effort:**

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

Cc: Susan Wheaton – BES reports



**BUREAU OF ENVIRONMENTAL SERVICES**  
**MEMORANDUM**  
*Engineering Services*

**DATE:** July 27, 2010

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

**FROM:** Erik Durshpek, Construction Project Manager *EMD*  
Colleen Harold, Design Project Manager

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

**SUBJECT:** Awarding Contract for: NW Wilson Sewer Replacement Project  
Bid No. 111983, Project No. E08962  
Award to Second Highest Bidder

---



We have reviewed the bids for this project.

Coffman Excavation, LLC was the apparent low bidder with a bid amount of \$1,256,069.00, which is 13.88% under the Engineer's Estimate of \$1,458,559.00. However, their bid was determined to be non-responsive.

Dunn Construction, Inc. was the second lowest bidder with a bid amount of \$1,281,728.00, which is 12.12% under the Engineer's Estimate of \$1,458,559.00.

We therefore recommend that the Bureau of Purchases and Stores accept the proposal from Dunn Construction, Inc., the second lowest 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 503-823-5728 if you have any questions.

cc: John Houle  
Josh Nault  
Bill Ryan  
Scott Gibson  
Jamie de la Garza  
Dave Nunamaker  
Susan Wheaton  
Molly Nause-McCord  
Materials Testing Laboratory  
BES File w/sup.docs

Attachment: Bid Tabs

ED/kmf

✓140

1164 --

Agenda No.  
**REPORT NO.**  
Title

*Inc.*

Accept bid of Dunn Construction, for the NW Wilson Sewer Replacement Project for \$1,281,728.00  
(Procurement Report - Bid No. 111983)

INTRODUCED BY  
Commissioner/Auditor:  
**Mayor Sam Adams**  
*K. Ollmann on*  
COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL  
Bureau: Procurement Services  
Bureau Head: Christine Moody *CM*

Prepared by: Kathleen Brenes  
Date Prepared: August 6, 2010

Financial Impact Statement  
Completed  Amends Budget   
Not Required

Council Meeting Date  
**August 18, 2010**

City Attorney Approval

CLERK USE: DATE FILED AUG 13 2010

*behalf of Mayor Adams*

LaVonne Griffin-Valade  
Auditor of the City of Portland

By: *[Signature]*  
Deputy

ACTION TAKEN:  
**AUG 18 2010 ACCEPTED PREPARE CONTRACT**

*[Faint handwritten notes]*

**AGENDA**

**TIME CERTAIN**   
Start time: \_\_\_\_\_

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

**CONSENT**

**REGULAR**   
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	✓	