



# 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

April 21, 2010

#### TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 111564 for the Marquam Hill Pump Main Phase Two project for the Portland Water Bureau, with a project construction estimate of \$1,107,000.00. The Portland Water Bureau rated the level of project estimate confidence as High.

Bids were opened on March 30, 2010, and five (5) bids were received. The low bid of Emery & Sons Construction, Inc., was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Emery & Sons Construction, Inc. be accepted at the unit price quoted in their bid for an amount of \$539,252.00. Unutilized funds from the project estimate will be used for other Water Bureau projects.

On January 27, 2010, Council approved Ordinance #183498, which authorized a contract and provided payment for construction of the Marquam Hill Pump Main Phase 2 Project to replace a leaking water pump main. Council also declared an emergency exists, putting the Ordinance in full force and effect after passage, in order to prevent schedule and construction delays.

The Portland Water Bureau, along with Procurement Services, identified eight (8) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project resulting in \$89,811.75 in subcontractor awards.

The Divisions of Work identified were:

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

In their bid, Emery & Sons Construction, Inc. indicated their intent to self perform the following divisions of work:

Clearing/Grubbing/Mowing/Brushing	Hauling Services (Trucking) - Partial
Concrete Work	Sewer, Water & Storm Drain Work
Excavating	

MWESB participation represents 100% of the estimated subcontracting dollars.

- MBE - \$10,068.00 performing Traffic Control Services.
- WBE - \$28,405.00 performing Asphalt Paving and Hauling Services.
- ESB - \$51,338.75 performing Asphalt Paving and Concrete Cutting.

*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.*

442  
Emery & Sons Construction, Inc., has a current City of Portland Business License and their EEO Certification is current through April 30, 2010. The company is located in Salem, Oregon, and is not a State Certified M/W/ESB Contractor.

Emery & Sons Construction, Inc. is in Full Compliance with the Equal Benefits Program.

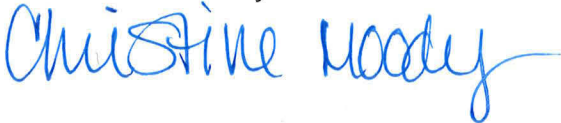
Funds are available for this project under Owner Cost Center WBS Elements W01336.C.3.2C and W01336.C.3.2E.

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.

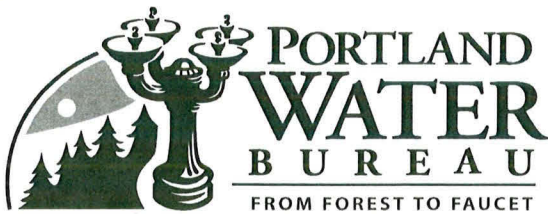
The bid sureties of the remaining bidders should be returned immediately in compliance with Section 5.34.410D of the City Code.

Recommended by:



Christine Moody  
Chief Procurement Officer

CM:dsg



Randy Leonard, Commissioner  
David G. Shaff, Administrator

1120 SW 5th Avenue, Room 600  
Portland, Oregon 97204-1926  
Information: 503-823-7404  
[www.portlandonline.com/water](http://www.portlandonline.com/water)



*An Equal Opportunity Employer*

## MEMORANDUM

DATE: 4/2/10

TO: Christine Moody  
Chief Procurement Officer  
Procurement Services

FROM: Mike Stuhr  
Chief Engineer  
Portland Water Bureau

*[Signature]* 4/5/2010

SUBJECT: Return of Bids for Marquam Hill Pump Main Phase 2  
Project Number W01336, Bid No. 111564

Returned herewith are the bids and bid tabulations for the construction of the Marquam Hill Pump Main Phase 2.

Emery and Sons Construction Inc. submitted the lowest responsive bid in the amount of \$539,252.00. This bid is in compliance with the specifications.

It is recommended that the City accept the proposal of the Apparent Low Bidder, Emery and Sons Construction Inc., as the lowest responsive bidder and award them the contract for this project in the amount of \$539,252.00.

Funds are available. Yes

*An Equal Opportunity Employer*

**GOOD FAITH EFFORT  
COMPLIANCE REPORT**

Submission substantially complies with Good Faith Effort Requirements		<b>YES</b> NO
Reviewed by:	Brenda Kern	
Date:	4-7-10	

**PROJECT INFORMATION**

<b>PROJECT NAME &amp; BUREAU</b>	Marquam Hill Pump Station Main Phase 2 (WTR)
<b>BID NUMBER</b>	111564
<b>PRE-BID DATE</b>	None
<b>BID OPEN DATE</b>	3-30-10
<b>BID AMOUNT</b>	\$539,252
<b>CONTRACTOR</b>	Emery & Sons 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>\$10,068</b>	<b>1.9%</b>
<b>WBE</b>	<b>\$28,405</b>	<b>5.3%</b>
<b>ESB</b>	<b>\$51,338.75</b>	<b>9.5%</b>
<b>Total MWESB Participation</b>	<b>\$89,811.75</b>	<b>Total bid – 16.7% 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>\$89,811.75</b>	<b>\$38,473</b>	<b>42.8%</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>n/a</b>		No pre-bid
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); Sewer, Water & Storm Drain Work; Traffic Control Services (includes TPDT).
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> Kodiak Pacific Construction (WBE paving) - \$5,055; Renner Trucking (WBE trucking) - \$23,350; COAT Flagging (MBE Traffic Control Services) - \$10,068; Sawcutters NW LLC (ESB Concrete Cutting) - \$11,500; Columbia Paving & Excavating (ESB paving) - \$39,838.75.
5.	<b>Subcontractor names and subcontract amounts awarded to non-certified firms:</b> none
6.	<b>Divisions of Work retained by Prime:</b> Clearing/Grubbing/Mowing/Brushing; Concrete Work; Excavating; Sewer, Water & Storm Drain Work; and partial Hauling Services (Trucking).
7.	<b>Bids received from certified firms (not used):</b> Bud Bellamy & Son (ESB) - \$41,494.57; Ortiz & Associates (MBE) - \$7,677.01; All-N-One Asphalt (ESB) - \$46,589.76; Vancouver Paving (WBE) - \$54,794.40; Bent Enterprises (WBE)- \$75hr; Bud Construction (ESB) - \$73hr; J&R Trucking (MBE) - \$80hr; Kim Bell Flagging (WBE)- \$43.25hr; K&D Services of Oregon (WBE)- \$43.50hr; Mama Jo's Traffic Control (MBE)- \$10,080; Portland Flagging (MBE) - \$10,128.
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> Tri-State Construction Inc - \$849,975 (no forms); Canby Excavating - \$584,449.80(form 1); Jim Smith Excavating- \$656,818(form 1); Dunn Construction Inc - \$782,847(form 1).

**NOTES:***EEO cert: 4/30/10**COP Lic: 388018 In compliance**CCB Lic: 312 Active***Clarifications: (Spoke to:)****1.** *none***Issues:** *none***Recommendation:** *Approval. The prime is in compliance with the GFE Program Requirements.*

- *Bids Solicited –   31   in   4   DOW's*
- *Bids Received –   16   in   4   DOW's*
- *MWESB Bids Used -   5   in   4   DOW's*
- *OBE Bids Used -   0   in   0   DOW's*

Comparatively, the next low bidder...had only approximately \$9k of 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: Loretta Young – \$500k and above*

Bid No. 111564 / Water Bureau Project No. W01336  
Project Name: Marquam Hill Pump Main Phase 2  
Date Bid Opened: 3/30/10  
Project Manager: Chris Chambers & Dan Ward  
Engineers Estimate: \$1,000,000.00

Item No	Description	Est. Quant	EMERY & SONS CONSTRUCTION INC			CANBY EXCAVATING		JIM SMITH EXCAVATING INC	
			SKU	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Mobilization	1	LS	\$36,000.00	\$36,000.00	\$26,480.00	\$26,480.00	\$75,000.00	\$75,000.00
2	Traffic Control	1	LS	\$5,000.00	\$5,000.00	\$13,500.00	\$13,500.00	\$9,991.00	\$9,991.00
3	Flaggers	240	HR	\$46.00	\$11,040.00	\$44.50	\$10,680.00	\$42.00	\$10,080.00
4	Erosion Control	1	LS	\$3,500.00	\$3,500.00	\$2,250.00	\$2,250.00	\$3,350.00	\$3,350.00
5	Inlet Protection	10	EA	\$150.00	\$1,500.00	\$71.00	\$710.00	\$54.00	\$540.00
6	Biofilter Bags	20	EA	\$28.00	\$560.00	\$35.00	\$700.00	\$5.00	\$100.00
7	Sediment Fence, Unsupported	400	FT	\$2.25	\$900.00	\$2.25	\$900.00	\$2.00	\$800.00
8	Clearing and Grubbing	1	LS	\$2,300.00	\$2,300.00	\$16,000.00	\$16,000.00	\$1,246.00	\$1,246.00
9	Exploratory Excavation	50	CY	\$30.00	\$1,500.00	\$325.00	\$16,250.00	\$52.00	\$2,600.00
10	Trench Excavation, Rock	10	CY	\$300.00	\$3,000.00	\$150.00	\$1,500.00	\$150.00	\$1,500.00
11	Trench Excavation, Common	1530	CY	\$45.00	\$68,850.00	\$68.80	\$105,264.00	\$45.00	\$68,850.00
12	Trench Backfill, Class A	50	CY	\$16.00	\$800.00	\$1.00	\$50.00	\$9.00	\$450.00
13	Trench Backfill, Class C	930	CY	\$25.00	\$23,250.00	\$23.00	\$21,390.00	\$25.00	\$23,250.00
	Water Pipe Zone Bedding and Backfill, Class C, Medium Sand	733	CY	\$20.00	\$14,660.00	\$22.00	\$16,126.00	\$22.00	\$16,126.00
	Water Pipe Zone Bedding and Backfill, Class E	114	CY	\$110.00	\$12,540.00	\$109.00	\$12,426.00	\$115.00	\$13,110.00
16	Temporary Trench Resurfacing	1250	SY	\$1.75	\$2,187.50	\$9.50	\$11,875.00	\$13.00	\$16,250.00
	Permanent Trench Resurfacing, 3 Inches Thick	500	SY	\$30.00	\$15,000.00	\$23.50	\$11,750.00	\$27.00	\$13,500.00
	Permanent Trench Resurfacing, 4 Inches Thick	390	SY	\$35.00	\$13,650.00	\$29.50	\$11,505.00	\$35.00	\$13,650.00
	Permanent Trench Resurfacing, 6 Inches Thick	360	SY	\$45.00	\$16,200.00	\$45.00	\$16,200.00	\$49.00	\$17,640.00
20	Permanent Seeding Level 2, 1/2 Inch Dense MHMAC	1	LS	\$3,500.00	\$3,500.00	\$1,200.00	\$1,200.00	\$1,496.00	\$1,496.00
21	Mixture, 2 Inch Depth Cold Planed Pavement Removal, 2 Inch Depth	1111	SY	\$13.00	\$14,443.00	\$9.55	\$10,610.05	\$12.00	\$13,332.00
22	8 Inch Ductile Iron Pipe Restrained	65	FT	\$38.00	\$2,470.00	\$33.00	\$2,145.00	\$37.00	\$2,405.00
24	16 Inch Ductile Iron Pipe Restrained	2674	FT	\$70.00	\$187,180.00	\$64.50	\$172,473.00	\$74.00	\$197,876.00
25	8 Inch Gate Valve	2	EA	\$1,000.00	\$2,000.00	\$1,050.00	\$2,100.00	\$1,145.00	\$2,290.00
26	16 Inch Butterfly Valve	3	EA	\$2,600.00	\$7,800.00	\$2,250.00	\$6,750.00	\$2,548.00	\$7,644.00
27	16 Inch Meter Vault	1	EA	\$27,000.00	\$27,000.00	\$21,500.00	\$21,500.00	\$34,052.00	\$34,052.00
28	8 Inch Regulator Vault	1	EA	\$21,500.00	\$21,500.00	\$14,750.00	\$14,750.00	\$21,551.00	\$21,551.00
	2 Inch Combination Air Release/Air Vacuum Valve Assembly	1	EA	\$4,500.00	\$4,500.00	\$4,900.00	\$4,900.00	\$5,730.00	\$5,730.00
30	2 Inch Air Release	2	EA	\$1,100.00	\$2,200.00	\$2,300.00	\$4,600.00	\$1,455.00	\$2,910.00
31	Water Main Abandonment	1	LS	\$2,000.00	\$2,000.00	\$11,700.00	\$11,700.00	\$12,788.00	\$12,788.00
32	Corrosion Control	1	LS	\$25,000.00	\$25,000.00	\$27,000.00	\$27,000.00	\$61,156.00	\$61,156.00
<b>Total</b>					<b>\$539,252.00</b>		<b>\$584,449.80</b>		<b>\$656,818.00</b>
Bid Surety					Yes BB	Yes BB	Yes BB	Yes BB	
Contractor Board License No.					1623	77471	82790		

Bid No. 111564 / Water Bureau Project No. W01336  
 Project Name: Marquam Hill Pump Main Phase 2  
 Date Bid Opened: 3/30/10  
 Project Manager: Chris Chambers & Dan Ward  
 Engineers Estimate: \$1,000,000.00

NO BIDDING OF  
GFE

Item No	Description	Est. Quant	SKU	DUNN CONSTRUCTION INC		TRI-STATE CONSTRUCTION INC	
				Unit Price	Extended	Unit Price	Extended
1	Mobilization	1	LS	\$80,000.00	\$80,000.00	\$81,875.00	\$81,875.00
2	Traffic Control	1	LS	\$15,000.00	\$15,000.00	\$9,200.00	\$9,200.00
3	Flaggers	240	HR	\$45.00	\$10,800.00	\$52.00	\$12,480.00
4	Erosion Control	1	LS	\$6,500.00	\$6,500.00	\$2,820.00	\$2,820.00
5	Inlet Protection	10	EA	\$75.00	\$750.00	\$90.00	\$900.00
6	Biofilter Bags	20	EA	\$30.00	\$600.00	\$10.00	\$200.00
7	Sediment Fence, Unsupported	400	FT	\$10.00	\$4,000.00	\$2.70	\$1,080.00
8	Clearing and Grubbing	1	LS	\$22,500.00	\$22,500.00	\$2,800.00	\$2,800.00
9	Exploratory Excavation	50	CY	\$50.00	\$2,500.00	\$70.00	\$3,500.00
10	Trench Excavation, Rock	10	CY	\$175.00	\$1,750.00	\$150.00	\$1,500.00
11	Trench Excavation, Common	1530	CY	\$15.00	\$22,950.00	\$26.00	\$39,780.00
12	Trench Backfill, Class A	50	CY	\$15.00	\$750.00	\$39.00	\$1,950.00
13	Trench Backfill, Class C	930	CY	\$20.00	\$18,600.00	\$41.00	\$38,130.00
14	Water Pipe Zone Bedding and Backfill, Class C, Medium Sand	733	CY	\$25.00	\$18,325.00	\$40.00	\$29,320.00
15	Water Pipe Zone Bedding and Backfill, Class E	114	CY	\$150.00	\$17,100.00	\$150.00	\$17,100.00
16	Temporary Trench Resurfacing	1250	SY	\$8.00	\$10,000.00	\$7.00	\$8,750.00
17	Permanent Trench Resurfacing, 3 Inches Thick	500	SY	\$20.00	\$10,000.00	\$35.00	\$17,500.00
18	Permanent Trench Resurfacing, 4 Inches Thick	390	SY	\$25.00	\$9,750.00	\$40.00	\$15,600.00
19	Permanent Trench Resurfacing, 6 Inches Thick	360	SY	\$38.00	\$13,680.00	\$54.00	\$19,440.00
20	Permanent Seeding	1	LS	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00
21	Level 2, 1/2 Inch Dense MHMAC Mixture, 2 Inch Depth	1111	SY	\$14.00	\$15,554.00	\$24.00	\$26,664.00
22	Cold Planed Pavement Removal, 2 Inch Depth	1111	SY	\$5.00	\$5,555.00	\$6.00	\$6,666.00
23	8 Inch Ductile Iron Pipe Restrained	65	FT	\$75.00	\$4,875.00	\$126.00	\$8,190.00
24	16 Inch Ductile Iron Pipe Restrained	2674	FT	\$142.00	\$379,708.00	\$141.00	\$377,034.00
25	8 Inch Gate Valve	2	EA	\$1,500.00	\$3,000.00	\$1,400.00	\$2,800.00
26	16 Inch Butterfly Valve	3	EA	\$4,000.00	\$12,000.00	\$3,800.00	\$11,400.00
27	16 Inch Meter Vault	1	EA	\$25,000.00	\$25,000.00	\$21,770.00	\$21,770.00
28	8 Inch Regulator Vault	1	EA	\$17,000.00	\$17,000.00	\$17,600.00	\$17,600.00
29	2 Inch Combination Air Release/Air Vacuum Valve Assembly	1	EA	\$2,500.00	\$2,500.00	\$5,700.00	\$5,700.00
30	2 Inch Air Release	2	EA	\$800.00	\$1,600.00	\$2,300.00	\$4,600.00
31	Water Main Abandonment	1	LS	\$12,000.00	\$12,000.00	\$17,626.00	\$17,626.00
32	Corrosion Control	1	LS	\$35,000.00	\$35,000.00	\$44,000.00	\$44,000.00
Total					\$782,847.00		\$849,975.00
Bid Surety				Yes	BB	Yes	BB
Contractor Board License No.					126351		62974



Agenda No.  
**REPORT NO.**  
 Title

Accept bid of Emery & Sons Construction, Inc. for the Marquam Hill Pump Main Phase 2 for \$539,252.00 (Procurement Report - Bid No. 111564)

<p>INTRODUCED BY          Commissioner/Auditor:  <b>Mayor Sam Adams</b>  <i>K. Dillmann 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: Dona Gaertner          Date Prepared: 4/14/10</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  <b>April 21, 2010</b></p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>APR 16 2010</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><b>APR 21 2010 ACCEPTED PREPARE CONTRACT</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>

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