



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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REGULAR CALENDAR

March 10, 2010

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 111385 for Umtila Pump Station Upgrade for the Bureau of Environmental Services, with a project construction estimate of \$ 1,000,000. The Bureau of Environmental Services rates the level of project estimate confidence as Optimal.

Bids were opened on February 4, 2010, and five (5) bids were received. The low bid of Emery and Sons Construction, Inc. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of Emery and Sons Construction, Inc. be accepted at the lump sum quoted in their bid for a total amount of \$ 871,000.00.

The Bureau of Environmental Services along with Procurement Services, identified fourteen (14) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$ 229,266.00 awarded to subcontractors.

The Divisions of Work identified were:

Concrete Work	Demolition	Electrical	Excavating	Grading
Hauling Services	HVAC	Landscaping	Plumbing	Roofing
Sewer, Water & Storm Drain Work (partial)		Site Clean-up	Traffic Control	Utilities

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

Demolition	Excavating	Grading	Hauling Services	Plumbing
Sewer, Water & Storm Drain Work (partial)		Site Clean-up	Traffic Control	Utilities

MWESB participation represents 3.6 % or \$ 31,412.00 of the estimated subcontracting dollars.

- MBE - \$ 12,000 performing Painting.
- ESB - \$ 19,412 performing Fencing, Metal Fabrication, Painting / Wallpaper, Sewer,

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.

Water, and Storm Drain Work (partial).

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

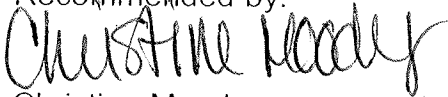
Funds are available for this project under Owner Cost Center ESEN000020.

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:mp

BUREAU OF ENVIRONMENTAL SERVICES
MEMORANDUM
Engineering Services

DATE: February 9, 2010

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

FROM: Stanley Kirk, Construction Project Mgr. *Stanley Kirk*
Jeff Hanks, Design Project Mgr. *JH*

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

SUBJECT: Awarding Contract for: Umatilla Pump Station Upgrade
Bid No. 111385, Project No. E08589



We have reviewed the bids for this project.

The proposal from Emery & Sons Construction, Inc. shows a bid amount of \$871,000.00, which is 12.90% under the Engineer's Estimate of \$1,000,000.00 and is the apparent low bid.

We therefore recommend that the Bureau of Purchases and Stores accept the proposal from Emery & Sons Construction, 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 503-823-7228, if you have any questions.

cc: Paul Suto
Blair Bean
Dan Bangle
Jaime De La Garza
Scott Gibson
Bill Ryan
Dave Nunamaker
Susan Wheaton
Materials Testing Laboratory
BES File w/sup.docs

Attachment: Bid Tabs

SEK/kmf

**GOOD FAITH EFFORT
COMPLIANCE REPORT**

OK

Submission substantially complies with Good Faith Effort Requirements		YES	NO
Reviewed by:	Brenda Kern		
Date:	2-9-10		

PROJECT INFORMATION

PROJECT NAME & BUREAU	Umatilla Pump Station Upgrade (BES)
BID NUMBER	111385
PRE-BID DATE	1-14-10
BID OPEN DATE	2-4-10
BID AMOUNT	\$871,000
CONTRACTOR	Emery & Sons Construction 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	\$12,000	1.4%
WBE	\$	%
ESB	\$19,412	2.2%
Total MWESB Participation	\$31,412	Total bid – 3.6% Subcontract percentage – 8.5%

MWBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF MWBE SUBCONTRACTS
\$229,266	\$12,000	5.2%

GOOD FAITH DOCUMENTATION (24 HOURS AFTER BID OPENING)

	QUESTION	YES	NO	NOTES
1.	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.	X		
2.	Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)	X		
3.	Were letters or faxes sent to all M/W/ESBs (in identified DOW's to be subcontracted) at the pre-bid meeting?(Form 2)	X		
4.	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)	X		
5.	Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)	X		
6.	Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?	X		
7.	Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?	X		

GOOD FAITH EFFORT ANALYSIS

1.	Divisions of Work Identified by City: Concrete Work; Demolition; Electrical; Excavating; Grading; Hauling Services (Trucking); HVAC; Landscaping; Plumbing; Roofing; Sewer, Water & Storm Drain Work; Site Clean-up; Traffic Control Services (Includes TPDT); Utilities.
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 Opportunities – Fencing; Metal Fabrication; Painting/Wallpaper.
4.	Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project: Willamette Fence (ESB) - \$1,320; Mid Valley Metal Works (ESB) - \$8,092; Fine Painting & Allied Services (MBE) - \$12,000; J Ashe (ESB) - \$10,000. <i>(partial sewer/wtr storm drain)</i>
5.	Subcontractor names and subcontract amounts awarded to non-certified firms: Christenson Electric - \$148,355; Santiam Heating & Sheetmetal - \$11,200; Roof Toppers - \$15,700; Van Lom Concrete - \$19,525.
6.	Divisions of Work retained by Prime: Demolition; Excavating; Grading; Hauling Services (Trucking); Plumbing; Sewer, Water & Storm Drain Work; Site Clean-up; Traffic Control Services (Includes TPDT); Utilities. <i>(partial)</i>
7.	Bids received from certified firms (not used): Miller Factors (WBE) - \$3,074; Pacific Coast Air Balancing (ESB) - \$675; Electrical Contractor Services NW (ESB) - \$157,529.41;
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, the prime contractor solicited & awarded subcontracts in 3 unidentified DOW's (Missed Opportunities). They also solicited to more than the required # of MWESB's in each DOW's.
10.	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). MKB Constructors - \$1,210,425(no forms); Wildish Building Co - \$1,155,800(no forms); McClure & Sons Inc - \$917,500(Form 1-2); Triad Mechanical Inc. - \$919,564(Form 1).

NOTES:

EEO cert: 4/30/10

COP Lic: **In Compliance: Business License # 388018**

CCB Lic: 312 Active

Clarifications: (Spoke to: Arin Atiyeh 2-10-10, 2-17-10)

1. Was Miller Factors (WBE) used (as in Form 1) or not (as in Form 2)?
 - a. This was an error he discussed with Angela Pack and Loretta Young. He listed them in error on the Form 1. He did state however that he is trying to get more participation. In that I had not yet received the Bureau recommendation, I told him that I would wait and contact him later to determine if he was in fact successful in obtaining more MWESB participation. On 2-17-10 Arin stated that they were going to use J Ashe (ESB) to help install the wet well manhole for approx. \$10,000.

Issues: None

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

- Bids Solicited – 42 in 8 DOW's
- Bids Received – 6 in 6 DOW's
- MWESB Bids Used - 4 in 4 DOW's
- OBE Bids Used - 4 in 4 DOW's

Comparatively, the next low bidder...had no 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

Bid No: 111385

Project Name: UMATILLA PUMP STATION UPGRADE

Date Bid Opened: 2/4/2010

Project Manager: JEFF HANKS

Engineers Estimate: \$1,000,000.00

Item No	Description	Est. Quant	SKU	EMERY & SONS CONST INC		MCCLURE & SONS INC		TRIAD MECHANICAL INC	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Erosion Prevention and Sediment Control	1	LS	\$15,000.00	\$15,000.00	\$2,000.00	\$2,000.00	\$1,573.00	\$1,573.00
2	Traffic Control	1	LS	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00	\$4,022.00	\$4,022.00
3	Temporary Pumping	1	LS	\$11,000.00	\$11,000.00	\$4,500.00	\$4,500.00	\$1.00	\$1.00
4	Construction of the <u>Umatilla Pump Station Upgrade</u> and all other appurtenant facilities and utilities	1	LS	\$840,000.00	\$840,000.00	\$899,000.00	\$899,000.00	\$913,968.00	\$913,968.00
Total					\$871,000.00		\$917,500.00		\$919,564.00
Bid Surety				Yes	BB	Yes	BB	Yes	BB
Contractor Board License No.					312		71127		44255

Bid No: 111385
 Project Name: UMATILLA PUMP STATION UPGRADE
 Date Bid Opened: 2/4/2010
 Project Manager: JEFF HANKS
 Engineers Estimate: \$1,000,000.00

Item No	Description	Est. Quant	SKU	WILDISH BUILDING CO		MKB CONSTRUCTORS	
				Unit Price	Extended	Unit Price	Extended
1	Erosion Prevention and Sediment Control	1	LS	\$3,200.00	\$3,200.00	\$11,156.00	\$11,156.00
2	Traffic Control	1	LS	\$7,400.00	\$7,400.00	\$62,492.00	\$62,492.00
3	Temporary Pumping	1	LS	\$60,700.00	\$60,700.00	\$38,930.00	\$38,930.00
4	Construction of the <u>Umatilla Pump Station Upgrade</u> and all other appurtenant facilities and utilities	1	LS	\$1,089,500.00	\$1,089,500.00	\$1,097,848.00	\$1,097,848.00
Total					\$1,160,800.00		\$1,210,426.00
Bid Surety				Yes	BB	Yes	BB
Contractor Board License No.					34429		159329

Agenda No.
REPORT NO.
Title

Accept Bid of Emery and Sons Construction, Inc. for the Umatilla Pump Station Upgrade Chief
(Procurement Officer Report-Bid Number 111385) for \$871,000

<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams <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: Michael Perrie Date Prepared: March 2, 2010</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 March 10, 2010</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED: <u>MAR 05 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>MAR 10 2010 ACCEPTED PREPARE CONTRACT</p>
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AGENDA

TIME CERTAIN

Start time: _____

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

CONSENT

REGULAR

Total amount of time needed: 5 minutes
(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 ✓	