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## 411-2022

Report

### Authorize Price Agreements for On-Call Construction Services for Building Alteration and Repair Services to Owen & Owen Builders Inc., 3 Diamond Construction, LLC, and Bratton Construction, LLC for \$1,000,000 per Price Agreement (Procurement Report - ITB No. 00001780)

Accepted

TO THE COUNCIL:

On August 18, 2021, Council approved Ordinance Number 190528 for Procurement Services to competitively solicit on-call construction services for building alteration and repair services in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00001780 on behalf of the Division of Asset Management Facilities Services (DAM), with a not-to-exceed amount of \$1,000,000 per Price Agreement.

Bids were opened on March 1, 2022, and six (6) bids were received. Three Price Agreements were awarded to the lowest responsive bidders: Owen & Owen Builders Inc.; 3 Diamond Construction, LLC; and Bratton Construction, LLC. It is recommended that their bids be accepted at the estimated unit prices quoted for a total amount of \$1,000,000 per Price Agreement.

Price Agreements for on-call construction services are intended to be used for projects whose specific scope and budget are not pre-determined. Work performed under these Price Agreements will be authorized via written task orders when projects are identified. The City's equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization of firms certified by the State's Certification Office for Business Inclusion and Diversity (COBID) will apply to each individual task order, and the contractors awarded these Price Agreements have committed to make good faith efforts to achieve the utilization goal. Each task order will be negotiated to subcontract with COBID certified enterprises to the maximum extent possible.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance;](#)  
[Revenue and Financial Services](#)

Contact

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Requested Agenda Type

Regular

Owen & Owen Builders Inc. is located in Portland, Oregon, and is a State COBID Certified ESB Contractor and is a Caucasian/male owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

3 Diamond Construction, LLC is located in Portland, Oregon, and is a State COBID Certified DBE/MBE/ESB Contractor and is a Hispanic/female owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

Bratton Construction, LLC is located in Portland, Oregon, and is a State COBID Certified DBE/MBE/WBE Contractor and is an African American/female owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

Work performed under the Price Agreements will be funded by major maintenance rates/accounts for work on DAM facilities for work on tenant spaces and bureau owned buildings. Major maintenance work is planned out over a five-year period, whereas work for bureaus is dependent on their needs and resources.

Performance Bonds and Payment Bonds are required for task orders with a value of \$150,000 and above. Further, 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.

Procurement Services recommends that Council accept this Report and authorize the Chief Procurement Officer to execute Price Agreements with Owen & Owen Builders Inc., 3 Diamond Construction, LLC, and Bratton Construction, LLC.

Recommended by:

Biko Taylor

Chief Procurement Officer

BT: rab

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize the Chief Procurement Officer to execute three (3) Price Agreements for on-call construction services for Building Alteration and Repair Services from Owen & Owen Builders Inc., 3 Diamond Construction, LLC, and Bratton Construction, LLC for \$1,000,000 per Price Agreement.

The Division of Asset Management Facilities Services (DAM) performs a large number of major maintenance projects for buildings it owns, performs tenant improvements for tenants of its buildings, and manages construction projects for other bureau's buildings. These price agreements will allow DAM to more quickly bring on contractors to perform work on City buildings projects, and presumably at a lower cost.

Ordinance No. 190528 was approved by City Council on August 18, 2020, authorizing the Chief Procurement Officer to issue a competitive solicitation for on-call construction services for Building Alteration and Repair Services. The construction cost based on bids received is \$1,000,000 per Price Agreement.

## **Financial and Budgetary Impacts**

Work performed under the Price Agreements will be funded by major maintenance rates/accounts for work on DAM facilities and IA buildings for work on tenant spaces and bureau owned buildings. Major maintenance work is planned out over a five-year period, whereas work for bureaus is dependent on their needs and resources.

The purposed legislation will not create, eliminate or re-classify any positions now or in the future.

## **Community Impacts and Community Involvement**

The construction contracting community, including contractors certified with the State of Oregon as minority, women, and emerging small businesses became involved when the Chief Procurement Officer advertised and publicly noticed the project on the City's Online Procurement System on January 19, 2022. A public notice was also posted in the Daily Journal of Commerce on January 21, 2022.

Potential bidders were able to review the competitive solicitation, ask questions, provide comments and submit a bid in response to the Invitation to Bid (ITB). Proposals received resulted in the award of the construction contract. Procurement Services managed the procurement process. No protests were received.

Price Agreements for on-call construction services are intended to be used for projects whose specific scope and budget are not pre-determined. Work performed under these price agreements will be authorized via written task orders when projects are identified. The City's equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization of firms certified by the State's Certification Office for Business Inclusion and Diversity (COBID) will apply to each individual task order, and the contractors awarded these Price Agreements have committed to make good faith efforts to achieve the utilization goal. Each Task Order will be negotiated to subcontract with COBID certified enterprises to the maximum extent possible.

Owen & Owen Builders Inc. is located in Portland, Oregon, and a State COBID Certified ESB Contractor and is a Caucasian/male owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

3 Diamond Construction, LLC is located in Portland, Oregon, and a State COBID Certified DBE/MBE/ESB Contractor and is a Hispanic/female owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

Bratton Construction, LLC is located in Portland, Oregon, and a State COBID Certified DBE/MBE/WBE Contractor and is an African American/female owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

No known persons or groups will be testifying.

No future public involvement is anticipated or necessary for this request.

### **100% Renewable Goal**

This action neither increases nor decreases the City's total energy use.

This action neither increases nor decreases the City's renewable energy use.

## **Agenda Items**

### **411 Regular Agenda in [May 18-19, 2022 Council Agenda](#)**

Accepted - Prepare Contract

Motion to accept the report: Moved by Ryan and seconded by Hardesty.

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea