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# 191254

Emergency Ordinance

## \*Authorize contract with Titan Utilities, LLC for the Outfall 42 Maintenance Hole and Storm Sewer Construction Rebid Project for \$1,313,140 (Bid 00002065)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) needs to replace 126-ft of stormwater outfall pipe (Outfall 42) that is in severely deteriorated condition adjacent to the Willamette River.
2. Environmental Services has prepared plans and specifications for replacing the deteriorated outfall pipe, including maintenance holes and service connection.
3. BES seeks Council's authorization for Procurement Services to execute a contract for the Outfall 42 Maintenance Hole and Storm Sewer Construction Project.
4. In accordance with Portland City Code Chapter 5.34.020, the Chief Procurement Officer is authorized to solicit bids estimated not to exceed \$1,000,000, and the Engineer's Estimate for this Project was \$983,194.00. Bids were solicited and the lowest responsive bid is from Titan Utilities, LLC in the amount of \$1,313,140.00. BES conducted a bid analysis and determined the bidder was 34% over the Engineer's Estimate due to the high labor demand currently prevailing within the commercial construction market, high inflation, and the specialized nature of the project. The City issued the Notice of Intent to Award a Contract to Titan Utilities, LLC on April 4, 2023, and no protests were received.
5. 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) applies to this project. Titan Utilities, LLC intends to self-perform 59.26% of the work has committed to subcontract the remaining 40.74% to COBID Certified firms as follows:

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Chief Procurement Officer

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Monday thru Friday 7:00 AM  
to 4:00 PM

**Requested Agenda Type**

Regular

**Date and Time Information**

**Requested Council Date**

April 26, 2023

**Time Requested**

10 minutes

<b>Subcontractor</b>	<b>Certification</b>	<b>Area of Work</b>	<b>Ownership</b>	<b>Amount</b>
Brothers Concrete	MBE	Concrete Cutting	Native American/Male	\$2000
JNM Services	W/ESB	Traffic Control	Caucasian/Female	\$18,000
JTWA Trucking, LLC	D/M/ESB	Hauling Services/Sewer	African American /Male	\$87,000
LCP, LLC	D/W/ESB	Erosion Control/Sewer	Caucasian /Female	\$78,000
Sambar Construction	ESB	Sewer	Caucasian /Female	\$350,000
<b>Total</b>				<b>\$535,000</b>

6. Titan Utilities, LLC has a current City of Portland Business Tax Registration and is in Full Compliance with the contracting requirements. Titan Utilities, LLC is located in Sherwood, Oregon and is a State COBID Certified ESB contractor and is a Caucasian male owned firm.

7. This construction cost for this contract is \$1,313,140.00 with funds available in the BES FY 23/24 budget.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to execute a contract with Titan Utilities, LLC for a sum of \$1,313,140 for the Outfall 42 Maintenance Hole and Storm Sewer Construction Rebid Project.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver checks chargeable to BES project E11220 Fiscal Year 23/24 funds when demand is presented and approved by the proper authorities.

Section 2. The Council declares an emergency exists because this project has a time sensitive in water work window for construction; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
April 26, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to authorize the Chief Procurement Officer to execute a construction contract for the Outfall 42 Maintenance Hole and Storm Sewer Construction Rebid Project for \$1,313,140.

This project is replacing a collapsed Outfall 42 pipe and damaged maintenance hole. The project will also install a new outfall pipe and maintenance hole for more accessible maintenance, and increased stormwater capacity.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

### Financial and Budgetary Impacts

The engineer's estimate for this project was \$983,194.00. Based on bids received, BES anticipates the construction contract cost to be \$1,313,140 which is 34% over the engineer's estimate.

BES conducted a bid analysis that the low bidder was over the Engineer's Estimate due to the high labor demand currently prevailing within the commercial construction market, the high inflation, and the specialized nature of project completion.

Funding for this project is included in the BES FY 23/24 budget.

No present positions will be created, eliminated, or re-classified as a result of this legislation.

### Community Impacts and Community Involvement

This project was bid to the Prime Contractor Development Program (PCDP) participants. The construction contracting community, including contractors certified with the State of Oregon as Disadvantaged, Minority, Women, or Emerging Small Businesses became involved during enrollment in the PCDP. Projects bid to PCDP are not bid to the open market and are only available for participants in PCDP.

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

Titan Utilities, LLC. has a current City of Portland Business Tax Registration and is in Full Compliance with the contracting requirements. Titan Utilities, LLC is located in Sherwood, Oregon and is a State COBID Certified ESB contractor and is a Caucasian male owned firm.

No known persons or groups will be testifying.

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

## 100% Renewable Goal

Not applicable.

## Budget Office Financial Impact Analysis

This ordinance authorizes a contract, the costs of the contract are built into the BES FY 2023-24 Budget and Capital Improvement Program.

## Agenda Items

### 331 Regular Agenda in [April 26, 2023 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea