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1067-2023

Report

Accept bid of \$4,073,723 from Brown Contracting, Inc. for the Brentwood-Darlington Bike/Pedestrian Improvements Project (Procurement Report - BID 00002142)

Accepted

December 20, 2023

TO THE COUNCIL:

On December 7, 2022, Council approved Ordinance Number 191089 for Procurement Services to competitively solicit the Brentwood-Darlington Bike/Pedestrian Improvements Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002142 on behalf of the Portland Bureau of Transportation (PBOT), with a project construction estimate of \$4,091,803.99. PBOT rated the project estimate confidence level as Moderate.

Bids were opened on November 9, 2023, and four (4) bids were received. The lowest responsive bid is from Brown Contracting, Inc., thus it is recommended that their bid be accepted at the estimated unit prices quoted for a total bid amount of \$4,073,723 which is 0.44% under the engineer's estimate.

Ordinance No. 179568 authorized the Bureau of Transportation (PBOT) to participate in ODOT's Local Public Agency Certification Program for the delivery of federal-aid projects. On June 29, 2011, ODOT's Director informed the Mayor that PBOT had successfully completed the requirements to become fully certified. On February 06, 2019, Council approved Ordinance Number 189376 to execute an Intergovernmental Agreement with the Oregon Department of Transportation for the Brentwood-Darlington Bike/Pedestrian Improvements Project. This is a federal-aid transportation project under the Oregon Department of Transportation (ODOT) Federal-Aid Highway Program. Under ODOT's certification, this project will be reviewed and audited by ODOT for federal-aid project compliance.

Part of the certification is that ODOT shall administer on behalf of the City, ODOT's Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity, and On-The-Job Training (OJT) programs. As such, ODOT establishes the minimum DBE goals for each federal-aid project in compliance with 49 CFR 26. The criteria used in assigning project goals includes project location, size, duration, dollar value and the availability of DBE firms that can

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

December 20, 2023

Time Requested

15 minutes

perform identified subcontracting opportunities. This project has a 14% assigned DBE goal. ODOT deemed Brown Contracting, Inc. to be responsive to the DBE requirement. State based certifications other than DBE are not reported in Federal Aid projects. **The DBE participation for this project is 14.73% as follows:**

| Contractor | Certification | Area of Work | Ownership | Amount |
|---------------------|----------------------|---------------------|--------------------|---------------|
| B&B Excavating, LLC | DBE | Excavation | Asian Pacific/Male | \$600,000 |
| Total | | | | \$600,000 |

Brown Contracting, Inc. is located in Eugene, OR, and is not a State COBID Certified Contractor. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City's contracting requirements.

PBOT has funds in T00710.C42 for construction, inspection and management of the project.

It is recommended that a Performance Bond and Payment Bond each at 100% of the contract amount be furnished by the Contractor. 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.

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

Procurement Services recommends that Council accept this Report and authorize the Chief Procurement Officer to execute the contract with Brown Contracting, Inc.

Recommended by:

Biko Taylor

Chief Procurement Officer

BT: eca

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 Brentwood-Darlington Bike/Pedestrian Improvements Project for \$4,073,723.

The Project includes sidewalk infill on both sides of SE Flavel and Duke Streets between SE 52nd Avenue and SE 82nd Avenue, neighborhood greenway

design treatment on SE Ogden Street connecting the existing north-south bicycle network facilities between SE 52nd Avenue and SE 87th Avenue, 'sharrow' pavement markings, speed bumps, stop sign reorientation and crossing improvements at SE 82nd and 72nd Avenues, and a new pedestrian/bicycle connection from SE 87th and SE Flavel to the Springwater Corridor pedestrian bike trail.

Ordinance No. 191089 was approved by City Council on December 7, 2022, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Brentwood-Darlington Bike/Pedestrian Improvements Project on behalf of Portland Bureau of Transportation (PBOT). The construction cost based on bids received is \$4,073,723.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

Financial and Budgetary Impacts

The engineer's estimate was \$4,091,803.99 and the confidence level was low to moderate. Based on bids received, the Portland Bureau of Transportation (PBOT) anticipates the construction contract cost to be \$4,073,723 which is 0.44% under the engineer's estimate.

Funds are available in PBOT T00710.C42.

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

Community Impacts and Community Involvement

The construction contracting community, including contractors certified with the State of Oregon as Disadvantaged, Minority, Women, and Emerging Small Businesses or Serviced Disabled Veteran Businesses became involved when the Chief Procurement Officer advertised and publicly noticed the project on the City's Online Procurement System on October 03, 2023.

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). Bids received resulted in the award of the construction contract. Procurement Services managed the procurement process. No protests were received.

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

Budget Office Financial Impact Analysis

This action accepts bid of \$4,073,723 for the Brentwood-Darlington Bike Pedestrian Improvement Project, which is 0.44% under the engineer's estimate. Funds are available for this project under the FY 2023-24 Adopted CIP.

Agenda Items

1067 Regular Agenda in [December 20, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/20)
(<https://www.portland.gov/council/agenda/2023/12/20>)

Accepted - Prepare Contract

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

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent