



[Home](#) / [Council Documents](#)

175-2024

Report

Accept bid of \$4,792,499 from James W. Fowler Co. for the Stark Trunk Rehabilitation project (Procurement Report - ITB 00002225)

Accepted

TO THE COUNCIL:

On December 14, 2022, Council approved Ordinance Number 191104 for Procurement Services to competitively solicit the Stark Trunk Rehabilitation-OF37/WZ01 Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002225 on behalf the Bureau of Environmental Service (BES), with a project construction estimate of \$5,266,000. BES rated the project estimate confidence level as high.

Bids were opened on December 19, 2023, and one (1) bid was received. The lowest responsive bid is from James W. Fowler Co., thus it is recommended that their bid be accepted at the estimated unit prices quoted for a total bid amount of \$4,792,499 which is 9% below the engineer's estimate.

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. **James W. Fowler Co. has committed to subcontract 9.57% to COBID Certified firms** as follows:

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
February 21, 2024
Time Requested
15 minutes

Subcontractor	Certification	Area of Work	Ownership	Amount
Brothers Concrete Cutting Inc.	MBE	Concrete Cutting	Native American/ Male	\$25,697
Cutter Construction Co, Inc.	DWBE	Hauling Services	Caucasian/Female	\$10,740

Egami Construction Inc.	DMWESB	Signs	Asian Pacific/ Female	\$3,455
Gonzales Boring & Tunneling Co., Inc.	MBE	Boring	Hispanic/Male	\$79,335
IMN Traffic Specialties LLC	DMWBE/ESB	Flagging	African American/ Female	\$159,682
Orr, Inc.	MBE/ESB	Sewer & Waterlines	Native American/ Male	\$179,575
Total				\$458,484

James W. Fowler Co. acting as the prime contractor intends to self-perform 84.33% of the work and to subcontract 6.1% to the following non-certified firms:

Subcontractor	Area of Work	Amount
Hatch Western Co Inc.	Asphalt Removal	\$6,225
Olson Concrete Construction, LLC	Concrete	\$134,722
Pro-Pipe, inc.	Pipe Inspection	\$128,044
Vancouver Paving Company	Paving	\$23,000
Total		\$291,994

James W. Fowler Co. is located in Dallas, Oregon, 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.

Funds are available in the Sewer System Operating Fund, FY 22-23 WBS Element E11440 and in the Bureau of Environmental Services' FY 23-27 Capital Improvement Plan.

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 James W. Fowler Co.

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 a construction contract for the Stark Trunk Rehabilitation-OF37/WZ01 Project for \$4,792,499.

The Bureau of Environmental Services (BES) needs to rehabilitate 1,800 feet of deteriorated, large diameter, combined sewer pipe in the Central Eastside Industrial District.

Ordinance No. 191104 was approved by City Council on December 14, 2022, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Stark Trunk Rehabilitation-OF37/WZ01 Project. The construction cost based on bids received is \$4,792,499.

Financial and Budgetary Impacts

The engineer's estimate for this project was \$5,266,000 and the confidence level was high. Based on the proposal received, the BES anticipates the construction contract cost to not exceed \$4,792,499 which is 9% below the engineer's estimate.

Funds are available in the Sewer System Operating Fund, FY 22-23 WBS Element E11440 and in the Bureau of Environmental Services' FY 23-27 Capital Improvement Plan.

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

Community Impacts and Community Involvement

Environmental Services is repairing a large-diameter concrete sewer pipe along SE Stark Street between SE 6th Avenue and the Willamette River. Repairs will increase the sewer's resiliency, extend its service life for 60

years or more, and help prevent sewage releases into building basements and streets.

The project is located in the Central Eastside Industrial District in the Inner Buckman Neighborhood. Specifically, sewer pipe repair work will occur on SE Stark Street from SE Water Avenue to SE 6th Avenue. In order to understand the demographics of the area near the project location, census data is shown in the table below. below.

POPULATION

- All Census data pulled from American Community Survey

(ACS) 2019 5-year Survey.

- <https://censusreporter.org/profiles/14000US41051001101-census-tract-1101-multnomah-or/>
(<https://censusreporter.org/profiles/14000US41051001101-census-tract-1101-multnomah-or/>)
- Census Tract 11 .01, Multnomah County
- Population: 2,473

POPULATION BY AGE

- Median age: 34.9 years
- Under 18 years: 1.6%
- 18 to 64 years: 92%
- 65 and over: 6.4%

POPULATION BY RACE

- White alone: 81 %
- Black or African American alone: 8%
- American Indian and Alaska Native alone: 0%
- Asian alone: 3%
- Native Hawaiian and other Pacific Islander alone: 0%
- Some Other Race alone: 0%
- Two or More Races: 5%
- Hispanic or Latino: 3%

POPULATION BY DENSITY

- Land Area: .5 square miles
- Persons per square mile: 4,550

HOUSING (OWN/RENT)

- Owner-occupied: 7.8%
- Renter-occupied: 92.2%
 - Single unit: 11 %
 - Multi-unit: 89%

HOUSEHOLDS

- Total households: 1,539
- Persons per household: 1.5

LANGUAGES SPOKEN

- English only: 92%
- Spanish: 1 %
- Inda-European: 4%
- Asian/Islander: 2%
- Other: 1%

PROXIMITY TO TRANSIT

- Nineteen percent of residents take public transit to work, 15% bicycle, and 9% walk. The mean travel time to work is 27 minutes, which is nearly identical to the average in Multnomah County, which is 26.9 minutes.

OTHER

- Educational attainment:
 - Bachelor's degree or higher: 50.3%; this is about 10% higher than the rate in Multnomah County, which is 44.5%

Beginning in May 2020, Environmental Services conducted outreach to neighboring property owners, occupants, business, and the traveling public who might be impacted by sewer construction. Different methods of outreach have been utilized on this project, including mailed notification, hand-delivered flyers, phone calls, email updates and Nextdoor posts. The mailing list includes 947 recipients, the email list includes 261 recipients, and Nextdoor posts include approximately 2000 recipients. Some recipients have requested scheduled updates but have not expressed concerns about the project. Businesses we have heard from are advocating for at least lane one traffic to remain open on SE Stark next to the work zone to allow for easier access to their businesses during construction.

Prior to and during construction, public involvement, community outreach and public information services will focus on preparing businesses, property owners and occupants for construction. Particular attention will be given to maintaining close and cooperative communication with nearby businesses. Public involvement staff will develop and distribute project mailings, door flyers and other advance notifications to property owners and occupants within the project area; regularly update the project webpage; provide regular construction schedule updates via email to interested parties; and collaborate directly with businesses, property owners and occupants where unique issues may arise during construction.

Matt Gough, Environmental Services, has been the contact for Community Outreach and Public Involvement throughout design and will remain the contact throughout construction with support from JLA Public Involvement Inc.

100% Renewable

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 November 9, 2023. A public notice was also posted in the Daily Journal of Commerce on November 13, 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). Proposals 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.

Agenda Items

175 Regular Agenda in [February 21, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/21)
(<https://www.portland.gov/council/agenda/2024/2/21>)

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea