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207-2024

Report

Accept bid of Brown Contracting, Inc. for the SE 155th Ave and Main St/Millmain Dr Local Improvement District for \$1,586,024 (Procurement Report - Bid 00002246; C-10071)

Accepted

TO THE COUNCIL:

On April 27, 2022, Council approved Ordinance Number 190792 for Procurement Services to competitively solicit the SE 155th Ave and Main St/Millmain Dr LID in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002246 on behalf of Portland Bureau of Transportation (PBOT), with a total project cost of \$2,525,000. PBOT rated the confidence level of the estimate as Low.

Bids were opened on January 23, 2024, and eight (8) 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 \$1,586,024, which is 13.94% under the engineer's estimate of \$1,842,822.

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. **Brown Contracting, Inc. has committed to subcontract 20.05% to COBID Certified firms as follows:**

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

Kathleen Brenes-Morua

Design & Construction,
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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

March 6, 2024

Time Requested

10 minutes

Subcontractor	Certification	Area of Work	Ownership	Amount
Alvin L. Hall	DBE/MBE	Trucking	African American/Male	\$21,000.00
B&B Excavating LLC	DBE/MBE/ESB	Utilities	Asian Pacific/Male	\$121,312.00

Subcontractor	Certification	Area of Work	Ownership	Amount
Guido Construction, Inc.	DBE/MBE/WBE	Concrete	Native American/Male	\$53,000.00
IMN Traffic Specialties LLC	DBE/MBE/WBE/ESB	Traffic Control	African American/Female	\$39,680.00
JBL Signs, Striping & Supplies	ESB	Signs	Caucasian/Female	\$21,500.00
Picon Pacheco LLC	DBE/MBE	Landscaping	Hispanic/Male	\$61,610.00
Total				\$318,102.00

Brown Contracting, Inc. acting as the prime contractor intends to self-perform 65.88% of the work and to subcontract 14.07% to the following non-certified firm:

Subcontractor	Area of Work	Amount
KNL INDUSTRIES INC	Asphalt Paving	\$59,125.00
Northstar Electrical Contractors	Electrical	\$129,500.00
Specialized Pavement Marking LLC	Landscaping	\$34,396.00
Total		\$223,021.00

Brown Contracting, Inc. is located in Eugene, Oregon, and is not a State COBID Certified Contractor and is a White/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.

Portland Bureau of Transportation has funds budgeted in FY 2024 and proposed FY 2025 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: veh

Impact Statement

Purpose of Proposed Legislation and Background Information

Authorize the Chief Procurement Officer to execute a construction contract for the SE 155th Ave and Main St/Millmain Dr LID to Brown Contracting, Inc. The construction cost based on bids received is \$1,586,024.

The SE 155th Ave and Main St/Millmain Dr LID project anticipates greater integration of the planned Parklane Park street frontage improvements with the Portland Bureau of Transportation's (PBOT) 4M and 150s Greenway projects and reduce the possibility of throwaway improvements being constructed in PBOT's right-of-way which could result in PP&R's use of the public works permitting (PWP) process.

The LID allows PP&R to delete an off-street parking lot from their Parklane Park design and helps minimize on street parking removal as desired by the Centennial Neighborhood.

A new cul-de-sac will be constructed by this LID along the north side of Parklane Park to improve routine and emergency access at the southern terminus of SE 155th Avenue.

Curbs along the south side of Parklane Park along SE Main Street and SE Millmain Drive will be removed and replaced to the south, shortening crossing distances for pedestrians accessing Parklane Park.

The planned designs for SE Main Street and SE Millmain Drive will be reflected in typical sections to be included in the subsequent LID Formation Ordinance, with an improved design to separate westbound bicyclists from the roadway, with the new off street bike facilities designed to avoid tree removal.

Ordinance No. 190792 was approved by City Council on April 27, 2022 authorizing the Chief Procurement Officer to issue a competitive solicitation for the SE 155th Ave and Main St/Millmain Dr LID on behalf of PBOT.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

Financial and Budgetary Impacts

Based on bids received, PBOT anticipates the construction contract cost to be \$1,586,024. The engineer's estimate for this project was \$1,842,822 and the confidence level was Optimal.

PBOT conducted a bid analysis and determined that the bids provided were competitive and not materially unbalanced.

Funds are available in PBOT's Owner Cost Center T01191.

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 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 December 13, 2023.

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.

No known persons or groups will be testifying.

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

100% Renewable Goal

This is not applicable to this project.

Budget Office Financial Impact Analysis

This action accepts a construction bid for the 155th and Main/Millmain Drive LID district. The bid amount of \$1.6 million is approximately 14% below the engineer's estimate. PBOT has funds budgeted for the project in the FY 2023-24 Revised Budget as well as within the FY 2024-25 Requested Budget. LID projects are funded via property owners benefiting from the relevant project, with the City providing financing and first payments due

upon project completion. No additional revenues are requested as a result of this action.

Agenda Items

207 Regular Agenda in [March 6, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/3/6)
(<https://www.portland.gov/council/agenda/2024/3/6>)

Accepted - Prepare Contract

Motion to accept the report: Moved by Gonzalez and seconded by Wheeler.
(Y-5)

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea