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249-2024

Report

Accept bid of \$1,999,235 from James W. Fowler Co. for the Sheridan Trunk WZ-03 Project (Procurement Report - ITB 00002237)

Accepted

TO THE COUNCIL:

On November 8, 2023, Council approved Ordinance Number 191515 for Procurement Services to competitively solicit the Sheridan Trunk WZ-03 Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002237 on behalf the Bureau of Environmental Service (BES), with a project construction estimate of \$1,652,000. BES rated the project estimate confidence level as high.

Bids were opened on January 9, 2024, 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 \$1,999,235 which is 17.4% above 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 6.7% 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
March 20, 2024
Time Requested
15 minutes

Subcontractor	Certification	Area of Work	Ownership	Amount
Alvin L. Hall	DMBE	Hauling	African American/ Male	\$3,200
Brothers Concrete Cutting Inc.	MBE	Concrete Cutting	Native American/ Male	\$1,000
IMN Traffic Specialties LLC	DMWBE/ESB	Flagging	African American/ Female	\$52,416
JNM Services, LLC	WBE/ESB	Project Controls	Caucasian/Female	\$11,450
LCP, LLC	DWBE/ESB	Erosion Control	Caucasian/Female	\$12,125

Subcontractor	Certification	Area of Work	Ownership	Amount
Orr, Inc.	MBE/ESB	Sewer/Waterline Construction	Native American/ Male	\$53,750
Total				\$133,941

James W. Fowler Co. acting as the prime contractor intends to self-perform 88.8% of the work and to subcontract 4.5% to the following non-certified firms:

Subcontractor	Area of Work	Amount
All Hazards Rescue Inc	Tunnel Rescue	\$90,000
Total		\$90,000

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 Operating Fund, FY 23-24 Budget, Bureau of Environmental Services, Cost Center ESEN000042, WBS Element E11008.

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 Sheridan Trunk WZ-03 Project for \$1,999,235.

The project will rehabilitate 510 feet of 66-inch diameter combined sewer pipe in the South Portland neighborhood.

Ordinance No. 191515 was approved by City Council on November 8, 2023, authorizing the Chief Procurement Officer to issue a competitive solicitation for the Sheridan Trunk WZ-03 Project. The construction cost based on bids received is \$1,999,235.

Financial and Budgetary Impacts

The engineer's estimate for this project was \$1,652,000 and the confidence level was high. Based on the proposal received, the Bureau of Environmental Services (BES) anticipates the construction contract cost to not exceed \$1,999,235 which is 17.4% above the engineer's estimate.

Funds are available in the Sewer Operating Fund, FY 23-24 Budget, Bureau of Environmental Services, Cost Center ESEN000042, WBS Element E11008.

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 designing a project to repair 500 feet of public sewer pipe on Southwest Sheridan Street between Water and Moody avenues. Having provided over 135 years of service, the pipes require repairs to maintain reliable sewer service and protect public health and the environment.

The rehabilitation project includes 510 feet of 66-inch circular monolithically cast-in-place concrete pipe. The project will involve night work and will need a Temporary Street Use Permit, a Street Opening Permit, and an Application and Permit to occupy or perform operations upon a state highway.

The project location of Southwest Sheridan Street is underneath a number of interchanges and overpasses including South Harbor Viaduct, South Harbor Drive overpass, Interstate 405 freeway, and Interstate 5 freeway. The section of the Sheridan Trunk slated for rehabilitation is located between existing maintenance hole ABU808 and diversion CSO node ANS818, which is located within a public utility easement within the Oregon Health and Science University (OHSU) parking lot. The project team is collaborating with OHSU when needing to access the easement.

Notification of neighbors within a 2-block radius has been completed. Mailers were distributed by USPS mail to 4,475 neighbors on April 25, 2023. A GovDelivery email bulletin with the mailer content was sent to 231 recipients on April 25, 2023. In addition, the project website is active, no responses were received.

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 4, 2023. A public notice was also posted in the Daily Journal of Commerce on December 6, 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

249 Regular Agenda in [March 20, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/3/20) (<https://www.portland.gov/council/agenda/2024/3/20>)

Accepted - Prepare Contract

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

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea