



CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

Charlie Hales, Mayor

Jack D. Graham, Chief Administrative Officer

Bryant Enge, Director, Bureau of Internal Business Services

Christine Moody

Chief Procurement Officer

Procurement Services

1120 S.W. Fifth Avenue, Rm. 750

Portland, Oregon 97204-1912

(503) 823-5047

FAX (503) 823-6865

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CONSENT CALENDAR

June 5, 2013

TO THE COUNCIL:

The Chief Procurement Officer has advertised and received bids for Bid Number 115384 for the SW 86th Avenue Pump Station & Appurtenances for the Bureau of Environmental Services, with a project construction estimate of \$14,526,000. The Bureau of Environmental Services rated the level of project estimate confidence as Optimal.

Bids were opened on April 25, 2013, and Eight (8) bids were received. The low bid of James W. Fowler Co. was deemed responsive to the requirements of the solicitation. It is recommended that the bid of James W. Fowler Co. be accepted at the lump sum quoted in their bid for the amount of \$14,982,000 plus an additional \$650,000 in allowances for a total lump sum bid amount of \$15,632,000.

The Bureau of Environmental Services along with Procurement Services, identified Eighteen (18) Divisions of Work as potential M/W/ESB subcontracting opportunities for this project, resulting in \$3,128,130.00 awarded to subcontractors.

The Divisions of Work identified were:

Asphalt Paving	Concrete Work	Demolition	Drywall/Sheetrock	Electrical
Excavating	Fencing	Grading	Hauling Services (Trucking)	HVAC
Landscaping	Masonry	Metal Fabrication	Sewer, Water & Storm Drain Work	Roofing
Plumbing	Site Clean Up	Structural Steel (Install/Erect)		

In their bid James W. Fowler Co., indicated their intent to self perform the following divisions of work:

Concrete Work	Demolition	Excavating	Grading	Sewer, Water & Storm Drain Work
Site Clean Up	Structural Steel (Install/Erect)			

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

MWESB participation represents 20.5 % or \$ 641,404.00 of the estimated subcontracting dollars.

- MBE - \$388,900. performing Painting/Wallpapering and Auger Cast Piles.
- WBE - \$155,295. performing Hauling Services (Trucking).
- ESB - \$97,209. performing Fencing, Plumbing, Landscaping and Roofing.

James W. Fowler has a current City of Portland Business Tax Registration and their EEO Certification is current through December 17, 2014. The company is located in Dallas, Oregon, and is not a State Certified M/W/ESB Contractor.

Company is in Full Compliance with the Equal Benefits Program.

Funds are available for this project under Owner Cost Center E09051.

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

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.

Recommended by:

Christine Moody
Chief Procurement Officer

CM:kdm

GOOD FAITH EFFORT COMPLIANCE REPORT

Submission substantially complies with Good Faith Effort Requirements		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed by:	Brenda Scott	
Date:	5-2-13	

PROJECT INFORMATION

PROJECT NAME & BUREAU	SW 86 th Avenue Pump Station and Appurtenances (BES)
BID NUMBER	115384
PRE-BID DATE	3-21-13
BID OPEN DATE	4-25-13
BID AMOUNT	\$14,982,000
CONTRACTOR	James W. Fowler

AT BID SUBMISSION

QUESTION	YES	NO
Did contractor submit the GFE Form 1 (Subcontractor and Self-Perform Work List)?	x	

M/W/ESB PARTICIPATION – Total Bid

PARTICIPATION TYPE	TOTAL \$	PERCENTAGE OF TOTAL BID AMOUNT
MBE	\$388,900	2.6%
WBE	\$155,295	1%
ESB	\$97,209	.6%
Total M/W/ESB Participation	\$641,404	Total bid – 4.3% Subcontract percentage – 20.5%

M/WBE PARTICIPATION – Subcontracting (35% Aspirational goal)

TOTAL OF ALL SUBCONTRACTS (including non-certified firms)	TOTAL MBE & WBE SUBCONTRACTS	PERCENTAGE OF M/WBE SUBCONTRACTS
\$3,128,130	\$544,195	17.4%

GOOD FAITH DOCUMENTATION (24 HOURS AFTER BID OPENING)

	QUESTION	YES	NO	NOTES
1.	<i>Did prime contractor attend the mandatory pre-bid meeting? (If pre-bid meeting was waived, note in NOTES column.) Check sign-up sheet with Buyer.</i>	X		
2.	<i>Did contractor explain why identified divisions of work (DOW) were not included for subcontracting? (See Form 1)</i>	X		
3.	<i>Were letters or faxes sent to all M/W/ESBs (in identified DOW's to be subcontracted) at the pre-bid meeting?(Form 2)</i>	X		
4.	<i>Was a minimum of five (5) M/W/ESB firms contacted (in each identified DOW to be subcontracted) by letter or fax to bid on this project?(Form 2)</i>	X		
5.	<i>Were M/W/ESB firms contacted at least seven (7) calendar days before the bid opening?(Form 2)</i>	X		
6.	<i>Is a copy of the letter or fax sent to potential M/W/ESB subs included in Good Faith documentation?</i>	X		
7.	<i>Did prime provide a completed M/W/ESB Contact/Bids Received Log (Form 2)?</i>	X		

GOOD FAITH EFFORT ANALYSIS

1.	Divisions of Work Identified by City: Asphalt Paving; Concrete Work; Demolition; Drywall/Sheetrock; Electrical; Excavating; Fencing; Grading; Hauling Services (Trucking); HVAC; Landscaping; Masonry; Metal Fabrication; Plumbing; Roofing; Sewer, Water & Storm Drain Work; Site Cleanup; and Structural Steel (Install/Erect).
2.	Rationale for non-utilization of subcontractors for suggested Divisions of Work: Self-performing.
3.	All Divisions of Work to be used on this project: Same as #1 plus Missed Opportunity DOW – Painting/Wallpapering.
4.	Certified Subcontractors' name, Cert Type, and Subcontract amount used on the Project: Zochert Fence (ESB Fencing) - \$5,035; Renner Trucking & Excavating (WBE Hauling Services (Trucking)) - \$155,295; Bryan R Green Construction and Plumbing (ESB Plumbing) - \$39,645; Fine Painting & Allied Services Inc (MBE Painting/Wallpapering) - \$349,900; Envirosapes Northwest Inc (ESB Irrigation, Landscaping – Ecoroof) - \$52,529; and PLI Systems (MBE Auger Cast Piles) - \$39,000.
5.	Subcontractor names and subcontract amounts awarded to non-certified firms: Brix Paving Northwest Inc. (Asphalt Paving) - \$29,000; Billings & Cronn Co (Drywall/Sheetrock) - \$39,988; Hollstrom Industrial Contractors (Electrical) - \$1,490,000; Robert Lloyd Sheet Metal Inc (HVAC) - \$202,000; Rigert Landscaping (Landscaping) - \$149,949; Magnum Masonry (Masonry) - \$219,660; Double A Metal (Metal Fabrication) - \$254,279; Snyder Roofing (Roofing) - \$62,000; and Harvey & Price Mechanical Contractors (Fire Sprinkler Systems) - \$39,850.
6.	Divisions of Work retained by Prime: Concrete Work; Demolition; Excavating; Grading; Sewer, Water & Storm Drain Work; Site Cleanup; and Structural Steel (Install/Erect).
7.	Bids received from certified firms (not used): Vancouver Paving (WBE Asphalt Paving) - \$41,800; McDermott Fence & Construction LLC (WBE Fencing) - \$4,879; Reliable Fence and Construction (ESB Fencing) - \$4,820; USA Trucking LLC (MBE Hauling Services -Trucking) - \$79hr; Salt & Pepper Construction Co Inc(MBE Hauling Services - Trucking) - \$80hr; Peter Akhtar Trucking (MBE Hauling Services - Trucking) - \$85hr; LDE Company (ESB HVAC) - \$282,000; Chick of All Trades LLC (MBE Roofing) - \$7,899; and McBride Sheet Metal Inc (WBE Roofing) - \$47,253.
8.	Check Compliance file for prime contractor. Are there any contract compliance issues in the prime's Compliance file (last 3 years) that should be noted for the Purchasing Agent's Report to Council? No.

9.	Any special Good Faith Efforts undertaken by the Prime Contractor? Yes, prime contacted more than the required number of MWESB's all DOW's. They also solicited and used an MBE in a Missed Opportunity DOW.
10.	List of other prime bids received: Note any special Good Faith Efforts taken by the Prime Contractor and if good faith effort documentation submitted (Forms 1/2). Pacific Crest Construction - \$15,349,000 (Form 1); Stellar J Corporation - \$16,037,240 (Form 1); McClure & Sons Inc - \$17,162,758 (no forms); Slayden Construction Group - \$17,224,188 (no forms); Harbor Pacific Contractors Inc - \$15,898,000 (Form 1); The Natt McDougall Company - \$17,524,807 (no forms); and Wildish Building Co - \$16,135,000 (no forms).

Notes:

EEO Cert. Expires: 12/17/14
COP License No.: 414749
CCB License No.: 63701

Issues: None.

Clarifications: None.

Summary of James W. Fowler's Good Faith Efforts:

DOW		Required M/W/ESB Contacts	# M/W/ESBs Contacted	# Bids Received	# Bids Used
91395	ASPHALT PAVING	5	6	1	0
91075	DRYWALL/SHEETROCK	5	6	0	0
91438	ELECTRICAL	5	6	0	0
98815	FENCING	5	7	3	1
96239	HAULING SERVICES (TRUCKING)	5	7	4	1
91036	HVAC	5	6	1	0
98852	LANDSCAPING	5	7	1	1
91455	MASONRY	5	6	0	0
91458	METAL FABRICATION	5	6	0	0
91461	PAINTING/WALLPAPERING	0	1	1	1
91468	PLUMBING	5	7	1	1
91473	ROOFING	5	6	2	0
Total		55	71	14	5

Level of Effort:

	High	Met the aspirational goal.
x	Moderate	Exceeded the solicitation requirements and/or achieved some participation.
	Low	Met the minimal solicitation requirements but achieved NO participation.

Recommendation: Approval. The contractor is in compliance with the GFE specifications.

TABULATION OF BIDS

CITY OF PORTLAND
PROCUREMENT SERVICES

Project: SW 86th Avenue Pump Station and Appurtenances
Bid Opening: 04/25/13

Bid Number: 115384 Bureau: BES Estimate: \$ 14,500,000.00				
Bidder's Name	Lump Sum Bid Amount	Add Alt	Bid Surety	OCCB License Number
James W. Fowler Co.	\$ 14,982,000.00	N/A	Y	63701
Pacific Crest Construction, Inc.	\$ 15,349,000.00	N/A	Y	192495
Harbor Pacific Contractors, Inc.	\$ 15,898,000.00	N/A	Y	99131
Stellar J. Corporation	\$ 16,037,240.00	N/A	Y	127903
Wildish Building Co.	\$ 16,135,000.00	N/A	Y	34429
McClure and Sons, Inc.	\$ 17,162,758.00	N/A	Y	71127

Bid Number: 115384 Bureau: BES Estimate: \$ 14,500,000.00				
Bidder's Name	Lump Sum Bid Amount	Add Alt	Bid Surety	OCCB License Number
Slayden Construction Group, Inc	\$17,224,188.00	N/A	Y	157045
The Natt McDougall Company	\$17,524,807.00	N/A	Y	111237

Buyer: Kelly Davis-McKernan

BUREAU OF ENVIRONMENTAL SERVICES
MEMORANDUM
ENGINEERING SERVICES DIVISION

DATE: April 29th, 2012

TO: Kelly Davis-McKernan – Senior Procurement Specialist

THROUGH: Mark Hutchinson, Construction Division Manager
Susan Aldrich, CIP Manager

FROM: Bob Yaghmaie, Construction Project Manager
Dan Hebert, Design Project Manager

RE: Bid No. 115384
Project No. E09051

SUBJECT: SW 86th Avenue Pump Station and Appurtenances
Contract Award Recommendation



We have reviewed the bids for this project.

The proposal from James W. Fowler Co. shows a bid amount of \$15,632,000.00, which is 3.18% over the Engineer's Estimate of \$15,150,000.00 and is the apparent low bid. This number includes two Allowance Amounts of \$500,000 and \$150,000. Without the Allowance Amounts included, the engineer's estimate is \$14,500,000.00 and the apparent low bid is \$14,982,000.00.

We therefore recommend that Procurement Services accept the proposal from James W. Fowler Co, the apparent low bidder, as the lowest responsible bidder. This recommendation is subject to your evaluation of the bid packet for completeness and responsiveness.

Please contact me at 503-823-1021, if you have any questions.

cc: Bill Ryan
Scott Gibson
Scott Clement
Josh Nault
David Demchak
Dave Nunamaker
Jaime de la Garza
Neil Bruesch
Neil Choate
Const. File w/sup.docs

cc: Susan Wheaten
TRIM Folder 54.0

Attachment: Bid Tabs

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McClure and Sons, Inc.	\$ 17,162,758.00	N/A	Y	71127

525

Agenda No.
REPORT NO.

Title

Accept bid of James W. Fowler Co. for the SW 86th Avenue Pump Station & Appurtenances for \$15,632,000. (Procurement Report-Bid No. 115384)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>MAY 31 2013</u></p>
<p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick</p>	<p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: Deputy</p>
<p>BUREAU APPROVAL Bureau: Procurement Services Bureau Head: Christine Moody </p>	<p>ACTION TAKEN: JUN 05 2013 ACCEPTED PREPARE CONTRACT</p>
<p>Prepared by: Kelly Davis-McKernan Date Prepared: 5/13/13</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Council Meeting Date June 5, 2013</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	