

RESOLUTION NO. 2378

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING THE BID PROCESS; ACCEPTING THE LOWEST RESPONSIBLE BID; AWARDING A CONSTRUCTION CONTRACT TO K & E EXCAVATING INC. THE LOWEST RESPONSIBLE BIDDER; VERIFYING FUND AVAILABILITY; FOR THE BOECKMAN ROAD BRIDGE REPAIRS PHASE 1 PROJECT #4177.

WHEREAS, the City previously entered into an Intergovernmental Agreement with the State Of Oregon to construct the project known as the Boeckman Road to Tooze Road Connection Project, and subsequently entered into finance agreements to fund design and construction of roadway and infrastructure improvements from Boberg Road west some 6,500 feet to Tooze Road, including construction of the roadway and bridge section across the Coffee Lake Wetlands; and

WHEREAS, the City entered into a Professional Services Agreement With HDR Engineering Inc. to design said improvements, and entered into a Professional Services Agreement with Mackay & Sposito, Inc. to provide professional (engineering) services and project management services for said improvements; and

WHEREAS, following construction of the said improvements, excessive settlement of the roadway constructed on fill was observed to be occurring immediately east and west of the bridge section, and subsequently confirmed by survey; and

WHEREAS, the City of Wilsonville instituted a lawsuit, *City of Wilsonville v. HDR Engineering*, Clackamas County Circuit Court Case No. CV 10070047, over geotechnical and design errors involving the subsidence of the road and bridge abutments over compressible soils known as the Boeckman Road Extension Project; and

WHEREAS, pursuant to Resolution No. 2323, adopted September 21, 2011, a settlement of claims was authorized in the above-referenced case; and

WHEREAS, on June 4, 2012, the Wilsonville City Council adopted a Capital Improvement Program for the City that includes a FY 2012/2013 appropriation of \$976,750.00 for the Boeckman Road Bridge Repairs project #540.950.45030.00000.4177; and

WHEREAS, in February 2012 the City had entered into a Professional Services Agreement with Hart Crowser, Inc. to be the prime consultant, project manager and geotechnical engineer to lead the redesign and re-construction of Boeckman Road; and

WHEREAS, the City choose to split the reconstruction of Boeckman Road into a Phase 1 demolition and surcharge contract to be issued in 2012, followed by a separate Phase 2 reconstruction contract to be bid and awarded in 2013; and

WHEREAS, Boeckman Road has been closed across the wetlands since July 11 to allow franchise utility companies to relocate their utility lines in anticipation of the impending demolition work; and

WHEREAS, the Boeckman Road Bridge Repairs Phase 1 project was duly advertised for pre-qualifications of general contractors on the City of Wilsonville Web Site and in the Daily Journal of Commerce on June 18th and June 25th, 2012, a newspaper of general circulation; and

WHEREAS, the Boeckman Road Bridge Repairs Phase 1 project was duly advertised for competitive bids from the pre-qualified general contractors on the City of Wilsonville Web Site and in the Daily Journal of Commerce on July 17, 2012, a newspaper of general circulation; and

WHEREAS, five (5) sealed bids were received from the list of pre-qualified General Contractors prior to 2:00 p.m., local time, August 2, 2012, at the City Hall, Wilsonville, Oregon 97070, and at 4:00 PM, local time, August 2, 2012, bids were then opened individually and separately read aloud. A summary of bids under this construction contract are marked "Exhibit A", attached hereto and incorporated herein; and

WHEREAS, the lowest base bid of \$303,995.00 was submitted by K&E Excavating Inc. Contractors, Inc. and they are considered the apparent low bidder; and

WHEREAS, the contract has an anticipated Notice to Proceed date of August 21, 2012; and

WHEREAS, the City of Wilsonville reserves the right to reject any bid and to waive all informalities, or to accept any bid which appears to serve the best interests of the City Council, acting as the Local Contract Review Board, as reserved in its Invitation To Bid; and

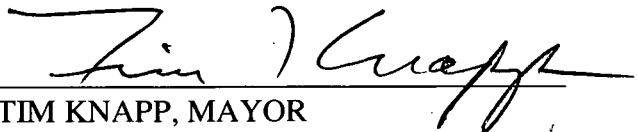
WHEREAS, the City of Wilsonville desires to execute a Construction Contract Agreement in a timely manner.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council acting as the Local Contract Review Board finds and concludes:
 - a. The recital of findings above is incorporated by reference herein.
 - b. The bid of K&E Excavating Inc. is deemed responsive. K&E Excavating Inc. is the lowest responsible bidder and is qualified for the work.
2. Subject to the final review and approval of the City Engineer and in accordance with the provisions of Oregon Revised Statutes, Chapter 279C, Public Contracting – Public Improvements and Related Contracts and Wilsonville Code 2.3.14, Contracts with the City, and the Attorney General’s Model Rules which the City has adopted as its contracting rules; the City Council acting as the Contract Review Board hereby awards the contract with the bid alternative option for the Boeckman Road Bridge Repairs Phase 1 project to K&E Excavating Inc., the lowest responsible bidder, in the amount of \$303,995.00.
3. Subject to final completion of all improvements specified in the contract documents, the City Engineer is authorized to certify the required improvements complete and make final payment including release of retainage.
4. The City Engineer is authorized to approve change orders to this contract so long as total project costs do not exceed the budgeted amounts.
5. Authorize the expenditure of project funds as budget authorization of Fiscal Year 2010/2011 CIP budget as follows:

<u>ACCOUNT</u>	<u>AMOUNT</u>
540.950.45030.00000.4177	\$303,995.00.
6. This resolution is effective upon adoption

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of August, 2012, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Nunez	Yes
Councilor Goddard	Yes
Councilor Starr	Yes

Attachment: Exhibit A Bid Summary

Boeckman Road Reconstruction

EXHIBIT "A" - SUMMARY OF BIDS

Owner: City of Wilsonville
August 2, 2012 - 4:00 pm

Item #	Description	Qty	Unit	K & E Excavating #1		Braun Construction #2		Kerr Contractor #3		Pacific Excavation #4		NEI #5	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$ 25,340.00	\$ 25,340.00	\$ 12,500.00	\$ 12,500.00	\$ 55,000.00	\$ 55,000.00	\$ 35,000.00	\$ 35,000.00	\$ 42,240.00	\$ 42,240.00
2	Temp Protection & Direction of Traffic	1	LS	\$ 2,151.00	\$ 2,151.00	\$ 6,000.00	\$ 6,000.00	\$ 2,000.00	\$ 2,000.00	\$ 10,000.00	\$ 10,000.00	\$ 1,270.00	\$ 1,270.00
3	Temp Concrete Barrier	100	Foot	\$ 25.00	\$ 2,500.00	\$ 24.00	\$ 2,400.00	\$ 27.50	\$ 2,750.00	\$ 40.00	\$ 4,000.00	\$ 28.10	\$ 2,810.00
4	Temp Type CL Chain-Link Fence	160	Foot	\$ 2.75	\$ 440.00	\$ 10.00	\$ 1,600.00	\$ 15.00	\$ 2,400.00	\$ 10.00	\$ 1,600.00	\$ 10.20	\$ 1,632.00
5	Erosion/Water Pollution Control	1	LS	\$ 3,223.00	\$ 3,223.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 15,000.00	\$ 15,000.00	\$ 3,230.00	\$ 3,230.00
6	Pollution Control Plan	1	LS	\$ 618.00	\$ 618.00	\$ 650.00	\$ 650.00	\$ 250.00	\$ 250.00	\$ 100.00	\$ 100.00	\$ 730.00	\$ 730.00
7	Removal of Structures & Obstructions	1	LS	\$ 12,085.00	\$ 12,085.00	\$ 17,000.00	\$ 17,000.00	\$ 21,200.00	\$ 21,200.00	\$ 25,000.00	\$ 25,000.00	\$ 15,040.00	\$ 15,040.00
8	Sawcut Existing Asphalt or Concrete	100	Foot	\$ 3.00	\$ 300.00	\$ 3.00	\$ 300.00	\$ 2.50	\$ 250.00	\$ 7.00	\$ 700.00	\$ 1.90	\$ 190.00
9	Salvage Existing Features	1	LS	\$ 7,910.00	\$ 7,910.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 7,000.00	\$ 7,000.00	\$ 15,180.00	\$ 15,180.00
10	Clearing and Grubbing	1	LS	\$ 4,010.00	\$ 4,010.00	\$ 1,850.00	\$ 1,850.00	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00	\$ 48,380.00	\$ 48,380.00
11	Stone Embankment	9800	CuYd	\$ 23.00	\$ 225,400.00	\$ 25.50	\$ 249,900.00	\$ 21.00	\$ 205,800.00	\$ 23.00	\$ 225,400.00	\$ 27.60	\$ 270,480.00
12	Settlement Plates	6	EA	\$ 268.00	\$ 1,608.00	\$ 850.00	\$ 5,100.00	\$ 250.00	\$ 1,500.00	\$ 500.00	\$ 3,000.00	\$ 169.40	\$ 1,016.40
13	Box Culvert Support	1	LESS	\$ 4,630.00	\$ 4,630.00	\$ 3,500.00	\$ 3,500.00	\$ 5,500.00	\$ 5,500.00	\$ 6,000.00	\$ 6,000.00	\$ 12,010.00	\$ 12,010.00
14	Extend Daylight Opening	5	EA	\$ 1,160.00	\$ 5,800.00	\$ 1,450.00	\$ 7,250.00	\$ 775.00	\$ 3,875.00	\$ 1,000.00	\$ 5,000.00	\$ 725.20	\$ 3,626.00
15	Protect Existing Vault	1	LS	\$ 5,640.00	\$ 5,640.00	\$ 4,500.00	\$ 4,500.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 14,510.00	\$ 14,510.00
16	Cap Irrigation System	1	LS	\$ 2,030.00	\$ 2,030.00	\$ 700.00	\$ 700.00	\$ 500.00	\$ 500.00	\$ 3,000.00	\$ 3,000.00	\$ 1,690.00	\$ 1,690.00
17	Remove Existing Hydrants	1	EA	\$ 310.00	\$ 310.00	\$ 650.00	\$ 650.00	\$ 1.00	\$ 1.00	\$ 1,000.00	\$ 1,000.00	\$ 710.40	\$ 710.40
Totals					\$ 303,995.00		\$ 325,400.00		\$ 329,026.00		\$ 356,800.00		\$ 434,744.80