

A RESOLUTION RECOMMENDING A CONTRACT AWARD TO JAMES W. FOWLER COMPANY OF DALLAS, OREGON, THE LOW BIDDER FOR PROJECT ST-99-03; SANTIAM ROAD REHABILITATION, IN THE AMOUNT OF \$1,124,988.74.

WHEREAS, on April 4, 2000, the City solicited bids for rehabilitation of Santiam Road, as part of street bond project, ST-99-03; and

WHEREAS, the bids were received and opened at 11:00 a.m. on April 26, 2000, at the offices of the Finance Department of the City of Albany; and

WHEREAS, the apparent low bidder at the time of the bid opening was S2F Corporation with a total bid of \$1,130,767.80; and

WHEREAS, the second low bidder at the time of the bid opening was James W. Fowler Company with a bid of \$1,131,621.74; and

WHEREAS, James W. Fowler's bid Proposal was subsequently reviewed and found to be correct in all respects, except that it contained a mathematical addition error regarding project's unit prices; and

WHEREAS, James W. Fowler's mathematical error resulted in overstating their actual bid amount by \$6633.00; and

WHEREAS, the correct total bid by James W. Fowler should have been, and is, \$1,124,988.74; and


WHEREAS, all written and numerical unit prices submitted by James W. Fowler Company were correctly entered, and that these prices take precedence per the PROPOSAL Instructions to all bidders and also the City's Standard Specifications, 103.01.00 AWARD OF CONTRACT; and

WHEREAS, the City considers James W. Fowler's mathematical error a minor irregularity which the City may waive in determining contract awards per City's Standard Specifications, 102.10.00 ACCEPTANCE OR REJECTION OF PROPOSAL.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Albany, acting as the local contract review board, finds:

1. That James W. Fowler's bid contained a minor mathematical bid irregularity.
2. That James W. Fowler's bid was satisfactory and correct in all other respects per the Contract Documents for ST-99-03, including the PROPOSAL and BID BOND requirements.
3. That after correction of the mathematical error that James W. Fowler is the low bidder.
4. That it is in the best interest of the City of Albany to award a contract to the low bidder.
5. That the bid of James W. Fowler in the amount of \$1,124,988.74 for Project ST-99-03 is hereby accepted.

DATED THIS 10<sup>th</sup> DAY OF MAY 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder Clerk



TO: Albany City Council

VIA: Steve Bryant, City Manager  
Floyd W. Collins, Public Works Director

FROM: Peter Harr, P.E., Civil Engineer II

DATE: May 3, 2000, for May 10, 2000, City Council Meeting

SUBJECT: Award of Bid for ST-99-03, Santiam Road Rehabilitation  
Authorization to Enter into Agreements with Burlington Northern Railroad and  
Union Pacific Railroad

Action Requested:

Staff requests the following two actions to be considered:

**Item 1: Award of Bid for ST-99-03, Santiam Road Rehabilitation**

The City Attorney and staff recommend that the Council, acting as the contract review board, waive a minor bid irregularity and award this contract in the amount of \$1,124,988.74 to the low bidder, James W. Fowler Company, of Dallas, Oregon. A resolution regarding contract award is attached. Staff also recommends that Council authorize placing underground the current overhead utilities located along the south side of Santiam Road. The cost is included in the bid amount.

**Item 2: Authorization to Enter into Agreements with Burlington Northern Railroad and Union Pacific Railroad**

Staff recommends that Council authorize the City Manager to enter into an agreement with Burlington Northern Railroad (BN) and with Union Pacific Railroad (UP), under which each railroad will complete the necessary motorist and pedestrian crossing improvements at their respective tracks. The City will negotiate the final cost reimbursement to be paid to the respective railroads for the construction work.

Discussion:

On April 25, 2000, bids were opened for ST-99-03, Santiam Road Rehabilitation Project. There were six (6) bids submitted, ranging from \$1,124,988.74 to \$1,251,409.00, as shown in attached Table 1. The engineer's construction cost estimate was \$1,525,000. The low bid submitted was from James W. Fowler Company.

The following is a discussion of the two recommended actions:

**Item 1: Award of Bid for ST-99-03, Santiam Road Rehabilitation**

There are two issues that should be discussed as part of the award of bid consideration. The first issue is regarding the waiving of a minor bid irregularity, and the second issue concerns placing the existing overhead utilities underground.

*Issue 1: Waiving of a Minor Bid Irregularity*

At the time of the bid opening, the apparent low bidder was not James W. Fowler Company but S2F Corporation of Albany. The bid from Fowler Company was \$1,131,621.74 and the bid from S2F Corporation of Albany was \$1,130,767.80. After the bid opening, each bid proposal is checked for accuracy and that all required information is submitted. After checking each bidder's proposal, a math error was discovered in Fowler's bid. S2F's bid was found to be correct.

All of Fowler's written and numerical amounts were found to be correct, as were the multiplications of quantities and unit prices. However, a math error was identified in calculating the total bid from the various subtotals. Fowler's total project numerical total was \$6,633.00 higher than it should have been.

The written and numerical unit prices take precedence over the incorrect total per the PROPOSAL instructions to all bidders and also the City's Standard Construction Specifications, 103.01.00 AWARD OF CONTRACT. Therefore, the revised and corrected numerical total bid amount was used to determine the low bidder. This change reversed the final order of the bids, making James W. Fowler Company the project low bidder.

The math error in Fowler's bid is considered a minor bid irregularity that the City Council, acting as the contract review board, may waive in contract awards per City's Standard Specifications, 102.10.00 ACCEPTANCE OR REJECTION OF PROPOSAL. Therefore, staff and the City Attorney believe it is in the City's best interest to waive this minor bid irregularity. A resolution recommending contract award to James W. Fowler Company in the amount of \$1,124,988.74 is attached.

*Issue 2: Undergrounding of Overhead Utilities*

As previously discussed with Council, the project bid costs include optional work to place underground the existing overhead utilities located on the south side of Santiam Road. This work involves trenching and conduit installation, along with converting existing overhead power service to underground service for six (6) homes along the south side of the street.

Based on the bid results, the total cost for this work will be \$13,572.40. This consists of \$9,772.40 for trenching and conversion of the individual homes to underground service. In addition, PP&L will require about \$3,800 in compensation for providing new risers and pedestals at the individual homes being converted to underground service.

The Engineer's Estimate for all of this work was \$25,000. Note that PP&L will be providing, at their cost, new wiring and other related appurtenances, estimated to cost \$5,000. Other utility underground work by U.S. West and AT&T Cable will be at no cost to the City.

Based on these bid results, staff recommends that the south-side overhead utilities be placed underground along the length of the project at a total project cost of \$13,572.40. Installation of street lighting poles will be part of PP&L's project cost. Payment for new poles will be based on the City's utility franchise agreement. The light poles used on the project will be standard wooden poles.

**Item 2: Authorization to Enter into Agreements with Burlington Northern Railroad and Union Pacific Railroad**

Both the Union Pacific (UP) and the Burlington Northern (BN) Railroad tracks cross Santiam Road. Previously, UP upgraded the surface crossing by placing concrete panels across the street portion of the tracks, thereby substantially improving the crossing for both cars and bicyclists. The BN crossing, however, has not been similarly improved. In addition, the project will construct across the BN and UP tracks, two new sidewalks, each of which will be located behind the existing crossing gate arms. The sidewalk location, along with other aspects of the street and railroad crossing, has been approved by ODOT. A separate surface-crossing permit was required by ODOT for this work.

With regard to the BN crossing, substantial improvements are needed within the project ROW, not only for cars and bicyclists, but also for pedestrians. This work is not included in the project bid quantities since it must be completed and scheduled by the railroad itself. BN has provided a cost estimate of \$97,000 for this work. This is based on installing approximately 125 feet of concrete panels, similar to those provided for the UP crossing. BN requires a separate agreement for this work and estimates that the crossing improvements will be completed within approximately six months after signing the agreement.

At the UP tracks, only about 15 to 20 feet of additional panels will be needed on both the north side and the south side of the tracks. A similar agreement with UP will be necessary for this work. The improvements are estimated to cost approximately \$36,400. This amount is somewhat proportionally higher than BN costs, because some of the existing panels will need to be modified and/or replaced in order to extend the concrete surfaces both north and south.

Staff believes that these track improvements are an integral and important part of the overall project. They will provide for safe and smooth crossings for not only cars, but for pedestrians and bicyclists. With regard to the BN crossing, the engineering consultant and staff negotiated with BN to provide and pay for the street crossing upgrade, while the City would fund the improvements in the sidewalk area. The railroad staff, however, could not commit to improving the street crossing since there were no funds budgeted and none planned for this work. Staff recommends that both the BN and UP work, estimated at \$133,400, be authorized as part of the overall street improvements. However, the City will continue to negotiate with the railroad to obtain agreements at a lower cost level than currently estimated.

Listed below is a summary of each of the project's major components along with other related project issues.

**Santiam Road Rehabilitation**

The Santiam Road Rehabilitation project is the third of four street bond projects to be bid. The improvements include new curb and gutters, sidewalks, approximately 1,400 linear feet of street paving reconstruction, about 1,800 linear feet of storm sewer piping, landscaping and street trees, and street lighting.

Based on awarding a contract to the low bidder, the construction cost for these improvements will be approximately \$755,000. Staff currently anticipates the total project costs will be about \$1,247,300. The original bond measure estimated project cost, including an allowance for Engineering, Legal, and Administration (ELA) fee was \$1,800,000.

This total project cost of \$1,244,500 includes acquisition of the two church-related properties at Santiam and Main Street, as well as project-related, railroad crossing work and the placing of the overhead utilities underground.

Additional project ROW and easements were needed at several project locations to complete the street improvements, including planter strips and sidewalks. Extensive property owner contact was involved to successfully complete the discussions and negotiations in that regard. In some cases, direct compensation was agreed to for the ROW areas or easement rights obtained. In other cases, no compensation was paid, but paving and landscape restoration outside of the ROW will be provided due to the project's impact on existing parking and landscaping.

Listed below is a summary of the properties involved and the agreed to compensation, if any. Also included in the list is the church-related property, which was previously obtained for a future Main Street project.

<u>Tax Lot</u>	<u>Owner</u>	<u>Property and/or ROW/Easements Obtained</u>		<u>Compensation</u>
		<u>Area Sq ft</u>	<u>Type</u>	
11S-3W-5CC- 03200	Schoning	160	ROW	\$300
11S-3W-5CC- 03300	Marcum	40	ROW	No Cost
11S-3W-6DD-11001	L-B Educ. Dist.	185	ROW	No Cost
11S-3W-6DD-11400	Weber	130	ROW	No Cost
11S-3W-6DD-11200 & 11S-3W-6DD-11300	RRW, Inc.	11,100	ROW Whole Parcel	\$ 150,000
11S-3W-6DD-10200	RRW, Inc.	3,810	ROW	Parking Lot & Landscape Restor.
11S-3W-6DD-10900 & 11S-3W-6DD-11000	Salvation Army	2,360	ROW	Parking Lot & Landscape Restor.
11S-3W-6DD-10600	Schram	820	ROW	Driveway Entrance Relocation
11S-3W-6DD-10600	Schram	1,790	Easement	\$3200; includes temp. Construction Easement Restoration

**Water Main Project Work**

The project includes about 1,700 lineal feet of new, 12-inch ductile iron water line along the length of the project. This line replaces a combination of 4-inch, 6-inch, and 8-inch steel and AC piping, part of which crosses underneath the existing railroad tracks. The new 12-inch line is sized to be consistent with fire flow requirements for the current zoning. The 12-inch pipe will be installed within a 24-inch steel casing as it passes below the tracks.

The construction costs associated with the water main improvements are \$189,300 and within the construction budget of \$260,000. The original total budget for this project was \$300,000 with \$260,000 for construction and \$ 40,000 for engineering design and administration.

**Sanitary Sewer Replacement Project Work**

In association with the street improvements, approximately 1,800 feet of sewer line is being installed, most of which replaces old clay pipe. In addition, about 390 lineal feet of existing 8-inch clay pipe, which crosses under the BN and UP tracks, is being rehabilitated in place. The technology being used is "pipe bursting." This methodology uses a process wherein the existing pipe is fractured in place, and is pushed into the surrounding soil during the bursting operation. A new high-density polyethylene pipe is then pulled in behind and through the existing pipe as the bursting operation progresses.

The construction costs associated with the sanitary sewer improvements are \$180,700 and within the construction budget of \$280,000. The original total budget for this project was \$325,000 with \$280,000 for construction and \$ 45,000 for engineering design and administration.

**Bryant Park Excess Fill Placement & Compaction**

As part of the bidding process, two (2) alternate bid items were required of each of the bidders for the bank restoration at Bryant Park near the confluence of the Calapooia River and the Willamette River.

The first bid alternate was to require that the contractor haul a portion of excavation materials, approximately 1,300 cubic yards of soil and excavated concrete rubble, to Bryant Park for stockpiling. This material would be used by others to fill the washout area, as described and proposed by the Parks & Recreation Department in a permit application to the Division of State Lands (DSL). The second alternate bid item was to require the contractor to also place and compact the stockpiled material, as directed by the City's Construction Engineer in accordance with an approved DSL permit.

James W. Fowler Company, the recommended low bidder, proposes to do this work for the following contract amounts:

• Bid Item A-1 - Haul Soil & Concrete to Bryant Park	Additional Cost	\$ 8,666.00
• Bid Item A-2 - Place & Compact Stockpiled Material	Additional Cost	\$ 9,000.00
	Total Additional Cost	\$17,666.00

Based on these results, the Public Works Director and the Parks & Recreation Director do not recommend that these Bid Items be awarded. The reason for this is that the unit price for the hauling to Bryant Park is about \$6.70/cubic yard, which is significantly higher than that for the base bid of \$4.50/cubic yard for the rest of the project. If compacting the fill is also required, the unit cost becomes \$13.60/cubic yard.

Staff does not recommend that these two bid alternates be awarded, and these alternates are not included in the bid award amount. The Parks & Recreation Department will find an alternative plan to do what is needed at Bryant Park.

**Budget Impact:**

This project will be funded from multiple funding sources. The total project cost estimate, including engineering design and inspection, as well as construction for each of the major project components is as indicated below. The engineering consultant fees have been proportionally split

between the street, sanitary sewer, and water line work, based upon the estimated construction costs for these three project components.

**Street Improvements: GO Street Bond Capital Fund (15-503)**

*I. Engineering Design/Construction Inspection*

Consultant Engineering Design/Construction Inspection/Surveying	\$ 133,600
Staff Engineering, Legal, and Administrative (ELA)	\$ 30,200
Engineering Subtotal	\$ 163,800

*II. Construction*

Construction Contract Per Low Bid	\$ 755,000
Construction 5% Contingency	\$ 37,800
Construction Subtotal	\$ 792,800

*III. Other Project Related Costs*

ROW & Easement Costs	\$ 3,500
PP&L Underground Utility Costs	\$ 3,800
Railroad Crossing Improvements	\$ 133,400
Church Property Acquisition	\$ 150,000
	\$ 290,700

*Total Project Cost Estimate* \$1,247,300

The engineering design and construction inspection will be conducted by the consultant contract in conjunction with City staff. The total estimate project cost of \$1,247,300 is estimated to be \$552,700 under the current budget of \$1,800,000.

**Water Line Improvements: Water SDC Reimbursement Fund (11-499)**

*I. Engineering Design/Construction Inspection*

Consultant Engineering Design/Construction Inspection/Surveying	\$ 33,500
Staff Engineering, Legal, and Administrative (ELA)	\$ 7,600
Engineering Subtotal	\$ 41,100

*II. Construction*

Construction Contract Per Low Bid	\$ 189,300
Construction 5% Contingency	\$ 9,500
Construction Subtotal	\$ 198,800

*Total Project Cost Estimate* \$ 239,900

The engineering design and construction inspection will be conducted by the consultant contract in conjunction with City staff. The total estimate project cost of \$239,900 is estimated to be \$60,100 under the current budget of \$300,000.

**Sewer System Capital Projects: Sewer System Capital Project Fund (02-454)**

***I. Engineering Design/Construction Inspection***

Consultant Engineering Design/Construction Inspection/Surveying	\$ 32,000
Staff Engineering, Legal, and Administrative (ELA)	<u>\$ 7,200</u>
Engineering Subtotal	\$ 39,200

***II. Construction***

Construction Contract Per Low Bid	\$ 180,700
Construction 5% Contingency	<u>\$ 9,000</u>
Construction Subtotal	\$ 189,700

***Total Project Cost Estimate*** \$ 228,900

The engineering design and construction inspection will be conducted by the consultant contract in conjunction with City staff. The total estimate project cost of \$228,900 is estimated to be \$96,100 under the current budget of \$325,000.

PEH:cmr:kw  
Attachments 2



# TABLE 1

## CITY OF ALBANY - PUBLIC WORKS DEPARTMENT

### BID TABS

#### ST-99-3, Santiam Road Street Rehabilitation

<b>CONTRACTOR</b>	<b>TOTAL BID</b>	<b>TOTAL + A-1</b>	<b>TOTAL + A-1 + A-2</b>
JAMES W. FOWLER CONSTRUCTION	\$1,124,988.74	\$1,133,654.74	\$1,142,654.74
S2F CORPORATION	\$1,130,767.80	\$1,149,337.80	\$1,155,337.80
SULLIVAN CONSTRUCTION	\$1,142,579.15	\$1,154,959.15	\$1,159,909.15
NORTH SANTIAM PAVING	\$1,206,690.80	\$1,212,880.80	\$1,221,880.80
GELCO CONSTRUCTION	\$1,207,677.50	\$1,209,844.00	\$1,220,644.00
EMERY & SONS	\$1,251,409.00	\$1,248,933.00	\$1,252,983.00