

W. S. C. I.

Memorandum Date: October 14, 2009
Order Date: October 28, 2009

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: David Suchart, Director

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AWARD OF BID #LCB 2009-14 IN THE AMOUNT OF \$332,000 FOR SECURITY AND ACCESS CONTROL SYSTEMS UPGRADE AT LANE COUNTY PUBLIC WORKS DEPARTMENT DELTA HIGHWAY OPERATIONS FACILITY

I. MOTION:

Move Approval of Order 09 -10 -28 - to accept Bid #LCB 2009-14 from and award a construction contract to McKenzie Commercial Contractors, Inc., for general construction services for the installation of a new access control system at Lane County Public Works Department Delta Highway Operations Facility in the amount of \$332,000.

II. AGENDA ITEM SUMMARY:

The Board is being asked to approve award of a construction contract with McKenzie Commercial Contractors, Inc., in the amount of \$332,000 for general construction services for the installation of a new access control system at multiple exterior gates and building doors at the Delta Highway Operations Facility, located at 3040 North Delta Highway, in Eugene, OR, for the Lane County Public Works Department, including all mechanical, plumbing, and electrical work.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

This installation will be consistent with the access control system currently used in the Public Service Building and Courthouse, the Juvenile Justice Center, the Mental Health building, and the Elections building. The same system will be installed at the new Public Health facility in the Charnelton Place building, as well as the new Riverstone Clinic in Springfield.

B. Policy Issues

None.

C. Board Goals

Protecting the public's assets by maintaining, replacing, or upgrading the County's investments in systems and capital infrastructure, as outlined in the Goals and Strategies B.1.d. of the County's Strategic Plan, will be served by the completion of this project. In addition, installation of the access control system at the Public Works facility will result in heightened security and safety for both staff and property, as outlined in B3:a.2. of the County's Strategic Plan.

D. Financial and/or Resource Considerations

Funds for this project have been allocated in the Road Fund.

E. Analysis

An Invitation to Bid was issued and advertised in the Portland Daily Journal of Commerce and on the Lane County website on September 14, 2009. A non-mandatory pre-bid conference and site visit was conducted on September 22, 2009. Two (2) bids were received and publicly opened on October 14, 2009, at 3:00pm; McKenzie Commercial Contractors submitted the lowest, responsive bid.

F. Alternatives/Options

1. Award Contract to McKenzie Commercial Contractors in accordance with bid specifications and terms.
2. Do not award the contract. The funds for this project have already been allocated and appropriated, and the security improvements are deemed necessary by Public Works. Therefore, this option is not recommended.

IV. TIMING/IMPLEMENTATION

Upon approval by the Board, Management Services will proceed with contract processing and issue a notice to proceed to the vendor.

V. RECOMMENDATION

It is recommended that award of LCB 2009-14 be made to McKenzie Commercial Contractors, Inc., based on conformance to bid specifications;

a contract be signed by the vendor; and the County Administrator be authorized to execute the contract.

VI. FOLLOW-UP

Upon adoption by the B/CC, a contract will be prepared for signature by the County Administrator and McKenzie Commercial Contractors, Inc., and delivered to the County Administrator for execution. A pre-construction meeting with the contractor will also be initiated.

VII. ATTACHMENTS

Board Order
Bidders Proposal
Bid Opening Recap Sheet

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**RESOLUTION AND
ORDER 09 - 10 - 28 -**

) **IN THE MATTER OF AWARD OF BID**
) **#LCB 2009-14 IN THE AMOUNT OF**
) **\$332,000 FOR SECURITY AND ACCESS**
) **CONTROL SYSTEMS UPGRADE AT**
) **LANE COUNTY PUBLIC WORKS**
) **DEPARTMENT DELTA HIGHWAY**
) **OPERATIONS FACILITY.**

WHEREAS, at the duly authorized time and place on October 14, 2009, Sandra Hahn, Purchasing Manager, under authority of Lane Manual Chapter 21, opened bids on the following:

LCB 2009-14 GENERAL CONSTRUCTION SERVICES FOR THE INSTALLATION OF A NEW ACCESS CONTROL SYSTEM AT LANE COUNTY PUBLIC WORKS DEPARTMENT DELTA HIGHWAY OPERATIONS FACILITY; and

WHEREAS, all bids were evaluated by Management Services and HK Electrical Engineering for conformance to bid specifications; now, therefore,

IT IS HEREBY RESOLVED AND ORDERED, that the low responsive bidder, McKenzie Commercial Contractors, Inc., be awarded a contract; that a construction contract be executed for the bid amount of \$332,000 in accordance with bid specifications; and that the County Administrator be authorized to sign the contract.

Dated this 28th day of October, 2009.

Pete Sorenson, Chair
Board of Lane County Commissioners

APPROVED AS TO FORM
Date 10/19/09 lane county
Sandra Hahn
OFFICE OF LEGAL COUNSEL

SECTION 00 4100

BID FORM

THE PROJECT AND THE PARTIES

1.01 TO:

- A. Owner
1. Lane County Department of Management Services
 2. 125 East 8th Avenue
 3. Eugene, OR 97401

1.02 FOR THE FOLLOWING PROJECT:

- A. Lane County Public Works Department Delta Highway Operations Facility Access Control Upgrade

1.03 CONTRACT NUMBER LCB 2009-14

1.04 DATE:

- A. Bid Closing Date and Time: Wednesday, October 14, 2009 at 3:00 p.m.
- B. Bids will be opened publicly, immediately following the bid closing time

1.05 DELIVER BIDS TO

- A. Ms. Sandra Hahn, Purchasing Manager, Lane County Department of Management Services, Public Service Building, 125 East 8th Avenue, Eugene, OR 97401

1.06 PLACE OF BID OPENING

- A. Lane County Department of Management Services, 125 East 8th Avenue, Eugene, OR 97401.

1.07 SUBMITTED BY: (Bidder to enter name and address)

- A. Bidder's Full Name McKenzie Commercial Contractors, Inc.
1. Address 865 W. 2nd Avenue
 2. City, State, Zip Eugene, OR 97402
 3. Phone 541.343.7147
 4. Fax 541.343.3306
- B. Type of Organization (check one of the following and insert information requested):
1. ☒ a. A Corporation organized and existing under the laws of the State of Oregon
 2. ☐ b. A partnership registered under the laws of the State of _____
 3. ☐ c. An individual doing business under an assumed name and registered under the laws of the State of _____

1.08 BASE BID

- A. Having examined the site and being familiar with the conditions affecting the work, we the undersigned, hereby proposes to furnish all material and labor and perform all work hereinafter indicated in strict accordance with drawings and specifications prepared by PIVOT Architecture, for the Lump Sum price indicated below.
1. Two hundred Ninety four thousand and 000 dollars
 (\$ 294,000.00), in lawful money of the United States of America.
- B. Base Bid work is for all of the work shown on drawings or described in the specifications, to which work may added or from which work may be deleted for the sums stated in Alternate Bids.

1.09 OVERHEAD & PROFIT

- A. The above bid prices include all fees, taxes, profit, overhead and similar items.

1.10 The undersigned agrees to be bound by the following documents:

LCB 2009-14 Access Control Upgrade

Phase - 08-21-2009

Construction Documents

BID FORM

00 4100 - PAGE 1 of 4

- A. Bid Solicitation
- B. Instructions to Bidders
- C. Bid Bond
- D. First-Tier Subcontractor Disclosure Form
- E. Contractor's Drug Testing Program
- F. Agreement
- G. Performance Bond
- H. General Conditions
- I. Supplementary General Conditions
- J. Drawings and Specifications
- K. Addenda

1.11 SUMMARY OF THE WORK

- A. Installation of a new access control system at multiple exterior gates and building doors at the Delta Highway Operations Facility, including a variety of miscellaneous related improvements described in the contract documents.

1.12 CONTRACT TIME OF COMPLETION

- A. The undersigned agrees, if awarded the contract, to substantially complete the work within 180 consecutive calendar days following receipt of the official Notice To Proceed letter.

1.13 ADDENDA

- A. The undersigned acknowledges that the following Addenda have been received during the bid period. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.
 - 1. Addendum # one Dated Sept. 30, 2009
 - 2. Addendum # two Dated Oct. 13, 2009
 - 3. Addendum # _____ Dated _____.
 - 4. Addendum # _____ Dated _____.

1.14 RESIDENT BIDDER

- A. The undersigned certifies that they are ☒ / are not _____ (check one) a RESIDENT BIDDER of the State of Oregon, as defined in ORS 279A.120.

1.15 CONSTRUCTION CONTRACTORS BOARD

- A. The Undersigned certifies that they are in compliance with requirements for construction contractors or landscape contractors and are registered and bonded with the Construction Contractors Board or licensed by the Landscape Contractors Board as follows:
 - 1. Registration No. 45539 Expiration Date 7/21/2011

1.16 BID SECURITY

- A. Accompanying herewith is Bid Security Payable to Lane County Department of Management Services, which is not less than ten (10) percent of the total amount of the Base Bid, plus additive Alternates if any.

1.17 CONTRACT & BOND

- A. The undersigned agrees, if awarded the contract, to execute and deliver to the Owner within Ten (10) days after receiving the contract forms an Agreement and a satisfactory Performance and Labor and Material Payment Bond in an amount equal to one hundred (100) percent of the contract sum, and to deliver to the Owner the required Certificates of Insurance.

- B. The surety requested to issue the Performance and Payment Bond will be:
- C. Name and address of Surety Company:
1. Name: Fidelity + Deposit of Maryland
 2. Address: 13600 S.W. Pacific Avenue
 3. City/State: Tigard, OR, 97227
- D. Agent Name/Phone: Rob Harvey - Ward Insurance, 687-1117

1.18 NON-COLLUSION

- A. The undersigned certifies that:
1. This bid has been arrived at independently and is being submitted without collusion with any other vendor of materials, supplies, equipment or services to limit independent bidding or competition, and
 2. The contents of this bid have not been communicated by the undersigned or its employees or agents to any person not an employee or agent of the undersigned or its surety on any bond furnished with the bid, and will not be communicated to such person prior to the official opening of the bid.

1.19 BID SECURITY FORFEITURE

- A. The Undersigned further agrees that the Bid Security accompanying this bid is left in escrow with the Owner; that the amount thereof is the measure of liquidated damages which the Owner will sustain by the failure of the undersigned to execute and deliver the above named Agreement, Performance and Payment Bond, and Insurance Certificate, and that if the undersigned defaults in either executing the Agreement or providing a Performance and Payment Bond, or an Insurance Certificate, within ten (10) days after receiving the contract forms, then the full value of the Bid Security may become the property of the Owner at the Owner's option; but if the bid is not accepted within sixty (60) days of the time set for the opening of bids or if the undersigned executes and timely delivers said Agreement and Performance and Payment Bond, and the Insurance Certificate, the Bid Security shall be returned.

1.20 OWNER'S RIGHTS

- A. The Owner reserves the right to reject any or all bids and waive all informalities in the bids or procedures.

1.21 WAGE RATES

- A. The Undersigned agrees, if awarded a contract, that they will comply with the provisions of **ORS 279C800 - 279C.870 or Davis-Bacon 40 U.S.C 3141 et seq** as applicable, pertaining to the payment of the prevailing rates of wage.
- B. By signing below the Undersigned agrees that he/she affirmatively acknowledge the following:
1. Compliance with ORS 279C.838 and 40 USC 3141 et seq (if both state and federal Davis-Bacon applies. If the state rate is higher, the contractor and every sub shall pay at least the state rate); or compliance with ORS 279C.840 (Davis-Bacon does not apply, and only the state prevailing rate of wage is to be paid); or compliance with 40 USC 3141 et seq (only Davis-Bacon rate of wage applies, or is the highest one for all of the job categories.)

1.22 NON-DISCRIMINATION CERTIFICATION

- A. The Undersigned certifies that they have not discriminated against minority, women, or small business enterprises in obtaining any required subcontract.

1.23 LIQUIDATED DAMAGES

- A. The Undersigned acknowledges the liquidated damages provision included in the Supplementary General Conditions attached in the Project Manual.

1.24 BIDDERS CERTIFICATION

- A. By signing below Bidder hereby certifies that s/he:
1. Is an equal opportunity employer, and has not discriminated against any minority, women, or

2. Has an employee drug-testing program in place; and
3. That to the best of the Bidder's knowledge s/he is in compliance with all Oregon tax laws described in ORS 305.380(4).

1.25 BID FORM SUPPLEMENTS

- A. We agree to submit the following Supplements to Bid Forms within 2 hours after submission of this bid for additional bid information:
 1. Section 00 43 39 (00350) - FIRST TIER SUBCONTRACTOR DISCLOSURE FORM (submitted after the bid form as directed in the Instructions to Bidders 00 21 13 (00200) and Supplementary Instructions to Bidders 00 22 13 (00201)
- B. Document 00 4323 - Alternatives Form: Include the cost variations to the Bid Price applicable to the Work as described in Section 01 2300 Alternates.

1.26 BID FORM SIGNATURE(S)

- A. Name of Firm: McKenzie Commercial Contractors, Inc.
- B. Address of Firm: 865 W. 2nd Avenue
- C. City, State, Zip Code: Eugene, OR, 97402
- D. Contractor's Federal I.D. Number (TIN): 93-0844841
- E. By: Todd Glenz (If bid is by a partnership, then one of the partners must sign the bid)
- F. Type or Print Name: Todd Glenz
- G. If Corporation, Attest: Heidi Aldous (Signed by Secretary of the Corporation)
- H. Type or Print Name: Heidi Aldous
- I. Subscribed and sworn to before me on the 14th day of October, 2009 (year)
- J. Diane Hammack
- K. _____
- L. Notary Public for the State of Oregon. My commission expires: 9-25-2010

1.27 If the Bid is a joint venture or partnership, add additional forms of execution for each member of the joint venture in the appropriate form or forms as above.

END OF BID FORM



SECTION 00 4323

ALTERNATES FORM

ALTERNATES

1.01 Project: Lane County Public Works Access Control Upgrade (0919)

1.02 The Undersigned proposes to Add To, or Deduct From, the Base Bid indicated in Section 00 41 00 (00410), the Items of work relating to the following Alternates as described in Section 01 23 00 (01230).

1.03 The Undersigned agrees, if awarded the Contract, to substantially complete all of the following Alternates on or before the dates specified in the Contract.

1.04 ALTERNATE #1: Add Vehicle Doors at Delta North Building

A. Add Deduct thirty eight thousand % 0.00 \$ 38,000.00
 1. (Words) (Figures)

1.05 It is understood that the Base Bid may be adjusted for any alternates listed here, in determining the amount of the Contract. Any or all of such alternates may be accepted or reinstated by the Owner at any time within 60 days from the date of the Contract Award by the Owner, at the respective amounts named herein.

END OF SUPPLEMENT

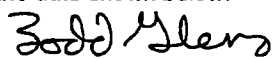
SECTION 00 4521.10

EMPLOYEE DRUG TESTING CERTIFICATION FORM

PART 1 GENERAL

2.01 BIDDER'S NAME:

2.02 PROJECT NAME & NUMBER:

- A. ORS 279C.505 (2) provides that every public improvement contract contain a condition that the Contractor shall demonstrate that an employee drug testing program is in place. The Owner's award of the Contract for which this certificate is required is conditioned, in part, upon the Bidder's demonstration of compliance with the provisions of ORS 279C.505 (2). If the Bidder named above is awarded the Contract, this certificate shall become part of, and shall constitute a continuing representation and warranty under, the Contract.
- B. To induce the Owner to award the Contract to the Bidder, the undersigned, as the duly authorized representative of the Bidder, hereby represents and warrants, on behalf of the above named Bidder:
1. That Bidder has and enforces, and at all times during the term of the Contract will have and enforce, a written employee drug testing policy that at a minimum, required compliance with the Oregon Department of Transportation Commercial Drivers License drug testing regulations;
 2. A copy of the Bidder's current written employee drug testing policy will be available for inspection by the Owner at any time upon the Owner's request; and
 3. The Bidder understands and agrees that its representations and warranties herein will become a continuing part of the Contract and that breach of any of the foregoing will be sufficient grounds for disqualification under 279C.440(2)(d).
- C. The Owner shall not be liable, either directly or indirectly, in any dispute arising out of the substance or procedure of Bidder/Contractor's drug testing program. Nothing in this drug testing provision shall be construed as requiring Bidder/Contractor to violate any legal, including constitutional, rights of any employee, including but not limited to, selection of which employees to test and the manner of such testing. The Owner shall not be liable for Bidder/Contractor's negligence in establishing or implementing, or failure to establish or implement, a drug testing policy, or for any damage or injury caused by Bidder/Contractor's employees acting under the influence of drugs while performing work covered by the Contract. These are Bidder/Contractor's sole responsibilities.
- D. In witness whereof, the Bidder has caused this document to be executed by its duly authorized representative in the date shown below.
- E. SIGNATURE: 
- F. PRINTED NAME AND TITLE: Todd Glanz president
- G. DATE: 11/1/09

END OF SECTION

AIA Document A310™ – 1970

Bld Bond

KNOW ALL MEN BY THESE PRESENTS, that we
(Here insert full name and address or legal title of Contractor)
McKenzie Commercial Contractors Inc
865 West Second Avenue
Eugene OR 97402

as Principal, hereinafter called the Principal, and
(Here insert full name and address or legal title of Surety)
Fidelity and Deposit Company of Maryland
13500 SW Pacific Highway Suite #116
Tigard OR 97223

MD
a corporation duly organized under the laws of the State of as Surety, hereinafter called the
Surety, are held and firmly bound unto
(Here insert full name and address or legal title of Owner)
Lane County Management Services
125 East 8th Avenue
Eugene OR 97401 2926

ten percent of the bid amount—
as Obligor, hereinafter called the Obligor, in the sum of ^ (\$10% for the payment of
which sum well and truly to be made, the said Principal and the said Surety, bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and
severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for
(Here insert full name, address and description of project)
Lane County Public Works Department
Highway Operations Facility Access Control Upgrade
3040 North Delta Highway
Eugene OR 97408

NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal
shall enter into a Contract with the Obligor in accordance with the terms of such bid, and
give such bond or bonds as may be specified in the bidding or Contract Documents with
good and sufficient surety for the faithful performance of such Contract and for the prompt
payment of labor and material furnished in the prosecution thereof, or in the event of the
failure of the Principal to enter such Contract and give such bond or bonds, if the Principal
shall pay to the Obligor the difference not to exceed the penalty hereof between the
amount specified in said bid and such larger amount for which the Obligor may in good
faith contract with another party to perform the Work covered by said bid, then this
obligation shall be null and void, otherwise to remain in full force and effect.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Signed and sealed this 14 day of October, 2009.

By: Diane Hammack
(Witness)

By: Margaret Huffman
(Witness)
Margaret Huffman

McKenzie Commercial Contractors Incr

(Principal) (Seal)

By: Bob Gley President
(Title)

Fidelity and Deposit Company of Maryland

(Surety)

By: Catherine L. Gomes
(Title) (Seal)

Catherine L. Gomes, Attorney-In-Fact

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Larry C. BUCK, Paul A. JENSEN, Charles A. O'DELL, Robert A. HARVEY, Catherine L. GOMES, Margaret A. HARGETT, Steven J. HANSON, Margaret HOFFMAN and Bruce SUELHART, all of Eugene, Oregon, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of **Larry C. BUCK, Paul A. JENSEN, Charles A. O'DELL, Robert A. HARVEY, Catherine L. GOMES, Margaret A. HARGETT, Steven J. HANSON, Margaret HOFFMAN**, dated May __, 2007.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 17th day of March, A.D. 2009.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

Theodore G. Martinez

By:

Theodore G. Martinez

State of Maryland } ss:
City of Baltimore }

On this 17th day of March, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

204100

LANE COUNTY RFP/RFB BID TABULATION SHEET

RFP # LCP 2009-14

Access Control, Delta Facility

BID OPENING: 10-14-09: 3:00 PM

BUYER'S SIGNATURE: *Sam Horn*

WITNESS SIGNATURE:

2

CONTRACTORS	Bid/RFP Form Returned	Employee Drug Testing	Bid Bond	Addendum #1 Acknowledgement	First-Tier Subcontractor Disclosure	Amount Bid
Essex	X		X (listed only)	X	X	\$ 312,000
						\$ 38,243
McKenzie Commercial	X		X	X		\$ 294,000
						\$ 38,000

Added Door

Added Door