

W.5.C.1

Memorandum Date: June 16, 2010
Board Order Date: July 7, 2010

TO: Board of County Commissioners
DEPARTMENT: CAO/Economic Development Standing Committee
PRESENTED BY: Michael McKenzie-Bahr C&ED Coordinator

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AWARDING CONTRACTS TO CLACKAMAS CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$455,996 AND THE AUTOMATION GROUP IN AN AMOUNT NOT TO EXCEED \$50,335; IN RESPONSE TO AN RFP FOR CONSTRUCTION OF THE ROW RIVER VALLEY WATER DISTRICT WATER TREATMENT PLANT IMPROVEMENT PROJECT.

I. MOTION

MOVE TO AWARD A CONTRACT TO CLACKAMAS CONSTRUCTION FOR \$455,996 AND A CONTRACT TO THE AUTOMATION GROUP FOR \$50,335, AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN CONTRACT DOCUMENTS

II. AGENDA ITEM SUMMARY

Lane County was awarded a \$1,000,000 Community Development Block Grant (CDBG) in March 2009 to make improvements to the Row River Valley Water District water treatment facilities. The next and final task in the project that needs to be undertaken is completion of the water treatment plant.

After following the prescribed request for proposal process for competitive selection of a construction company and system programming, proposed contracts have been negotiated with

a) Clackamas Construction for construction of the water treatment plant for an amount not to exceed \$455,996, and

b) The Automation Group for telemetry and system controls, for an amount not to exceed \$50,335.

Clackamas Construction was the low bidder for the construction project elements. The Automation Group was the only bidder for telemetry elements, but their quote was below the engineers estimate for this work.

Approval of the attached Board Order will allow the County to enter into the contracts with Clackamas Construction and The Automation Group and the final stage of the project to begin.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Row River Valley Water District serves the communities of Dorena and Culp Creek to the east of Dorena Lake. The District is operating an aging water treatment system to treat drinking water for about 300 residents in the area. On behalf of the District, Lane County submitted a grant request that was awarded \$1,000,000 from the Oregon Business Development Department, using federal Community Development Block Grant (CDBG) funds.

The Board of County Commissioners approved Board Order 09-3-18-11 accepting the grant. Since that time, the environmental documents required for the project have been completed as well as the installation of the water treatment tank. The next and final step in the process is to complete the water treatment plant.

A competitive request for proposal document and process for construction services was prepared by County staff working with the Row River Valley Water District.

On May 14th, 19th and 26th, the Register Guard, Daily Journal of Commerce and the Cottage Grove Sentinel published Lane County's legal ad requesting proposals from licensed Oregon contractors. The proposal due date was June 9, 2010.

Seven Bids came in for the water system improvements with prices ranging from \$455,996.00 for the low bid and the \$551,983.00 for the high bid. The Engineer's estimate for construction cost of the improvements was \$550,000.00.

The seven responsive bidders for the water system improvements are as follows:

Clackamas Construction, Inc. at \$455,996.00,
Taylor Site Development, Inc. at \$513,000.00,
Stettler Supply & Construction at \$527,400.00,
Triad Mechanical, Inc. at \$541,956.00,
Schneider Equipment, Inc. at \$542,400.00,
TEK Construction, Inc. at \$551,518.00,
2G Construction at \$551,983.00,

In addition, one bid was received for systems programming and control items from The Automation Group, Inc. at \$50,335.00. The Engineer's estimate for the cost of these items was \$55,000.00.

Based on the bid results and proposed subcontractor lists received for the above referenced job, it was recommended by the County's consultant, Civil West Engineering, to award the bids as follows:

- a) Clackamas Construction for construction of the water treatment plant for an amount not to exceed \$455,996, and
- b) The Automation Group for telemetry and system controls, for an amount not to exceed \$50,335.

The RFP review team, consisting of the Lane County Community and Economic Development Coordinator, the Lane County Community and Economic Development Program Specialist, the Row River Valley Water District Board Chair, a Row River Valley Water District Board Member and the Row River Valley Water District Attorney, reviewed the responses and found that they conformed to all RFP requirements.

The review team also evaluated the proposal on a variety of factors including Price, Scope of Proposed Services; Familiarity with project locale; Professional Qualifications; Demonstration of CDBG project experience and Performance Examples.

A contract for Professional Services has been developed by Lane County for this project. The contract has been reviewed and approved by the Board of Directors for the Row River Valley Water District and by our State CDBG liaison.

The next step in the contract process is for the Board of Commissioners to approve the order awarding contracts to Clackamas Construction and The Automation Group. Upon approval of the Board Order the contracts will be submitted into the county contract approval process, which includes review by County legal staff.

B. Policy Issues

This project is an example of the Board of Commissioner's policy to assist the rural communities of Lane County in solving infrastructure issues.

In moving to the next phase of this project – construction of the water treatment plant – County staff has followed CDBG and County policy issues regarding the solicitation for services and the selection process of contractors.

The Board has the following policy issues to consider:

- 1) Should the County contract with Clackamas Construction and The Automation Group in order to undertake this construction of the water treatment plant?

C. Board Goals

The Row River Valley Water District water treatment plant project meets the following Board goals:

- 1) Develop Lane County's economic engine
- 2) Provide outstanding customer/constituent service
- 3) Build public trust through intensive communication and engagement

D. Financial and/or Resource Considerations

The entire \$445,996 construction contract and \$50,335 system programming and control contract is being paid from the CDBG funds awarded for this project and the Row River Valley Water District's matching funds. There are no general fund dollars being used for this project. The construction services contract fits into the project budget of \$550,000 and the system programming and control items contract fits into the project budget of \$55,000.

E. Analysis

The competitive request for service process met County and state CDBG program requirements. The result of the process is that we have a selected a qualified construction company and system programming company. The cost of their services fits within the budgeted amounts for the work that has been identified as necessary to successfully undertake and complete this project.

F. Alternatives/Options

The options before the Board are as follows:

1. Approve awarding a contract to Clackamas Construction and The Automation Group.
2. The Board may take no action. This would result in at least a delay in the project until the matters of concern to the Board could be resolved.
3. The Board may choose to reject the proposed contracts and place

the project back out for request for proposals.

IV. TIMING/IMPLEMENTATION

We are moving forward with an aggressive timeline in the hopes the work done at the Row River water plant is completed by September 2010. In order to meet that timeline, we need to have a construction company and system programming company on board and working on the completion of the water treatment plant. Upon Board approval of the hiring of both of these companies, we expect them to begin work almost immediately.

V. RECOMMENDATION

Staff recommends that the Board adopt the proposed Order.

VI. FOLLOW-UP

Upon approval of the Board, C&ED staff will work with County Counsel to get the contract signed.

VII. ATTACHMENTS

- A. Board Order awarding contracts to Clackmas Construction and The Automation Group.
- B. Clackamas Construction response to request for professional construction services.
- C. The Automation Group response to request for professional system programming services.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

) IN THE MATTER OF AWARDING
) CONTRACTS TO CLACKAMAS
) CONSTRUCTION, INC. IN AN AMOUNT
) NOT TO EXCEED \$455,996 AND THE
 AUTOMATION GROUP IN AN AMOUNT
 NOT TO EXCEED \$50,335; IN RESPONSE
 TO AN RFP FOR CONSTRUCTION OF
 THE ROW RIVER VALLEY WATER
 DISTRICT WATER TREATMENT PLANT
 IMPROVEMENT PROJECT.

WHEREAS, the Board of County Commissioners, working with the Row River Valley Water District, applied for a \$1,000,000 Community Development Block Grant, and

WHEREAS, on March 2, 2009 the Oregon Business Development Department awarded a \$1,000,000 grant of Community Development Block Grant (CDBG) funding to Lane County for the Row River Valley Water System Improvement Project, including \$550,000 for construction services and \$55,000 for system programming and controls; and

WHEREAS, the Board of County Commissioners previously adopted Resolution/Order No. 09-3-18-11 to sign the CDBG agreements with Oregon Business Development Department and all related grant documents pertaining to the Row River Water System Improvement Project; and

WHEREAS, Lane County solicited proposals for professional services for the construction services and system programming to be performed as a part of the grant award and received seven responsive construction proposals and one responsive system programming proposal; and

WHEREAS, Lane County working with the Row River Valley Water District, has reviewed the proposals for professional services; and

WHEREAS, after reviewing the proposals, Lane County has selected Clackamas Construction and The Automation Group as the respondents most capable of performing the desired services within the budget of the CDBG award;

NOW THEREFORE IT IS HEREBY RESOLVED AND ORDERED that the Lane County Board of Commissioners does hereby approve contracting with Clackamas Construction for an amount not to exceed \$455,996 and The Automation Group for an amount not to exceed \$50,335; and further delegates authority to the County Administrator to execute such a contracts.

Effective the 7th day of July, 2010.

APPROVED AS TO FORM

Date 6-22-10 lane county


 OFFICE OF LEGAL COUNSEL

 Bill Fleenor, Chair
 Lane County Board of Commissioners

ARTICLE 5 - BASIS OF BID

5.01 Bid is a lump sum amount for all work required for a complete project as detailed in the Contract Documents. For convenience in making partial payments and for general information, a breakdown of various components of the total lump sum Bid is requested. Bidder should carefully note the various items already procured and being provided by the Owner as identified in the Contract Documents. The summation of the item prices below will be the total lump sum Bid amount. Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Bid Item	Item Description	Price Written	Total Price (\$)
1	Mobilization, Bonds and Overhead	Thirty thousand dollars	30,000--
2	Earthwork and Site Piping	Forty five thousand dollars	45,000--
3	Filter and Control Building Complete	Dr. Hunter Eng. #136020	168,496
4	Primary Treatment Unit Skid and Included Equipment Installation (Skid furnished by Owner)	Seven thousand five hundred	7,500--
5	Mechanical Piping, Instrumentation and Equipment (Including Eyewash, Flow Meter, Valves, etc.)	Fuller & Frazier	50,000
6	On-Site Hypochlorite Generation System	Twelve thousand five hundred	12,500--
7	Hypochlorite Feed System	Eight thousand	8,000--
8	Temporary Disinfectant and Feed System	Three thousand five hundred	3,500--
9	Standby Generator and Transfer Switch	Dr. Hunter Eng. #136020	36,000
10	Electrical Improvements Complete	Smith & Son Electric	65,000
11	LP Gas Storage Tank	Seven thousand five hundred	7,500--
12	Temporary Raw Water Pumping System	Five thousand dollars	5,000--

Bid Item	Item Description	Price Written	Total Price (\$)
13	Demolition of Existing Filters and Chlorine System	Seventeen thousand, five hundred	17,500

TOTAL BASIC BID \$

956, 957

(use numbers)

Go on Number of days, 8 (use number) and Address 501 (use words)

(use words)

Authorized Signature: _____

President

Title: President Date: 6.9.2010

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Lane County, a Political Subdivision of the State of Oregon
- Row River Valley Water District – Water Treatment Plant
C/O Civil West Engineering Services, Inc
Attn: Darin G. Nicholson, P.E.
486 E Street
Coos Bay, Oregon 97420

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>6/2/10</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>


B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in SC-4.02, and (2) reports and drawings of Hazardous Environmental Conditions that have been identified in SC-4.06.

E. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost,

progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.

- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- K. Bidder will comply with applicable provisions of ORS 279C.840 and 40 U.S.C. 3141et seq. and with the provisions in the Supplementary Conditions relating to the payment of prevailing wage rates.
- L.  By initialing this space, the Bidder hereby certifies that he or she has not discriminated against minorities, women, or emerging small business enterprises in obtaining any required subcontracts.
- M. The Bidder hereby certifies that it is a resident Bidder as defined in ORS 279A.120 of the State of OREGON.
(State Name)
- N. Pursuant to ORS 279C.505 (2), the Bidder hereby certifies that it has an employee drug testing program in place and same will be maintained throughout this project and if awarded a contract will provide proof of such program when executed Agreements are returned to the Owner.
- O. Additional retainage of 25% of amounts earned will be withheld and released according to ORS 279C.845 when the Contractor fails to file the certified payroll statements as required in ORS 279C.845. Contractor shall impose this same requirements on any subcontractor.
- P. The Contractor and each subcontractor shall have a public works bond in the amount of \$30,000 before starting work, unless exempt under ORS 279C.836(4), (7), (8), or (9). The Contractor is required to include in every subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work, unless exempt under ORS 279C.836(4), (7), (8), or (9). Before permitting a subcontractor to start work on a public works project, the Contractor shall verify that the subcontractor has filed a public works bond or has elected to not file such bond under ORS 279C.836(7) or (8), or is exempt under ORS 279C.836(4), or (9). The Contractor shall provide a certification to the Agency that Contractor and all subcontractors have filed the public works bond, unless exempt under ORS 279C.836(4), (7), (8), or (9).

ARTICLE 4 – FURTHER REPRESENTATIONS

4.01 Bidder further represents that:

- A. this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

- 5.02 Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.
- 5.03 The Basis of award of the Contract will be to the lowest responsive and responsible Bidder for the project and shall be awarded provided such action is in the Owners best interest. In determination of the lowest responsible Bidder the Owner shall follow the requirements ORS279C.375.3.(a) & (b).
- 5.04 Identity of the successful Bidder may not specifically be determined at the time of opening of the Bids.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete within 120 calendar days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 14.07.B of the General Conditions within 150 calendar days after the date when the Contract Times commence to run.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are attached to and made a condition of this Bid:
- A. (Section 00430) Required Bid security in the form of a Bid Bond or as otherwise stipulated in the Instructions to Bidders;
 - B. (Section 00435) Proposed Subcontractor List (to be submitted in accordance with Article 12 of the Instructions to Bidders);
 - C. (Section 00451) Bidder Pre-Qualification Form (submitted prior to Bid or on file with Engineer as directed within Article 3 of the Instructions to Bidders);
 - D. (Section 00461) Non-Collusion Affidavit;

ARTICLE 8 - DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 - BID SUBMITTAL

- 9.01 The terms used in this Bid which are defined within the General Conditions of the Construction Contract included as part of the Contract Documents have the meanings assigned to them in the General Conditions.

Bidder is in compliance with the requirements of and is registered and bonded with the State of Oregon Contractor's Board as follows:

- Registered Classification: Commercial Gen. Contractor Level 2
- Registration Number: 58599
- Expiration Date: 11/13/12
- Employer's Tax ID No.: 93-0984467
- Submitted on June 9, 2010

- 9.02 Bidder to affix signatures below under the appropriate organization, this Bid submitted by:

If Bidder is:

A Individual

Name (typed or printed): _____

By: _____ (SEAL)
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner - attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: Clackamas Construction, Inc. (SEAL)

State of Incorporation: Oregon
Type (General Business, Professional, Service, Limited Liability): Gen. Bus.

By: [Signature]
(Signature - attach evidence of authority to sign) President

Name (typed or printed): JEFF MUELLER

Title: President
(CORPORATE SEAL)

Attest: _____
(Signature of Corporate Secretary)

Date of Qualification to do business in Oregon Oregon is 8/8/88.

A Joint Venture

Name of Joint Venturer: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner - attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner - attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business address: P.O. Box 279, Boring OR 97009

Phone: 503 663 1144

Facsimile: 503 663 6251

Submitted on 6.9., 20 10.

State Contractor License No. 58699



The Automation Group, Inc.

4678 Isabelle St
Eugene, OR 97402

P: (541) 359-3755
F: (541) 982-2266

Quote #100601E
CCB#172838

Date 06/01/10

Darin Nicholson
Civil West Engineering

Scope Narrative:

This proposal is for the integration and controls items that were discussed on 5/27/10 for the Row River project which bids on 6/9/10. Our proposal is based on Time and Materials billings with both a budgetary amount and a contingency amount. The contingency amount is to be available for any available line item where either through further investigation or mutual consideration either a change in scope or pre-design oversight has imposed costs beyond what was originally estimated.

PLC/HMI/SCADA system programming includes interfacing with the Siemens Water Technologies (USFilter) contractor to provide an operator workstation remote from the equipment for monitoring and control. Conversations have been had with Siemens technicians and it has been expressed that they will be cooperative in this effort.

The Studio Development software is not specifically required for the operation of the facility. By having it installed on the SCADA computer it would allow easy program modifications/development and would be a time-saving item that will reduce further development costs for the system. It has been included for your consideration on this project solely as a courtesy to our customer and is NOT required for operation.

The Security portion of the quote includes the perimeter fence intrusion detection and door switches for the plant. These alarm points would be wired back to the PLC and enabled through the SCADA system for remote dialout.

The Autodialer relocation involves moving the existing autodialer from the old location to the new location and includes PLC programming.

Checkout/Startup/Testing is included to facilitate and document a complete and working system.

Description	Labor	Materials	Contingency	Total
PLC/HMI/SCADA Prog	\$15,200.	\$3,090.	\$3,350.	\$21,640.
Studio Development Soft	\$0	\$2,412.	\$0.	\$2,412.
Security	\$6,080.	\$6,348.	\$1,850.	\$14,278.
Autodialer Relocation	\$1,520.	\$50.	\$300.	\$1,870.
Checkout/Startup	\$8,360.	\$100.	\$1,675.	\$10,135.

THANK YOU,

Eric Wick
Office 541-359-3755

PRICE AND TERMS

Unless otherwise stated all prices by The Automation Group, Inc., hereafter referred to as Contractor, are subject to change without notice.

PAYMENT

Unless otherwise agreed in writing payment terms shall be net thirty (30) days from the date of invoice. Any past due invoices are subject to a 1.5% monthly interest charge. All payments are to be in US Dollars.

LIMITED WARRANTY

Warranty to be one year from final invoice date for goods and services provided by Contractor. Contractor shall make final determination as to whether or not its products and/or services are defective.