



Staff Report

February 7, 2022 Council Regular Meeting

Ostenson Canyon Stormwater and Roadway Repairs Bids

Presenter: James Carothers, Engineering Manager and Shawn MacPherson, City Attorney

Time Estimate: 10 minutes

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BACKGROUND: Construction of the Ostenson Canyon Stormwater and Roadway Repairs is crucial to eradicate existing and future scouring and erosion along the south side of this roadway just west of NW 18th Loop. A winterization project was recently completed for roadway safety. This winterizing is not intended to last more than one rain season. Delivery times for structural steel and timber are currently in the range of 4 to 5 months. It is important to advance this project to complete construction in 2022.

SUMMARY: Bids were opened on January 26, 2022. The Engineering Estimate is \$748,795. There were three bidders and the low bidder, Odyssey Contracting, LLC has bid irregularities that require a determination from Council. Odyssey's bid is \$888,320.20. The second low bidder, Western United Civil Group, LLC, bid \$1,079,592.

Odyssey neglected to register on the bidders list. Staff has required bidders to register on the bidders list so that there are no missed potential addenda to the bid package. There were no addenda for this bid advertisement.

Odyssey also failed to provide a unit cost for bid item 56. The bid specifications require that a bid must be rejected if any unit costs cannot be determined from the bid proposal. Staff was able to extrapolate a unit cost for bid item 56 by using the overall bid amount from Odyssey.

Council will be asked to decide whether Odyssey's bid proposal has minor or major irregularities. If Council deems Odyssey's bid to have major irregularities, Odyssey's bid must be rejected. If Council rules these irregularities are minor, Council must decide whether to accept or reject Odyssey's bid.

Upon ruling on Odyssey's bid, staff recommends that Council award the project to the lowest responsible bidder.



Photo of the Ostenson Canyon Winterization Measures

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

Bid award for summer construction.

What's the data? What does the data tell us?

Repairs to the eroding slope are urgent.

How have communities been engaged? Are there opportunities to expand engagement?

Neighbors have been contacted regarding the pending plans of the project.

Who will benefit from, or be burdened by this agenda item?

Citizens will benefit from these safety improvements.

What are the strategies to mitigate any unintended consequences?

Engineering staff closely monitors and manages construction.

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

No.

Will this agenda item improve ADA accessibilities for people with disabilities?

Yes.

What potential hurdles exists in implementing this proposal (include both operational and political)?

Regardless of who the project is awarded to, additional funds will be needed to complete this project.

How will you ensure accountabilities, communicate, and evaluate results?

Engineering staff closely monitors and manages construction. Results will be reported to Council.

How does this item support a comprehensive plan goal, policy or other adopted resolution?

T-1.2: Support the need for regular street maintenance, safety and efficiency improvements, and access management measures.

BUDGET IMPACT: This project is funded by the Stormwater Utility and General Fund, including money from the most recent General Obligation Bond issuance. Staff recommends that cost overages be addressed in the Spring Omnibus.

RECOMMENDATION: Staff and the City Attorney will explain the bidding rules and provide an opinion on Odyssey's irregularities. Ultimately, staff recommends that the lowest responsible bidder, as determined by Council decision on the irregularities, be awarded the contract.