

**RESOLUTION NO. 2346**

**A RESOLUTION OF THE CITY OF WILSONVILLE ACTING AS THE LOCAL CONTRACT REVIEW BOARD APPROVING THE BID PROCESS; ACCEPTING THE LOWEST RESPONSIBLE BID; AWARDING A CONSTRUCTION CONTRACT TO KERR CONTRACTORS, INC., THE LOWEST RESPONSIBLE BIDDER; AND VERIFYING FUND AVAILABILITY FOR THE PROJECT TITLED OR141: SW PIONEER CT. – SB I-5 RAMPS COMMONLY REFERRED TO AS 95<sup>th</sup> AT BOONES FERRY RD INTERSECTION IMPROVEMENTS.**

WHEREAS, in accordance with the provisions of Oregon Revised Statutes, Chapter 279, Public Bids and Contracting; 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 Wilsonville City Council serves as the city's Contract Review Board; and

WHEREAS, the 95<sup>th</sup> at Boones Ferry Rd Intersection Improvements Project was duly advertised for pre-qualification and competitive bids in the Daily Journal of Commerce on March 5 and 12, 2009; and

WHEREAS, the bid advertisement and invitation to bid included a Request for Qualifications and established a qualification process under which prospective bidders must be qualified in order to be considered a responsive bidder and 16 potential bidders were qualified; and

WHEREAS, from the qualified bidders, nine sealed bids were received prior to 4 p.m. local time, January 18, 2012, at the City Hall, 29799 SW Town Center Loop East, Wilsonville, OR, 97070; and

WHEREAS, the nine bids were then opened individually, and separately read aloud at 4:00 p.m., local time, January 19, 2012. The Summary of Bids is marked Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the apparent low bidder, Nutter Corporation, was nonresponsive under OAR137-047-0640(1)(c)(D) and its bid was duly rejected, as Nutter submitted a bid bond security of 5%, whereas the solicitation documents in five separate places, including the top of the submitted bid bond security form, called out the bid security requirement of 10%; and

WHEREAS, eight of these bids were found to be from responsive bidders as defined under the Request for Qualifications; and

WHEREAS, Kerr Contractors, Inc., as the next lowest bidder submitted the lowest responsible bid; and

WHEREAS, the Kerr Contractors, Inc. bid of \$1,127,038.20 includes all work on the project; and

WHEREAS, the City desires to execute a Construction Contract Agreement in a timely manner; and

WHEREAS, the City's FY11-12 budget includes a \$1,400,000 appropriation for the 95<sup>th</sup> at Boones Ferry Rd Intersection Improvements Project, which is Project #4041 in the budget.

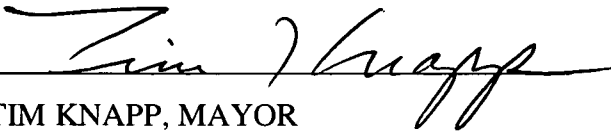
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council acting as the Local Contract Review Board finds and concludes:
  - a. The recital of findings above are incorporated by reference herein.
  - b. The bid from Kerr Contractors, Inc. in the amount of a \$1,127,038.20 bid for all work in the contract, is deemed responsive. Kerr Contractors, Inc. is the lowest responsible bidder and is qualified for the work.
2. Subject to the final review and approval of the Project Manager and in accordance with the provisions of Oregon Revised Statutes, Chapter 279, Public Bids and Contracting; 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 for construction to Kerr Contractors, Inc. in the amount of \$1,127,038.20.
3. Subject to final completion of all improvements specified in the contract documents and any supplementary changes, the Project Manager is authorized to certify the required improvements complete and make final payment including release of retainage.
4. The Project Manager is authorized to approve change orders to this contract as required provided, however, that the total cost does not exceed the approved budget for this project.
5. The City Council hereby authorizes the expenditures for this contract not to exceed the total FY11-12 budget amount:

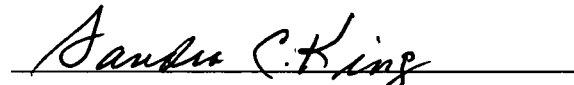
<u>Account</u>	<u>Amount</u>
540.950.45030.4041	\$1,400,000

6. This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6<sup>th</sup> day of February 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 Núñez	Yes
Councilor Hurst	Yes
Councilor Goddard	Excused
Councilor Starr	Yes

## BID SUMMARY

**OR 141: SW PIONEER CT. - SB I-5 RAMPS (WILSONVILLE)**

**Project Number: 4041**

**Owner: CITY OF WILSONVILLE**

**Bid Opening: January 19, 2012 4:00PM**

Order Opened	Bidder	First Tier Subcont. Disclosure	Non-Discrimination	Bid Security (10%)		Proposal	Non-Collusion	Bid Bond Form	Construction Schedule	Bid Amount	Apparent Lowest Bidder
				Amount	Type						
1	Gelco Construction Company	X	X	10%	Bond	X	X	X	X	\$1,162,979.10	4
2	Goodfellow Bros, Inc.	X	X	10%	Bond	X	X	X	X	\$1,172,129.32	5
3	K&E Excavating, Inc.	X	X	10%	Bond	X	X	X	X	\$1,151,287.95	3
4	Kerr Contractors	X	X	10%	Bond	X	X	X	X	\$1,127,038.20	2
5	Northwest Earthmovers, Inc.	X	X	10%	Bond	X	X	X	X	\$1,208,843.80	6
6	Nutter Corporation	X	X	5%	Bond	X	X	X	X	\$1,058,261.22	1
7	R&R General Contractors	X	X	10%	Bond	X	X	X	X	\$1,228,998.30	7
8	S-2 Contractors, Inc.	X	X	10%	Bond	X	X	X	X	\$1,261,007.80	9
9	Westech Construction	X	X	10%	Bond	X	X	X	X	\$1,231,938.85	8