

CITY COUNCIL AGENDA TOPIC

Motion to reject all bid protests and award Bid No. 25095, Mountains to Sound Greenway Trail – 142nd Place SE to 150th Avenue SE project (CIP Plan No. PW-WB-86) to Johansen Construction Co, as the lowest responsible and responsive bidder, in the amount of \$17,869,000, plus all applicable taxes. This project is funded through the 2025-2030 General and Utilities Capital Improvement Programs (CIP).

Andrew Singelakis, Transportation Director, 452-6468
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Transportation Department

EXECUTIVE SUMMARY

ACTION	Motion to reject all bid protests and award Bid No. 25095 to Johansen Construction Co. for the Mountains to Sound Greenway Trail – 142 nd Place SE to 150 th Ave SE project.
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RECOMMENDATION

Move to reject all bid protests and award Bid No. 25095, Mountains to Sound Greenway Trail – 142nd Place SE to 150th Ave SE project (CIP Plan No. PW-WB-86).

BACKGROUND/ANALYSIS

The Mountains to Sound Greenway (MTSG) Trust was organized in 1991 to set aside from urbanization the forested corridor of Interstate 90 (I-90) from Seattle through the Cascade Mountains so that current and future generations could always enjoy the scenic, recreational, and historic qualities/amenities along the 100-mile corridor. The Trust's success in conserving more than 130,000 acres of scenic and recreational lands led to the designation of the MTSG as a National Scenic Byway in 1998.

Design on the Mountains to Sound Greenway Trail Project between Interstate 405 (I-405) and 150th Avenue SE began in 2013. As the design progressed and construction funding was identified, the original design was divided into three phases to match available funding. The first phase located between I-405 and 132nd Avenue SE was completed in 2020. The second phase from 132nd Avenue SE to 142nd Place SE was completed in 2022. This project will complete construction of the third phase of the Mountains to Sound Greenway trail immediately east of the 142nd Place SE approaching 150th Avenue SE.

For construction of the MTSG segment between 142nd Place SE to the Nonmotorized Overcrossing of 150th Avenue SE, the funding history is as follows:

Federal Funding

In July 2022, Puget Sound Regional Council (PSRC) awarded \$2,370,000 to construct the MTSG segment from 142nd Place SE to the Nonmotorized Overcrossing of 150th Avenue SE to be obligated in year 2025. This funding was accepted by Council on January 17, 2023 (Ordinance No.

6717) along with a transfer of \$3,000,000 in local funding from the Transportation Grant Match Program (CIP Plan No. PW-R-206) to meet the grant match requirements.

In March/April 2024, PSRC identified projects that had capacity to use additional federal funds while still maintaining minimum match requirements. The Mountains to Sound Greenway Trail – 142nd Place SE to 150th Avenue SE project had such capacity and on July 29, 2025, was awarded an additional \$5,720,170 in federal Surface Transportation Block Grant funding. When added to the \$2,370,000 referenced above, the total federal grant funding share totaled \$8,090,170.

State Funding

In April/May 2023, the Washington State Legislature Transportation Budget allocated \$300,000 of state Move Ahead Washington funds to complete design and right of way phase work on the MTSG segment from 142nd Place SE to the Nonmotorized Overcrossing of 150th Avenue SE. An additional \$6,600,000 in construction-related state Move Ahead Washington funds is assigned to year 2025 to align with the obligation requirements for the federal grant funding identified above.

Following verification of bid submittals, the bids received were as follows:

OMA Construction, Inc.	\$16,595,321.00*
Stellar J. Corporation	\$16,667,732.50*
Michels Construction, Inc.	\$17,640,507.73*
Johansen Construction Co.	\$17,869,000.00
Northwest Construction	\$17,988,888.00*
James W. Fowler Co.	\$18,304,781.00*
Ryatt Construction	\$18,393,462.34*
Interwest Construction, Inc.	\$18,957,425.00
Active Construction, Inc.	\$19,249,249.00*
Engineer's Estimate	\$18,475,944.30

*Non-responsive and irregular bid

Reasons for the non-responsive and irregular bids are as follows:

- OMA Construction, Inc. –Bidder Questionnaire was not completed in accordance with the contract requirements.
- Stellar J. Corporation – Bidder Questionnaire was not completed in accordance with the contract requirements.
- Michels Construction, Inc. – Bidder Questionnaire was not completed in accordance with the contract requirements and other forms and addenda were not submitted.
- Northwest Construction - Bidder Questionnaire was not completed in accordance with the contract requirements.
- James W. Fowler Co.- Bidder Questionnaire was not completed in accordance with the contract requirements.
- Ryatt Construction – Bidder Questionnaire was not completed in accordance with the contract requirements.

- Active Construction, Inc.- Bidder Questionnaire was not completed in accordance with the contract requirements.

On January 2, 2026, a formal bid protest was received from Johansen Construction Co. disputing the responsiveness of OMA Construction, Inc. based on their bid package. Upon further review of OMA's bid package, staff discovered that information included the Bidder Questionnaire form was not filled in per the requirements of the bid documents. Submitting this Bidder Questionnaire information with the bid proposal is specifically codified in the CFR and must be included in all bids for federally funded construction contracts. OMA Construction's bid was then deemed non-responsive.

Following notice of the non-responsive bid, OMA Construction, Inc. submitted a protest arguing that the irregularity related to their Bidder Questionnaire form should be waived by the City. Based on the information received, staff did not find merit to waive the irregularity and recommend that Council reject the protest from OMA Construction Inc.

Staff also recommend rejection of the bid protest from Johansen Construction Co. as the firm is the lowest responsive and responsible bidder. Staff recommend awarding this contract to Johansen Construction Co.

To the best of our knowledge and professional judgment, all factors that normally contribute to construction expenses have been accounted for in the Plans, Specifications, and Estimates (PS&E). Based on prior experience, projects of this type may result in some field changes. All claims are rigorously reviewed and only those that are clearly necessary to fulfil the intent of the contract, but have not been provided for, will be paid.

POLICY & FISCAL IMPACTS

Policy Impact

Comprehensive Plan

Awarding this construction contract is consistent with the following policies in the Transportation Element of the Comprehensive Plan:

- TR-50. Maintain and enhance safety for all users of the roadway network.
- TR-96. Implement the Pedestrian and Bicycle Transportation Plan and evaluate, describe, and prioritize projects that address Performance Target gaps through the Mobility Implementation Plan.
- TR-97. Construct, maintain and repair facilities for active transportation in accordance with current standards and guidelines.
- TR-106. Improve opportunities for pedestrians to safely cross streets at intersections and designated mid-block locations.
- TR-107. Integrate the Mountains-to-Sound Greenway Trail into the I-90 corridor through Bellevue.
- TR-123: Leverage local funding to seek and secure state and federal funds for transportation capital, maintenance, and operations.
- TR-124. Provide and prioritize transportation funding to address Performance Target gaps for people walking, biking, riding transit, and travelling in a car.

Fiscal Impact

This is one of two items scheduled for Council action tonight for the Mountains to Sound Greenway Trail – 142nd Place SE to 150th Ave SE project. The other item is a Resolution authorizing the execution of supplemental agreement to the professional services agreement with HNTB Corporation.

Awarding this bid will obligate the City to an amount up to \$17,869,000, plus all applicable taxes, to construct the Mountains to Sound Greenway Trail – 142nd Place SE to 150th Avenue SE Project (CIP Plan No. PW-WB-86). This amount is approximately 3% below the Engineer's Estimate.

Staff recommend awarding the contract to Johansen Construction Co. as the lowest responsible and responsive bidder

This contract is fully funded through the 2025-2030 General and Utilities Capital Improvement Programs (CIP) as shown below.

CIP Plan No.	Description	Amount
PW-WB-86	MTSG Trail - 142nd PI SE to 150th Ave SE	\$17,674,827.00
W-16	Small Diameter Water Main Replacement	194,173.00
Total Funding		<u><u>\$17,869,000.00</u></u>

OPTIONS

1. Reject all bid protests and award Bid No. 25095, Mountains to Sound Greenway Trail – 142nd Place SE to 150th Avenue SE Project (CIP Plan No. PW-WB-86) to Johansen Construction Co. as the lowest responsible and responsive bidder, in the amount of \$17,869,000 plus all applicable taxes.
2. Award the bid to the next lowest bidder if the low bidder is not responsive.
3. Reject all bids and provide alternative direction to staff.

ATTACHMENTS

- A. Vicinity Map
- B. CIP Project Description (PW-WB-86)
- C. CIP Project Description (W-16)

AVAILABLE IN COUNCIL LIBRARY

N/A