

CITY COUNCIL AGENDA TOPIC

Motion to reject the bid protest from HCON Incorporated and award Bid No. 23063 for the Water Main Replacement 2022 project to Fury Site Works Inc., as the lowest responsive and responsible bidder, in an amount not to exceed \$6,059,761.61, plus all applicable taxes (CIP Plans No. W-16 and W-67).

Lucy Liu, Director, 452-4445

Linda De Boldt, Assistant Director of Engineering, 452-4625

Utilities Department

EXECUTIVE SUMMARY

ACTION

This motion will reject the bid protest from HCON Incorporated and award Bid No. 23063 for the Water Main Replacement 2022 project to Fury Site Works Inc.

RECOMMENDATION

Move to reject the bid protest from HCON Incorporated and award bid No. 23063 for the Water Main Replacement 2022 project to Fury Site Works Inc.

BACKGROUND/ANALYSIS

The Water Main Replacement program has been ongoing for many years and is a major component of Utilities proactive strategy for renewal and replacement of aging infrastructure. Replacement of old, high break risk water mains will reduce the risk of pipeline failure that may result in customer impacts, property damage and potential claims against the City. Utilities staff commonly assess the needs for other utility improvements in the vicinity of watermain replacement work, in order to achieve cost efficiencies and reduce construction impacts to affected neighborhoods.

This project will replace approximately 10,250 linear feet of aging and undersized water main pipe in the Utilities service areas of West Bellevue and Yarrow Point. The project will also install a new pressure reducing valve assembly at 766 Bellevue Way SE, Bellevue, WA 98004. Utilities has coordinated with individual property and business owners to minimize construction inconveniences to their respective properties and the neighborhood.

Bids were opened on September 7 and are as follows. Please note, these bids include 10.1 percent Washington State sales tax on applicable bid items.

Contractor	Bid amount
<i>Fury Site Works Inc</i>	\$6,059,761.61
<i>HCON Incorporated</i>	\$6,075,651.22
<i>SCI Infrastructure, LLC</i>	\$7,137,824.25
<i>Kar-Vel Construction</i>	\$7,164,162.79
<i>Interwest Construction Inc.</i>	\$7,321,805.82
<i>Laser Underground & Earthworks Inc.</i>	\$7,842,549.99
<i>Marshbank Construction, Inc.</i>	\$7,883,311.70
<i>Pivetta Brothers Construction, Inc.</i>	\$8,639,235.10

<i>R.W. Scott Construction Co.</i>	<i>\$8,854,785.63</i>
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Engineer's Estimate **\$6,429,576.53**

On September 15, 2023, staff received a formal bid protest from HCON Incorporated contending that the apparent lowest bidder, Fury Site Works Inc provided an irregular or unresponsive bid.

After a thorough review of the contractor's bid, qualification, background, previous project experience, and recent projects completed for the City, staff believes that Fury Site Works provided a responsive bid, meets the requirements of the project specifications, and is capable of performing the work per the plans and specifications.

Staff recommends award of this bid to Fury Site Works Inc. as the lowest responsible and responsive bidder. To the best of our knowledge and professional judgment, all factors that typically contribute to construction expenses have been accounted for in the Plans, Specifications and Estimates. Based on our experience, projects of this type may result in some field changes. All claims are rigorously reviewed and only those that are clearly necessary to accomplish the intent of the contract, but have not previously been provided for, will be paid.

POLICY & FISCAL IMPACTS

Policy Impact

The City Comprehensive Plan policies: Provide reliable water service for domestic use, fire flow protection, and emergencies.

Utilities Department policies: To invest resources as necessary to construct, maintain and renew water system infrastructure and equipment so that Utility customers are provided with consistent, reliable service.

Utilities Department practice: Replace small diameter asbestos cement water main installed in the late 1940's through 1960's to reduce the possibility of water main breaks as well as other small diameter water pipes of varying materials determined by City Staff to be at high risk of failure; CIP Plan No. W-16 has been designated to do this. Install pressure reducing valves to provide increased water system operational control when needed; CIP Plan No. W-67 has been designated to do this.

Bellevue City Code 4.28.040 requires the City to competitively bid public works in accordance with the Code and state law. Council approval is required to award the bid where the cost exceeds \$350,000. Council approval is also required to reject any or all bids.

Fiscal Impact

Awarding this bid commits the City to payment of \$6,059,761.61, plus all applicable taxes. This contract is primarily funded through the Water Main Replacement Program (CIP Plan No. W-16) and partially through the Pressure Reducing Valve (PRV) Station Rehabilitation Program (CIP Plan No. W-67). Sufficient funds have been budgeted to fund this contract in the 2023-2029 CIP Budget.

OPTIONS

1. Reject the bid protest from HCON Incorporated and award Bid No. 23063 for the Water Main Replacement 2022 project to Fury Site Works Inc, as the lowest responsive and responsible bidder, in an amount not to exceed \$6,059,761.61, plus all applicable taxes (CIP Plan No. W-16 and CIP Plan No. W-67).
2. Reject all bids and provide alternative direction to staff.

ATTACHMENTS

- A. Vicinity Map
- B. CIP Project Description

AVAILABLE IN COUNCIL LIBRARY

N/A