

May 4, 2015

## CITY COUNCIL AGENDA MEMORANDUM

### **SUBJECT**

Motion to award Bid No. 15039 for Newport Creek Fish Passage to Mike McClung Construction, as the lowest responsible and responsive bidder, in the amount of \$247,505.04 (CIP Plan No. D-81).

### **FISCAL IMPACT**

Awarding this bid commits the City to payment of \$247,505.04. This contract is fully funded through the Utility's Fish Passage Improvement Program (CIP Plan No. D-81). This amount is approximately 6.7% above the Engineer's Estimate. Sufficient funds have been budgeted to fund this contract in the 2015-2021 Utilities CIP Budget.

### **STAFF CONTACT**

Nav Otal, Director, 452-2041

Paul A. Bucich, Assistant Director of Engineering, 452-4596

*Utilities Department*

### **POLICY CONSIDERATION**

#### Utilities Department policies:

- Utilize best management practices and technology in City projects to demonstrate effective environmental stewardship and long-term fiscal responsibility.
- Retain existing open surface water systems in a natural state and restore conditions that have become degraded.
- Maintain surface water quality, defined as meeting federal and state standards and restoring surface water that has become degraded, to the maximum extent practicable.
- Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish watersheds in Bellevue's jurisdiction.
- Manage aquatic habitats, including shoreline and riparian (streamside) habitats, to preserve and enhance their natural functions of providing fish and wildlife habitat and protecting water quality.
- Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law regarding water crossing structures.
- Improve wildlife habitat especially in patches and linkages by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.

#### Utilities Department practice:

- This ongoing program provides funding to remove fish passage barriers such as impassable culverts, debris jams, or accumulated sediment, opening miles of spawning and rearing habitat for salmon populations. Typical projects include culvert replacement or modification, debris removal, or installation of logs and boulders to channelize low stream flows. CIP Plan No. D-81 has been designated to do this.

#### City contracting policies:

- 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 \$90,000.

## **BACKGROUND**

Newport Creek flows into Coal Creek just upstream of I-405, at the Coal Creek - I-405 Stormwater Pond. Approximately 200 feet upstream from the confluence, the 84-inch King County Eastside Interceptor sewer line crosses the creek. Fish weirs that had been constructed over the sewer by the City in 1995 are no-longer passable and need to be replaced so that fish can access nearly 3,000 feet of habitat upstream in Newport Creek. The original permit issued by the Washington Department of Fish and Wildlife requires the City to maintain fish passage through our structures in perpetuity.

This project will replace the log weirs with a roughened channel, which will lower the overall stream gradient through the area and add new stream gravels, boulders, logs, root wads, and provide a new resting pool for fish.

Bids were opened on April 9, 2015 and are as follows:

|                                     |              |
|-------------------------------------|--------------|
| Mike McClung Construction Company   | \$247,505.04 |
| Wyser Construction Company          | 257,346.90   |
| Agostino Construction, Inc.         | 283,357.53   |
| Green Earthworks                    | 291,317.86   |
| Nordland Construction NW            | 294,298.77*  |
| Pivetta Brothers Construction, Inc. | 314,677.20*  |

### **Engineer's Estimate**

**\$231,931.95**

\*Minor mathematical errors were incorporated in these two bids; however at no time was either the low bidder.

The bid price by the low bidder, \$247,505.04, exceeds the Engineer's Estimate by approximately 6.7%. Staff have reviewed the bid and believe that the price received from the low bidder is valid and represents a fair cost to perform the work. Six bids were received, and staff believe bids were competitive. The low bid price is reasonably close to the Engineer's Estimate, and it is unlikely that re-bidding the project will provide better results than those obtained with this bid.

Although the bid for this project exceeds the Engineer's Estimate, funds are available to complete this project.

To the best of staff's knowledge, all factors that normally contribute to construction expense have been accounted for in the plans and in the Engineer's Estimate. It is our experience that construction projects of this type may result in some amount of field changes. Such claims are rigorously reviewed and only those that are clearly necessary to accomplish the intent of the contract, but have somehow not been provided for, will be paid.

## **EFFECTIVE DATE**

If adopted, this Motion becomes effective immediately upon adoption.

### **OPTIONS**

1. Award Bid No. 15039 for Newport Creek Fish Passage to Mike McClung Construction, as the lowest responsible and responsive bidder in the amount of \$247,505.04 (CIP Plan No. D-81).
2. Award contract to another bidder, if low bidder is rejected.
3. Reject all bids and re-bid at a later date.

### **RECOMMENDATION**

Option No. 1.

References have been checked and the contractor has the resources and experience necessary to successfully complete this project.

### **MOTION**

Move to award Bid No. 15039 for Newport Creek Fish Passage to Mike McClung Construction, as the lowest responsible and responsive bidder in the amount of \$247,505.04 (CIP Plan No. D-81).

### **ATTACHMENTS**

A: Vicinity Map

B: CIP Project Description