

# METROPOLITAN EXPOSITION-RECREATION COMMISSION

## RESOLUTION NO. 99-11

Authorization for staff to issue Request for Bids for construction on the 4<sup>th</sup> Floor Completion Project at the New Theatre Building of the Portland Center for the Performing Arts.

### The Metropolitan Exposition – Recreation Commission finds:

1. That MERC has received two major donations totaling \$1 million for design and construction of the 4<sup>th</sup> Floor Completion Project in the New Theatre Building.
2. That the approved 5-year Capital Improvement Plan and proposed Fiscal Year 1999-2000 PCPA Capital Budget include provisions for construction of the 4<sup>th</sup> Floor Completion Project beginning in July with completion at the earliest possible date.
3. That the Newmark and Winningstad Theatres and public areas of the New Theatre Building are very heavily used throughout each year, making it necessary to plan for construction of the 4<sup>th</sup> Floor Completion Project in a manner that minimizes impact on regular programs and seasons of performances from mid-September through April in these facilities.
4. That use of the Winningstad Theatre (directly below the construction area) has been blocked out for the period July 1 through September 15, 1999, and Summer Youth Programs have been rearranged to accommodate heavy demolition and construction activity during that interval.
5. That the formal competitive bid process required for the project must be completed in April and May, 1999, in order for the selected and approved contractor to proceed with procurement of equipment, materials as well as pre-construction services necessary to commence work on site immediately in July, 1999.

Be it therefore resolved that the Metropolitan Exposition – Recreation Commission authorizes staff to issue a request for bids, pursuant to Commission policies and procedures, for services required to construct the 4<sup>th</sup> Floor Completion Project at the New Theatre Building.

Passed by the Commission on April 7, 1999.



Chairman



Secretary/Treasurer

Approved As to Form:

Daniel B. Cooper, General Counsel

By:   
Kathleen A. Pool  
Senior Assistant Counsel

## MERC STAFF REPORT

**Agenda Item/Issue:** Authorizing staff to issue Requests for Bids for Construction on the 4<sup>th</sup> Floor Completion Project at the New Theatre Building of the Portland Center for the Performing Arts.

**Resolution No:** 99-11

**Date:** April 7, 1999

**Presented by:** Harriet Sherburne

**BACKGROUND:** PCPA staff has managed the schedule of business at the New Theatre Building to accommodate major demolition and construction to begin July 1999, in the event that a second major donation was received to fund the project. Upon attaining Commission approval of the donation in January 1999, staff has taken action to affirm plans and schedules as well as to meet design document deadlines on the project, consistent with this target date. Because of the scope of the project, and the schedule constraints in the NTB, it is essential that formal competitive bidding on the project occur in April, with contract approval and authorization to proceed at the earliest possible date. The approved contractor will be required to perform pre-construction services, detailed project scheduling, with delivery of selected equipment and materials to the site (Bid Part A) by June 30, 1999; such will be funded in FY 1998-99. The contractor will proceed with the balance of the project (Bid Part B) on July 1, 1999 through to completion early in 2000, with such work funded in FY 1999-2000.

**FISCAL IMPACT:** Capital Projects authorization and funding for this project are included in budgets for FY 1999-2000; there are sufficient uncommitted resources in the PCPA budget for FY 1998-99 to initiate early bidding and contracting of the project to meet the scheduling requirements of the facility. Capital Project funds and authorization are available in both fiscal years sufficient to cover the project as described in Part A and Part B.

**RECOMMENDATION:** Staff recommend that they be authorized to proceed with Request for Bids to identify a contractor qualified to complete the project; the selection of qualified bidder and authorization for execution of a contract will be subject to approval by the Commission.

**SECTION 00030  
INVITATION TO BID**

Sealed Bids for the Portland Center for the Performing Arts (PCPA), New Theatre Building's (NTB) 4<sup>th</sup> Floor Completion Project, must be delivered to MERC, Offices, 777 N.E. Martin Luther King Jr. Blvd., Portland, OR 97232, to the attention of Mark Hunter, Project Manager, no later than 3:00 PM, Pacific Time, May 11, 1999. At that time, the Bids will be opened and publicly read aloud at the MERC Conference Room.

The Work contemplated consists of all equipment, materials, and labor as necessary to remodel the existing facilities in accordance with the construction documents. The location of the Work will be at 1111 SW Broadway, Portland, OR. The purpose of the Work is to complete the construction of the 4<sup>th</sup> floor Rehearsal Hall space and ADA restroom as described in the Bid Documents.

Each Bid must be submitted on the prescribed form and accompanied by a certified check or cashier's check or Bid Bond executed on the prescribed form, payable to MERC in the amount of ten percent (10%) of the total bid amount. The Bid and bid security should be delivered in a sealed envelope marked PCPA's NTB, 4<sup>th</sup> Floor Completion Project, Attention: Mark Hunter."

The successful Bidder will be required to furnish the necessary additional bonds for the faithful performance of the Contract and for the payment of all persons supplying labor and materials as prescribed in the Contract Documents.

Before a contract is awarded, MERC may conduct such additional investigations as are necessary to determine whether a Bidder is qualified. Upon request, the Bidder shall promptly submit such additional information as deemed necessary by MERC to evaluate the Bidder's qualifications.

Bidders shall use recyclable products to the maximum extent economically feasible in the performance of the Contract Work set forth in this document.

This is a public works project. By signing and submitting a Bid for this project, the Bidder certifies that it will comply with ORS 279.350, requiring payment of prevailing wage rates and public work contract fee.

Each Bid must contain a statement as to whether the Bidder is a resident bidder, as defined in ORS 279.029.

Bidders and Subcontractors must be registered with the Oregon Construction Contractor's Board pursuant to ORS 701.035-90.

Bidders must comply with Metro-MERC Minority Business Enterprise, Women-Owned Business Enterprise, and Emerging Small Business Program. The purpose of the program is to establish and implement a program to encourage the utilization by MERC of minority and women-owned businesses, to the greatest extent permitted by law, by creating for such businesses the maximum possible opportunity to compete for and participate in locally-funded MERC contracts. All Bidders must comply with Appendix B, MERC Minority and Women-Owned Business Program.

**A Pre-Bid Conference will be conducted on April 19, 1999, at 8:00 AM Pacific Time, to begin at the Main Lobby of the New Theatre Building. This Conference will include a site tour and inspection opportunity for the intended areas of work, including all applicable mechanical and electrical areas and all staging areas.**

**A schedule of the New Theatre Building events through December 31, 1999, has been included as Appendix D. This schedule indicates the dates and approximate shifts that are currently available and unavailable to the Contractor to perform the required work, depending on the location in the building of the scheduled event, the type of event and the Work being conducted simultaneously with the event. Due to the rare possibility of additional "bookings" or cancellations of events in the building, this schedule may be modified, which may positively or negatively impact the work schedule. It is not anticipated however, that the net number of days available to the Contractor as indicated on the schedule included as part of these documents will be lessened. In the event of a schedule change, the Owner will notify the Contractor directly following the implementation of the change so that work plans may be modified accordingly. Due to the nature of the Public Events Facility industry, it will be necessary for the Contractor to work closely with the Project Manager and applicable building staff to coordinate day-to-day logistical requirements for the benefit of the Contractor and to afford Owner Staff the necessary time to perform event or non-event related functions. During the site visitation, the Contractor is urged to take into consideration noise factors that may impact adjacent area where events may be impacted by the construction. Dust protection and protection of exposed construction materials will be necessary at all times.**

**Products or materials that are different than those called out in the specification may be considered for bidding purposes only if requested by the bidder in writing by at least 168 hours prior to the bid opening and only if "approved equal" in writing by the Owner at least 120 hours prior to the bid opening. Following bid opening, product or material substitutions will only be made at the request or discretion of the Owner.**

**MERC reserves the right to reject all Bids or any Bids not conforming to the intent and purpose of the Contract Documents, to reject for good cause any and all Bids upon a finding of MERC that it is in the public interest to do so or to waive any informality or irregularity in any Bid or Bids. MERC further reserves the right to award the Contract at any time within fifteen (15) days following the Bid opening date.**

#### **Information Contact - Project Manager**

**For information concerning the proposed work or any other issues relating to this specification, contact Mark Hunter, Construction/Capital Projects Manager, MERC, (503) 731-7827.**

**\*\*\* END OF SECTION \*\*\***