

Portland, Oregon

# FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Scott T. Gibson P.E.		2. Telephone No. 503-823-7615	3. Bureau/Office/Dept. Environmental Services
4a. To be filed (hearing date):  April 10, 2013	4b. Calendar (Check One)  Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Amend contract with Brown and Caldwell, Inc., for additional work and compensation for the SW 86<sup>th</sup> Avenue Pump Station and Appurtenances. Project No. E09051 (Ordinance, Amend Contract No. 30002215)

**2) Purpose of the Proposed Legislation:**

To authorize the Commissioner in Charge to execute amendment 3 to contract 30002215 with Brown and Caldwell, Inc. for the purpose described in Section 1 of the proposed Ordinance, in the amount of \$359,811.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |   |                                    |                                    |                                |
|---|------------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast  | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City       |                                    |                                    |                                |

- ☒ This project is located in unincorporated Washington County outside the City of Portland city limits.

**FINANCIAL IMPACT****4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No.

**5) Expense:** What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the *level of confidence*.)

The estimated cost of this contract amendment is \$359,811. Funds are available in the Sewer System Operating Fund, FY 2013 Budget, and BES Project No. E09051. The level of confidence in the negotiated cost for the proposed amendment 3 to contract No. 30002215 with B&C is high.

**6) Staffing Requirements:**

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*
- Will positions be created or eliminated in *future years* as a result of this legislation?

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- ☐ YES: Please proceed to Question #9.  
☒ NO: Please, explain why below; and proceed to Question #10.

This Council item is a recommendation to approve a contract amendment 3 to contract 30002215 with B&C for additional work and compensation Permitting and Public Outreach Assistance required to:

- Assist BES to meet approval conditions imposed by Washington County in the Special Use and Development decision in Casefile 12-174-SU/D/FP for the SW 86<sup>th</sup> Ave PS & Appurtenance project;
- Assist with the formation and facilitate meetings for a Citizens Advisory Committee (CAC);
- Develop designs for roadway improvements on SW 84<sup>th</sup> Ave and SW 86<sup>th</sup> Ave required by the approval conditions in the Washington County Casefile 12-174-SU/D/FP decision;
- Assist BES through the construction permitting process with Washington County for all elements of the SW 86<sup>th</sup> Ave PS & Appurtenances project;

There is a significant public involvement element for the overall project that has been conducted by the BES Director's Office. Numerous information flyers have been distributed to the community, and the project manager and public information office have been, and continue to attend neighborhood association meetings to brief the public on the project status and respond to questions. However, that public involvement element was not a factor in the development of the proposed contract amendment or this authorizing Ordinance package.

9) If "YES," please answer the following questions:

- a) What impacts are anticipated in the community from this proposed Council item?
- b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?
- c) How did public involvement shape the outcome of this Council item?
- d) Who designed and implemented the public involvement related to this Council item?
- e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Dean Marriot, Director, Bureau of Environmental Services

APPROPRIATION UNIT HEAD (Typed name and signature)



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Charlie Hales, Mayor ■ Dean Marriott, Director

City Council  
Agenda Item  
Staff Supplemental Report

TO: Mayor Charlie Hales  
THROUGH: Chad Stover

FROM: Scott T. Gibson P.E., Principal Engineer BES Design Services Division

DATE: March 14, 2013

RE: Proposed Ordinance to authorize amendment 3 to contract 30002215 with Brown and Caldwell, Inc. for additional work and compensation for the SW 86<sup>th</sup> Avenue Pump Station & Appurtenances project E09051 (Ordinance, Amend Contract No. 30002215)

Requested Council Hearing Date: April 10, 2013

## I. RECOMMENDATION

Authorize proposed amendment 3 to contract 30002215 with Brown and Caldwell, Inc. for additional work and compensation for the SW 86<sup>th</sup> Avenue Pump Station and Appurtenances project E09051 (Ordinance, Amend Contract No. 30002215)

## II. BACKGROUND

The City of Portland and Clean Water Services have executed a Wholesale Sewer Service Agreement (COP #30003119) that replaced a 1998 Agreement that was terminated upon the execution of the new Agreement. The Agreement with Clean Water Services provides in part that upon the completion of the City's SW 86<sup>th</sup> Avenue Pump Station and Appurtenances Project the City of Portland will provide conveyance and treatment of sewage from the portion of the Clean Water Services service area that drains by gravity to the City's Fanno Basin Sewer and the SW 86<sup>th</sup> Avenue pump station complex. The "pump station complex" consists of the existing Fanno Basin (FABA) pump station located at 6895 SW 86<sup>th</sup> Avenue and the planned SW 86<sup>th</sup> Avenue pump station.

Detailed flow studies and basin modeling have been conducted by the BES Systems Analysis section in recent years. The flow modeling effort concluded that the firm pumping capacity of the Fanno Creek Basin sewer collection and conveyance system needs to be increased from the current 24-cubic feet per second (cfs) firm pumping capacity of the existing FABA PS to a minimum total firm pumping capacity of 47-cfs. The SW 86<sup>th</sup> Avenue Pump Station & Appurtenances project will provide the additional 23-cfs pumping capacity BES system flow monitoring and modeling demonstrate is needed to capture and convey peak influent flows from the Fanno Interceptor during a 5-year storm event in the basin.

Hydraulic transient modeling of the pressure line system that was conducted during the design of the force main replacement projects concluded that the dual hydropneumatic surge tank system that is an element of the SW 86<sup>th</sup> Ave PS & Appurtenances project is required to provide long term reliability and protect the new parallel pressure lines, valves and pumping equipment from damage due to pressure transient conditions in the force main system during normal operations, and during power failure events. The need for the surge protection project was validated through a focused value engineering (VE) study conducted by BES to confirm the conclusions from the hydraulic transient modeling.

Ordinance 184674 authorizing contract 30002215 between the City of Portland and Brown and Caldwell, Inc. was passed by Council on June 15, 2011. The scope of work (SOW) included the planning, floodplain analysis, predesign, final design, permitting and public outreach assistance, support services during bidding, support services during construction, and support services during startup/closeout for the Fanno Basin Wastewater Pump Station Expansion and Surge Protection Project.

Amendment 1, which was fully executed and approved by the Office of the City Auditor on June 26, 2012, changed the name of the project to SW 86<sup>th</sup> Avenue Pump Station and Appurtenances, and authorized additional work and compensation for:

- Re-packaging the Type 3 Special Use and Development Review application to Washington County based on advice received during the pre-application conference with Washington County planning staff.
- Additional work to investigate, define, and assist BES to acquire all necessary off-site easements for a new, independent Pacific Gas and Electric (PGE) utility feed to the project site.
- Additional services to prepare a Natural Resource Assessment study specific to the PGE utility feed alignments.
- Supplemental geotechnical investigations required due to the relocation of major elements of the project from a previous design that was denied special use and development approval by Washington County on June 16, 2010.
- Additional work to prepare multiple site layouts and variations associated with grading and site screening plans for public outreach and education purposes.
- Modifying pump selections and proposed layouts for design as the ongoing development of the BES Systems Analysis modeling effort was refined and the required pumping rate for the Fanno Creek Basin Sewer system was increased from 40 to 44-cfs, then adjusted again upwards to 47-cfs.
- Preparation of additional tree removal, planting plans, and revegetation plans beyond what had been anticipated in the original SOW to meet Clean Water Service and Washington County development standards as the final design resulted in a need to remove trees from both the CWS vegetated corridor and the Washington County Significant Natural Resource Area.
- Add the design of the rehabilitation of the existing diversion manhole AMN802 on the Fanno Creek Interceptor sewer.
- Add the FABA PS Submersible Pump Replacement investigation and design work to the project SOW.
- Additional project management effort commensurate with the additional SOW tasks.



Amendment 2, which was authorized by Ordinance 185754 passed by Council on November 28, 2012, and fully executed December 28, 2012 provided for additional work and compensation for:

- Additional geotechnical engineering to characterize technical information relating to construction-induced vibration and operational vibration to support the Special Use and Development review process.
- Investigation, design, and preparation of construction plans and specifications for a pump discharge recirculation piping system for the existing FABA PS, including bidding support services, construction support services, and startup support services.
- Assisting BES with the identification of preferred options to mitigate transient pressure surges in the FABA PS force main system, including preparation for and hosting an options review workshop to identify the “best available” options. The workshop concluded that the best available option was the design and installation of a buried surge tank on the existing FABA PS site.
- Preparation of a Type 2 Flood Plain Alteration permit application package that was eventually submitted for a Type 3 review process at Washington County.
- Preparation of sole-source documentation for the procurement of the surge tank.
- Preparation of construction plans and specifications for the installation of the buried surge tank system.
- Assisting BES with the development of feasible options to replace the access manways located on the pressure line “A” portion of the Garden Home Section of the Fanno Force Main System.
- Additional project management effort commensurate with the additional SOW tasks.

**Proposed Amendment 3** will provide for additional work and compensation for the following:

- Increased permitting and public outreach assistance to deal with conditions of approval contained in the Washington County Hearing Officer’s Decision in Casefile 12-174-SU/D/FP related to significant roadway improvements on SW 84<sup>th</sup> Ave and SW 86<sup>th</sup> Ave.
- A Natural Resource Assessment and report for the SW 86<sup>th</sup> Ave roadway improvements that will impact CWS water quality Sensitive Areas and Vegetated Corridors that is required to obtain a CWS Service Provider Letter.
- A Wetland Delineation using the required criteria and methodologies of the Corps of Engineers *Wetland Delineation Manual Technical Report Y-87-1* suitable for review by the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers.
- Assisting BES with the application for and acquisition of Site Development Permits for any work that may impact storm or sanitary sewer systems during the required roadway improvements projects on SW 84<sup>th</sup> and SW 86<sup>th</sup> Avenues.
- Assisting BES with the application for and acquisition of a Joint Removal/Fill Permit that will be required from both the Corps and DSL.

- Assisting BES with additional permitting for a Type I Land Use process through Washington County for the planned rehabilitation improvements at the existing diversion manhole AMN802 on the Fanno Creek Interceptor pipeline.
- Additional design effort to finalize construction drawings for the rehabilitation of the existing diversion MH AMH802
- Modification of the demolition plans for the project to reflect the fact that BES is proceeding with a separate small project E08587 to de-construct the existing residential structure, outbuildings, and swimming pool on the project site.
- Additional effort to assist the BES project manager with tracking the progress and completion of all approval conditions imposed in the decision in Casefile 12-174-SU/D/FP for this project.
- Additional public outreach support to assist BES with the organization of the CAC required by the Wholesale Sewer Service Agreement with CWS.
- Design and preparation of construction plans and specifications for the required roadway improvement on SW 84<sup>th</sup> Ave and SW 86<sup>th</sup> Ave.
- Additional design efforts, and schedule extension, required to address post 100% design review comments generated by BES Construction Services staff following the assignment of a new Construction Manager at about the 100% design completion stage.
- Additional level of effort for services during construction to address the inclusion of the FABA PS submersible pump replacement work, and the addition of the MH AMN802 rehabilitation work in the SW 86<sup>th</sup> Ave PS and Appurtenances construction contract documents.
- Additional level of effort during the construction phase of the project to assist the BES PM to monitor and report on the completion of the various conditions of approval imposed in the Washington County Hearing Officer's decision in Casefile 12-174-SU/D/FP
- Additional project management effort commensurate with the additional SOW tasks.

### III. FINANCIAL IMPACT

Previously authorized amendments 1 and 2 to contract 30002215, increased the amended contract amount to \$2,571,735. The authorization of the proposed amendment 3, in the amount of \$359,546 will result in a total amended contract amount of \$2,931,546, which is a total increase of approximately 57.5% of the original contract amount of \$1,861,445.

M/W/ESB participation after the authorization of amendment 3 will be \$1,076,737, approximately 36.7% of the amended contract amount.

### IV. LEGAL ISSUES

No legal issues have been identified with regard to the proposed contract amendment 3.

### V. CONTROVERSIAL ISSUES

There is organized neighborhood opposition to the planned SW 86<sup>th</sup> Avenue Pump Station and Appurtenances projects, and Washington Co. has continued to receive correspondence from many of the property owners in the neighborhood regarding the

planned projects. Extensive public outreach efforts have been expended to communication with the various neighborhood and business associations, and the local citizens regarding the need to undertake these projects.

#### VI. LINK TO CURRENT CITY POLICIES

The project is consistent with BES strategic planning and the BES CIP process. Construction will be performed in accordance with the City of Portland Standard Construction Specifications.

#### VII. CITIZEN PARTICIPATION

Public outreach for this project has been conducted by the BES Director's Office. Numerous information flyers have been distributed to the community, and the project manager and public information office have been, and continue to attend neighborhood association meetings to brief the public on the project status and respond to questions.

There was also significant citizen participation during the LU hearing held in Washington County on May 3, 2010 for Casefile 12-174-SU/D/FP. A number of people who live in the neighborhood testified in opposition to the proposed projects. A conditional approval decision was issued by the Washington County Hearings Officer on September 12, 2012.

In accordance with a recently re-negotiated and executed Wholesale Sewer Service Agreement, contract 30003119, between the City of Portland and Clean Water Services, the City will appoint and convene a Citizens' Advisory Committee ("CAC") for the SW 86<sup>th</sup> Ave pump station & appurtenances project by March 1, 2013 to:

1. Inform the community, including adjacent neighbors, nearby neighborhood associations, recreational users, and others (collectively, "stakeholders") about construction impacts in advance of and during the Project; and
2. Engage in dialogue with stakeholders after completion of the Project regarding the operation and maintenance of the facilities and regarding the City's stewardship of Fanno Creek in general. Such issues as noise, odor, vibration, maintenance, landscaping, and vegetation will be considered. Communications issues such as public notification, emergency response, emergency contacts, and complaint resolution data will also be considered.

The CAC will be comprised of five to seven representatives of the neighbors, neighborhood association, and stakeholder agencies. The CAC term will be 24 months after completion of the construction project. The City and the CAC may jointly agree to extend the term. The CAC will assist in identifying and prioritizing Community Environmental Projects to be implemented in the event of a discharge to the environment.

#### VIII. OTHER GOVERNMENT PARTICIPATION

No other government agencies are involved with the proposed contract amendment 3.

#### IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

**This action will support approximately 2 high paying jobs in engineering, architecture, and associated industries.**

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)



M/W/ESB participation after the authorization of this contract amendment will be \$1,076,737, which is 36.7% of the total amended contract amount of \$2,931,546.

X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? Yes

WHAT IS THEIR BUSINESS LICENSE NUMBER? 373682

IS THEIR ACCOUNT WITH THE CITY CURRENT? YES

IF NOT, HOW MUCH IS OWING? N/A