

## ORDINANCE No. 185266 *As Amended*

Authorize marketing agreements for the Portland Loo (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. For the past several years, the City of Portland, along with local businesses and downtown residents have advocated for more easily accessible public toilets. Pursuant to this effort, the City executed several contracts to fabricate a public restroom, now known as the Portland Loo.
2. Curtis Banger, doing business as CB Design, was hired by the City pursuant to Contract No. 3776 5 on December 12, 2007 to provide design services for the Loo.
3. Madden Industrial Craftsmen, Inc., dba Madden Fabrication was hired by the City pursuant to Contract No. 31000160 to fabricate the Loo.
4. The City is now the holder of United States Design Patent No. US D622,408S for the Loo.
5. Loos have now been fabricated and installed in five locations in downtown Portland and have provided a resource for basic human needs.
6. CB Design and Madden Fabrication, Inc. who were involved, respectively, in the design and fabrication of the Loo, are uniquely qualified to market the Loo. In fact, some jurisdictions are interested in the Loo as a result of prior efforts.
7. Another person uniquely situated to market the Loo is Carol McCreary. Ms. McCreary is a Principal Associate with Steel Bridge, a local consulting firm; on the Board of the Old Town Chinatown Neighborhood Association; and a founder of Public Hygiene Lets us Stay Human (PHLUSH), a grassroots all-volunteer toilet advocacy organization based in Portland's Old Town Chinatown. PHLUSH receives support from the Old Town Chinatown Neighborhood Association and Neighbors West-Northwest, is a member of the World Toilet Organization, a partner in the Sustainable Sanitation Alliance, and serves on the global public toilet design committee of the International Code Council. Organization. Ms. McCreary has made international presentations about the Portland Loo.
8. The City now has the opportunity to market and sell the Loo to other entities, including public agencies.
9. The best people to market the Loo are those who are most familiar with its operation and design, or who are recognized advocates for public restrooms.

10. It is desirable for the City to enter into contracts with CB Design, Madden Fabrication, Inc. and Carol McCreary to market the Loo and to be compensated if they are successful for their efforts, as outlined in the proposed contracts attached as Exhibits A, B and C to this ordinance.
11. These contracts might qualify as "sole source" contracts given the unique qualifications of the proposed contractors, but if the City Code, Chapter 5.68, requires competition, then that provision should be waived.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of the Water Bureau is hereby authorized to execute contracts in substantially similar form to those attached as Exhibits A, B and C to this ordinance.
- b. If applicable, the provisions of City Code Chapter 5.68 in regard to competition are waived.

Passed by the Council: APR 11 2012

Commissioner Leonard  
Anne Hill  
March 27th, 2012

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By

  
Deputy

~~348~~ 384

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Agenda No.  
**ORDINANCE NO. 185266** As Amended  
Title

Authorize marketing agreements for the Portland Loo (ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Randy Leonard</b>	<b>CLERK USE: DATE FILED</b> <u>MAR 30 2012</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>RL</i>	<b>LaVonne Griffin-Valade</b> Auditor of the City of Portland  By: <i>[Signature]</i> Deputy  <b>ACTION TAKEN:</b> <b>APR 04 2012 PASSED TO SECOND READING As Amended APR 11 2012 9:30 A.M.</b>
<b>BUREAU APPROVAL</b> Bureau: Portland Water Bureau Bureau Head: David Shaff <i>FOR: [Signature] Acting Admin. Strator</i> Prepared by: Anne Hill Date Prepared: 3/27/12  Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>  Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Council Meeting Date 4/4/12	
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <i>Pulled</i>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
1. Fritz	1. Fritz	YEAS <input checked="" type="checkbox"/> NAYS
2. Fish	2. Fish	YEAS <input checked="" type="checkbox"/> NAYS
3. Saltzman	3. Saltzman	YEAS <input type="checkbox"/> NAYS <input checked="" type="checkbox"/>
4. Leonard	4. Leonard	YEAS <input checked="" type="checkbox"/> NAYS
Adams	Adams	YEAS <input type="checkbox"/> NAYS <input type="checkbox"/>