

ORDINANCE NO. 185277

\*Adopt findings, authorize an exemption to the competitive bidding process to Procurement Services pursuant to ORS 279C and PCC 5.34, authorize contracts, and provide payment for construction of Fire Station 21 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland's Facilities Services Division is proceeding on behalf of Portland Fire & Rescue (PF&R) with the demolition of the existing Fire Station 21 located at 5 SE Madison and rebuilding a new seismically upgraded facility in the same location. Built in 1960, Fire Station 21 is located between the Eastbank Esplanade and the Willamette River at the base of the Hawthorne Bridge which sits on highly liquefiable soils making it extremely vulnerable to a seismic event and unsuitable for remodeling.
2. PF&R's day-to-day water emergency response operations must continue from Fire Station 21 while construction is underway. Water emergency response watercraft will continue to be stationed at the Madison Street Dock while temporary housing facilities will be located nearby in order to accommodate PF&R staff during the construction. Project phasing will be highly technical in nature to allow demolition and construction activities concurrent with daily emergency response operations.
3. The construction of Fire Station 21 will require a highly specialized and qualified contractor in order to meet the tight project schedule and technical site constraints. Work will include demolition of the existing facility, construction of a new two-story building, addition of an ADA accessible parking space, and other site improvements. The project will require specialized skills and experience in building construction within confined areas, project phasing, scheduling, and cost estimating. An alternative contracting method utilizing a Construction Manager/General Contractor (CM/GC) will allow PF&R to maintain a higher level of security while continuing normal emergency response operations.
4. The Facilities Services Division proposes to use an alternative contracting method in order to enable the CM/GC to provide input during the design process for value engineering, constructability review and development of a construction phasing plan. Use of an alternative contracting method is more likely to minimize costs and construction impacts while ensuring continuous delivery of emergency response.
5. The City Council is the Local Contract Review Board with the authority to exempt certain public contracts from the competitive bidding requirements of ORS Chapter 279C.
6. Findings addressing competition, operational, budget and financial data, public benefits, value engineering, specialized expertise required, market conditions, technical complexity, public safety, and funding sources recommended by the Facilities Services Division were made available 14 days in advance of the public hearing of this ordinance.
7. The City will invite prospective contractors to submit competitive proposals in response to the City's Request for Proposals (RFP). The selection committee will include staff from PF&R, Facilities Services, and others from the community including a minority evaluator(s) as required per Resolution 36757. The selection process will be completed under the guidance and direction of Procurement Services.

8. The exemption of the PF&R Fire Station 21 project from the requirements of competitive bidding under ORS Chapter 279C is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because the contract will be awarded using a competitive RFP process. In addition, the award will result in cost savings to the public because the CM/GC will be integrated into the design team for value engineering, constructability review, and assistance in developing a construction phasing plan. The early integration will greatly reduce the chances of redesign and change orders. Developing a well-coordinated project schedule and ensuring continuous operation of the water emergency response operations is a significant advantage to the CM/GC process. A more extensive discussion of the CM/GC procurement method is noted in the Factual Findings, Exhibit A.
9. The overall project budget is \$7,900,000.00 and includes costs for pre-construction services, construction, and contingency. The construction budget is \$4,915,000.00, with a Low Confidence Level Rating. Funding for this project is through a portion of the proceeds from the sale of City of Portland General Obligation Bonds for a total amount of \$72.4 million authorized by the citizens of the City of Portland on November 2, 2010.

NOW, THEREFORE, the Council directs:

- a. The Findings attached as Exhibit A to the original of this Ordinance, are hereby adopted.
- b. The Portland Fire & Rescue Fire Station 21 project is hereby exempt from the competitive low bidding requirements of ORS Chapter 279C.
- c. The Chief Procurement Officer is authorized to use a competitive Request for Proposal process to select a CM/GC contractor for the project and, upon selection of a CM/GC, authorized to execute a contract for pre-construction management services during design of the project.
- d. Upon Council's acceptance of the Chief Procurement Officer's report for recommending the acceptance of the Guaranteed Maximum Price from the CM/GC for the project the Chief Procurement Officer is authorized to execute a contract for construction of the project.
- e. The Mayor is authorized to draw and issue checks chargeable to the Public Safety GO Bond Fund when demand is presented and approved by the proper authorities.
- f. As required by ORS 279C.355 and PCC 5.34.820C, the Facilities Services Division shall prepare and deliver a post project evaluation to the Chief Procurement Officer on behalf of City Council, within 30 days of the date the City accepts the project.

Section 2. The Council declares that an emergency exists because a delay in executing this Ordinance will result in project delays and have an adverse impact on continued operations at Fire Station 21; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

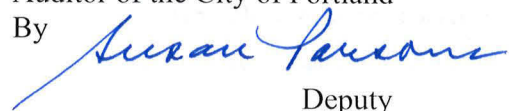
Passed by the Council: APR 25 2012

Commissioner: Mayor Sam Adams  
Prepared by: Connie Johnson:dseaton  
Date Prepared: April 2, 2012

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LaVonne Griffin-Valade  
Auditor of the City of Portland

By

  
Deputy

Agenda No. **185277**  
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| <p><b>INTRODUCED BY</b><br/>         Commissioner/Auditor:<br/> <i>K. O. Mann on behalf of Mayor Adams</i><br/> <b>Mayor Adams</b><br/> <b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b><br/>         Bureau: Procurement Services<br/>         Bureau Head: Christine Moody <i>CM</i></p> <p>Prepared by: Jeff Blade<br/>         Date Prepared: April 6, 2012</p> <p>Financial Impact &amp; Public Involvement Statement<br/>         Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document<br/>         If "Yes" requires City Policy paragraph stated in document.<br/>         Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date</p> <p><b>City Attorney Approval:</b><br/>         required for contract, code, easement, franchise, comp plan, charter</p> | <p>CLERK USE: DATE FILED <b>APR 20 2012</b></p> <p style="text-align: right;">LaVonne Griffin-Valade<br/>Auditor of the City of Portland</p> <p>By: <i>[Signature]</i><br/>Deputy</p> <p><b>ACTION TAKEN:</b></p> |
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| <b>AGENDA</b>   |
| <p><b>TIME CERTAIN</b> <input type="checkbox"/><br/> <b>Start time:</b> _____</p> <p><b>Total amount of time needed:</b> _____<br/>         (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input type="checkbox"/></p> <p><b>REGULAR</b> <input checked="" type="checkbox"/><br/> <b>Total amount of time needed: 10 minutes</b><br/>         (for presentation, testimony and discussion)</p> |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: |       |      |
|--------------------|---------------------------------|-------|------|
|                    |                                 | YEAS  | NAYS |
| 1. Fritz           | 1. Fritz                        | ✓     |      |
| 2. Fish            | 2. Fish                         | ✓     |      |
| 3. Saltzman        | 3. Saltzman                     | ✓     |      |
| 4. Leonard         | 4. Leonard                      | ✓     |      |
| Adams              | Adams                           | _____ |      |