

IMPACT STATEMENT

Legislation title:

*Approve findings to authorize an exemption to the competitive bidding requirements and authorize procurement using the alternative contracting method of Construction Manager/General Contractor; and authorize payment for construction related to the Portland Open Space Sequence Restoration Project (Ordinance; C-10054).

Contact name: Christine Moody, Chief Procurement Officer
Procurement Services
Contact phone: Christine Moody – 503-823-1095
Presenter name: Christine Moody, Chief Procurement Officer

CM

Purpose of proposed legislation and background information:

The proposed legislation is to:

- Approve the factual findings and exempt the Portland Open Space Sequence Restoration Project (the “Project”) from the competitive bidding requirements of ORS Chapter 279C and City Code 5.34.
- Authorize the alternative CM/GC contracting method for the Project.
- The alternative contracting method will enable the CM/GC to provide investigatory services to reveal hidden causes of infrastructure failures during design, to provide input during the design process for value engineering, to provide constructability review, to assist in developing construction sequencing and traffic control plans, and to provide feedback on the permit process document preparation. Use of the CM/GC alternative contracting method is also more likely to minimize costs, reduce change orders, reduce risk, reduce construction impacts, and ensure delivery of a high quality project.
- Authorize the Chief Procurement Officer to execute a contract for pre-construction services during the design phase of the Project upon selection of a CM/GC.
- Authorize the Chief Procurement Officer to execute a contract for the construction of the restoration and improvements upon Council's acceptance of the Chief Procurement Officer's Report recommending acceptance of the Guaranteed Maximum Price from the CM/GC.

The Portland Open Space Restoration Project includes historic restoration of a variety of site and fountain elements, fountain systems mechanical engineering renovation, concrete and masonry restoration, replacement, and matching, fabrication of various original custom signature design components, restoration of electrical systems and replacing electrical components and conduits embedded within concrete walls and fountain structures.

Financial and budgetary impacts:

The City's estimate for the construction is approximately \$2.4 million with a total Project budget of \$3.85 million. Costs will be incurred during FY 2015 - FY 2019. The confidence level for the cost is low. The estimate comes from 30% complete construction documents level estimate, and as such is a low confidence level figure which will be revised as the design work progresses.

Restoration of the Portland Open Space Sequence ("Sequence") will be paid for through three primary sources:

1. Through the FY 14-15 Fall BMP, City Council designated \$200,000 toward the Halprin Fountains, which was used for investigatory surveys, scoping, and design to 30% level.
2. As part of an LID formation Council action in FY 16-17, a voluntary Local Improvement District ("LID") is proposed to be formed that will pay for \$2,150,000 of the improvements.
3. In the FY 16-17 Budget Notes, City Council directed PP&R to bring forward a decision package in the FY 16-17 Fall BMP to request one-time funding of up to \$1,500,000 for restoration of the Halprin Fountains. Funding for the fountains will be contingent upon approval of a Local Improvement District.

The Halprin Landscape Conservancy's ("Conservancy") plans also include additional private donations outside of the LID process to help fund additional improvements.

This legislation will neither generate nor reduce revenue coming to the City.

No current positions will be affected and no positions will be created, eliminated, or re-classified as a result of this legislation.

Community impacts and community involvement:

There will be many positive impacts to the community as a result of this Council Action to approve this Ordinance.

The restoration of the Sequence is an important step in the restoration of an important historic and internationally renowned sequence of heavily used iconic parks in downtown Portland. It represents public/private leveraging of funds and a significant investment by a private partner, Halprin Landscape Conservancy, who has demonstrated stewardship in a variety of ways over the past several years and who wishes to continue as steward of the Sequence. The Sequence has deteriorated over its nearly five decades of use due to simple aging, compounded by deferred maintenance due to City budgeting challenges, and irreversible design alterations that have been made. Approval of this Ordinance will allow the Project to begin work in the selection of a CM/GC, which is critical to progress of the Project.

Since the Portland Open Space Sequence is a national Historic Register property, review of the restoration and any changes to the plazas resides with the City's landmarks review process, either by staff or the Portland Landmarks Commission. While these processes have precise procedures for public notification and participation, it is the responsibility of the Conservancy to ensure that all identified stakeholders are aware of and have an opportunity to comment on the project and its impacts prior to a formal land use process. The formal landmarks review process is a final opportunity for public comment.

As the primary purpose of the project is historic restoration to bring the Sequence back to its original design intent and condition, there isn't need or opportunity for a lot of public input into the design, which differs from a typical project. The primary purpose of the public involvement on the project will be public information about what will be restored and construction project information, including the construction timeline and impacts the public may experience, such as noise, dust, park/plaza/fountain closures and pedestrian detours.

The stakeholders for this project include those who are aware of and already advocate for the restoration of the historic Portland Open Space Sequence, and people who live, work and regularly interact with and use these public spaces. The restoration is seen as a key strategy for the revitalization of the nearby district and continued economic development of the downtown business district. Additionally, it presents an opportunity for those not aware of the project to engage in the process and have an impact on an asset for use by all neighbors. There is a long list of key players, divided among the public, professional and private sectors.

PP&R and the Conservancy will work together to create a series of strategies to inform the affected public of the restoration, solicit public engagement in the project, and seek ideas and leadership for future programming after the restoration is complete. PP&R will provide support for developing outreach strategies and materials, while the Conservancy is responsible for implementation of strategies and activities. All materials will be approved by both PP&R and the Conservancy.

When the competitive solicitation is posted on the City's Online Procurement System and advertised in Portland's Daily Journal of Commerce, the construction contracting community including contractors certified with the State of Oregon as disadvantaged, minority, women, and emerging small businesses will have the opportunity to become involved in the project. Potential proposers will be able to review the competitive solicitation, attend a pre-proposal meeting, visit the project site, ask questions, provide comments and submit a response to the Request for Proposal (RFP). Procurement Services will manage and facilitate the procurement process.

Halprin Landscape Conservancy members will be testifying at the LID Notice of Intent Council Hearing that will be heard the same date as this Exemption to Competitive Bidding ordinance.

Budgetary Impact Worksheet**Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

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

PP&R Finance Manager Approval