

## ORDINANCE No. 188441

\*Approve findings and authorize an exemption to the competitive bidding process for the design and construction of the Stadium Expansion Project, pursuant to ORS 279C.335 and City Code Sections 5.34.810 – 830 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City owns the stadium currently known as Providence Park (Stadium). The Stadium is home to the Portland Timbers of Major League Soccer and the Portland Thorns of the National Women's Soccer League.
2. Ordinance 183516, adopted by the Council on February 3, 2010 approved a Redevelopment Agreement and Stadium Operating Agreement (Stadium Agreements) with Peregrine Sports, LLC (Peregrine) to develop and operate the Stadium through 2035.
3. Peregrine proposes to finance, develop and construct an expansion of the Stadium (the Project) estimated to cost \$50 million. The privately-funded Project will add approximately 4,000 seats on the east side of the Stadium. The City will own the Project and will have approval rights over the design of the Project according to the terms of the Stadium Agreements and the Project Term Sheet anticipated to be adopted by Council Resolution in June 2017.
4. The City proposes to allow Peregrine to provide architectural, engineering, construction management and construction contracting services for the Project, without solicitation of competitive bids.
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. Draft findings addressing competition; operational, budget and financial data; public benefits; value engineering; specialized expertise; market conditions, technical complexity, public safety; and funding sources, which are recommended by the City, were available 14-days in advance of the public hearing of this ordinance. Those findings, attached to this ordinance as Exhibit A, are hereby adopted and incorporated by reference.
7. The exemption of the Project from the requirements of competitive bidding outlined in ORS Chapter 279C is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because there is only one potential developer of the Project. If Peregrine is not awarded the ability to control the design and construction of the Project, with the City's approval authority under the terms of the Stadium Agreements, there will be no Project.

8. The exemption will ultimately result in substantial cost savings to the public because, as proposed, the design and construction of the Project is 100% privately funded. This level of private funding would not be possible if standard competitive bidding were required.
9. The exemption will allow Peregrine's integrated development/operation team to provide improved project staging, accelerated scheduling, integrated and innovative technical design, and ongoing constructability review, as shown in more detail in the findings.

NOW, THEREFORE, the Council directs:

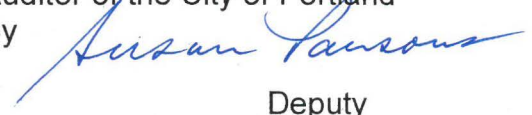
- a. Council hereby approves the findings, as attached as Exhibit A, and on that basis exempts the Stadium Expansion Project from the competitive bidding requirements of ORS 279C.
- b. Peregrine is authorized to proceed, subject to the procedures and restrictions included in the Stadium Agreements and the Project Term Sheet anticipated to be adopted by Council Resolution in June 2017, with contracting for design and construction services for the Project.
- c. Any required amendments to the Stadium Agreements with Peregrine associated with the Stadium Expansion Project will be brought back to City Council for approval.
- d. As required by ORS 279C.355 and PCC 5.34.820C, OMF will prepare and deliver a post project evaluation to the Council on behalf of the Chief Procurement Officer, once the City accepts the Project as complete.

Section 2. The Council declares that an emergency exists because of the necessity to allow Peregrine to execute contracts related to the design and construction of the Project as soon as possible and keep the design and construction work on schedule; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 08 2017

Commissioner Mayor Ted Wheeler  
Prepared by: Christine Moody:cek  
Date Prepared: May 22, 2017

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

  
Deputy

Agenda No. **ORDINANCE 188441**  
Title

\*Approve findings and authorize an exemption to the competitive bidding process for the design and construction of the Stadium Expansion Project, pursuant to ORS 279C.335 and City Code Sections 5.34.810 through 5.34.830 (Ordinance)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>MAY 30 2017</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration – Wheeler <span style="float: right;">VV</span></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> <p style="text-align: center;"><b>JUN 07 2017 RESCHEDULED TO JUN 08 2017 AT 2:00 PM</b></p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF/BRFS/Procurement Bureau Head: Ken Rust <span style="float: right;">CR</span> OMF CAO: Tom Rinehart <span style="float: right;">TR</span></p> <p>Prepared by: Celeste King Date Prepared: 5/22/17</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan</p> <p>Council Meeting Date: <b>June 7, 2017</b></p>	

<b>AGENDA</b>
<p><b><u>TIME CERTAIN</u></b> Start time:</p> <p><b>Total amount of time needed: minutes</b> (for presentation, testimony and discussion)</p>
<p><b><u>CONSENT</u></b></p>
<p><b><u>REGULAR X</u></b> <span style="float: right;">15</span> Total amount of time needed: <del>10</del> min. (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. Eudaly	4. Eudaly	—	
Wheeler	Wheeler	✓	