

SUBSTITUTE

RESOLUTION No. 37403 As Amended

Amend the Sustainable Procurement Policy to incorporate the City's Clean Air Construction Standard (Resolution; amend BCP-ADM-1.09)

WHEREAS, Resolution 37387 directed Procurement Services and the Bureau of Planning and Sustainability to develop a program framework and identify the necessary resources to require contractors working on City construction projects to use equipment that controls diesel exhaust to protect public health; and

WHEREAS, over the past two months Procurement Services and the Bureau of Planning and Sustainability, in collaboration with Multnomah County, Clackamas County, Washington County, Port of Portland, Metro, and the Oregon Department of Environmental Quality, refined the proposed Clean Air Construction Standard based on stakeholder feedback received during Resolution 37387 testimony; and

WHEREAS, in November 2018 the revised Clean Air Construction Standard proposal was posted on the Multnomah County and City of Portland websites for public comment and received 138 comments, including 98 percent in support, some with calls for accelerated and additional action, and 2 percent opposed; and

WHEREAS, Procurement Services and the Bureau of Planning and Sustainability, in collaboration with Multnomah County, Clackamas County, Washington County, Port of Portland, Metro, and the Oregon Department of Environmental Quality have further revised the proposed Standard based on public comments received through the public comment period. The final Clean Air Construction Standard is attached as Exhibit A. And over the past two months have developed a regional program framework (Exhibit B) and associated resources needed to implement the proposed Clean Air Construction Standard; and

WHEREAS, to support City supplier diversity goals the proposed Clean Air Construction Standard program framework includes securing funding to help construction firms that are certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID) to retrofit or replace construction equipment and vehicles to comply with the proposed Clean Air Construction Standard (Exhibit A); and

WHEREAS, the Bureau of Planning and Sustainability has proposed to the Office of Government Relations that the City of Portland 2019 State Legislative Agenda advocate for allocation of Oregon Volkswagen diesel settlement funds to assist COBID certified firms retrofitting, repowering, or replacing diesel vehicles and equipment in compliance with public clean air construction standards; and

WHEREAS, environmental justice communities, including communities of color and low-income populations, experience a disproportionate burden of exposure to diesel pollution because they often live and work in areas with higher pollution levels; and

WHEREAS, affordable housing development is focused on serving environmental justice communities, including communities of color and low-income populations; and

WHEREAS, the proposed Clean Air Construction regional program framework (Exhibit B) includes a regional approach with one program administrator working on behalf of all participating regional public agencies; and

WHEREAS, the City of Portland consistently conducts the largest volume and variety of construction projects among the regional public agency partners; and

WHEREAS, Procurement Services has a history of serving as a regional leader on construction related programming through various intergovernmental agreements; and

WHEREAS, expanding Procurement Services' Sustainable Procurement Program with the resources needed to address contractor and supplier corporate responsibility and the regional administration of Clean Air Construction programming would efficiently utilize Procurement Services' existing resources as well as added staff resources highlighted in the regional program framework, attached as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the City of Portland Sustainable Procurement Policy (BCP-ADM-1.09) is amended to add as Attachment 3 to the Policy the new Clean Air Construction Standard, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, Procurement Services shall submit in their FY19-20 budget request funding for the implementation of the Clean Air Construction regional program framework (Exhibit B), with Procurement Services as the regional program administrator and as supported through applicable intergovernmental agreements; and


BE IT FURTHER RESOLVED, the Bureau of Planning and Sustainability and Procurement Services will continue to work with regional public agency partners to promote additional agency adoption of the Clean Air Construction Standard and collaborate on a regional implementation approach; and

BE IT FURTHER RESOLVED, taking into account the outcomes of the 2019 State Legislative session, the Bureau of Planning and Sustainability and Procurement Services will return to Council in October 2019 with a proposal for funding assistance for COBID certified construction firms working on construction projects for the City to comply with the Clean Air Construction Standard; and

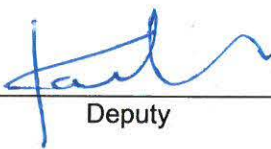
BE IT FURTHER RESOLVED, that the Bureau of Planning and Sustainability and Procurement Services will continue to meet with external stakeholders including neighborhood associations, clean air advocacy groups, and contracting trade associations while developing Clean Air Construction program elements such as, but not limited to, exemptions, program assessment, and incentives for early compliance; and

BE IT FURTHER RESOLVED, that this resolution is binding city policy.

Adopted by the Council: DEC 13 2018
 Mayor Ted Wheeler
 Prepared by: Stacey Foreman
 Date Prepared: November 16, 2018

Mary Hull Caballero
 Auditor of the City of Portland
 By  Deputy

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	CLERK USE: DATE FILED <u>DEC 13 2018</u>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p>ACTION TAKEN:</p>
Mayor—Finance & Administration – Wheeler <i>MRP</i>	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
<p style="text-align: center;">BUREAU APPROVAL</p> Bureau: Mayor's Office Bureau Head: Mayor Ted Wheeler	
Prepared by: Michelle Plambeck Date Prepared: 12/12/18	
Impact 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 checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 12/13/18	

AGENDA

TIME CERTAIN
 Start time: **2:00**
 Total amount of time needed: 2 hours
 (for presentation, testimony and discussion)

CONSENT

REGULAR
 Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	